



Ocala/Marion County Tourist Development Council By-Laws

LEGAL AUTHORITY:

Legal authority for the Marion County Tourist Development Council (the "Council") is found under Section 125.0104, Florida Statutes, known as "The Local Option Tourist Development Act", as subsequently amended, and Resolution No. 04-R-44 establishing the Council and stating the intent to levy a Tourist Development Tax (the "Act"). As an appointed Advisory Board, the Council is bound by State and County Laws, ordinances, and procedures governing the Council members and their activities, as well as procedures for reviewing expenditures of tourist development tax revenues.

OVERALL RESPONSIBILITIES:

The Ocala/Marion County Tourist Development Council's (TDC) primary responsibility is to advise and make recommendations to the Board of County Commissioners on matters related to tourism sales, marketing, and advertising in order to help increase overall visitation and lodging facility occupancy. The Council shall advise and make recommendations to the Board for the effective operation of the special projects and for uses of the Tourist Development Tax revenues to ensure conformity with the provisions of Section 125.0104, Florida Statutes.

The TDC members may not conduct the following: (i) attempt to authorize any form of distributions or purchases; (ii) attempt to approve the dissolution, merger, sale, pledge or transfer of any TDC assets; or (iii) attempt to elect, appoint or remove members or fill vacancies on the TDC.

- 1. The Council shall be composed of nine (9) members. One (1) member of the council shall be the Chairman of the Board of County Commissioners of Marion County, Florida, or any other member of the Board of County Commissioners as designated by the Chairman. The Council shall elect its Chairman. The remaining eight (8) members of the council shall be appointed by the Board of County Commissioners and shall have the following representative classifications:**

(1) Two (2) members who are elected municipal officials, one of whom shall be from the most populous municipality in the County.

(2) Three (3) members who are owners or operators of motels, hotels, or other tourist accommodations in Marion County and subject to the tourist development tax.

(3) Three (3) members who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels, or other tourist accommodations in Marion County and subject to the tax.

All members of the council shall be electors of Marion County. The members of the council shall serve staggered terms of four (4) years. Members of the council may be reappointed, provided they continue to meet the qualifications of membership. A vacancy on the council not occurring by expiration of term shall be filled by the Board of County Commissioners by appointment to fill the unexpired term.

2. **Terms.** All Council members shall serve for staggered terms of four (4) years, with the exception of the members of the municipalities and the Board who serve as appointed by their respective governing bodies. Their terms are subject to re-appointment or term expiration, whichever comes first. Board may designate the Council Chairman or allow the Council to elect a Chairman. Terms for the Chairman and Vice-Chairman of the Council shall be for one (1) year and they may be reappointed.
3. **Orientation.** For each term appointed, Council members shall participate in an orientation process, which shall include, but is not limited to, an overview of Sunshine Law, Public Records, Ethics (financial disclosure, gifts law, conflicts of interest) and relevant statutes, ordinances and operating policies. From time-to-time, the Council shall participate in a refresher briefing on the topics included in the orientation.
4. **Vacancies.** Should any seat on the Council become vacant, a replacement to serve the remainder of that term shall be appointed in the same manner as the appointment of the person whose absence created the vacancy.
5. **Removal/Resignation.** If any member fails to attend three (3) successive meetings without prior approval of the Chairman of Council or if any member fails to attend forty percent (40%) or more of all meetings within any calendar year, such fact shall reported to the Board of County Commissioners. Special consideration/leniency will be given for any absences due to Acts of God, personal illness/medical, and/or family emergencies. If one of the elected municipal or county officials on the Council is removed for this reason, the applicable governing entity shall be required to appoint another elected representative as their replacement. In the event a Council member no longer wishes to serve or no longer conforms to the criteria listed in in Florida Statute 125.0104 to hold the seat to which they were appointed, said Council member shall forward a letter to the Council and the Board stating these facts and shall additionally tender a letter of resignation along with this submittal.
6. **Agenda.** There shall be an official agenda for every Council meeting, which shall determine the order of business conducted at the meeting. The agenda will be prepared for each Council meeting by the Director. Individuals or entities wishing to place an item on an upcoming agenda for Council action must submit a written request to the Director at least two (2) weeks prior to a regularly scheduled meeting along with any supporting documentation. Department staff, and the County Attorney's Office if necessary, shall provide background information on each agenda item and such information shall be available to Council members at least two (2)

business days prior to a scheduled meeting. Except as otherwise provided for herein, non-agenda matters shall be confined to items that are informational only.

7. **Minutes.** Written minutes shall be kept of each Council meeting. A written summary of each meeting shall be presented at the next Council meeting for approval by Council members and signed by the Council Chairman. Minutes will then be sent to the Clerk's Office to be placed on the next BCC Agenda under Notation for Record. Such written summary shall include the Council members in attendance, major items of discussion, formal action taken at such meetings, and items presented during public comments. The Council shall abide by Florida Statutes in regard to minutes and public participation.
8. **Voting.** TDC members *must* recuse themselves and abstain from *voting or recommending* any marketing activities, expenditures or funding from which they, their business or their employer will directly benefit. Any member that abstains from voting must complete Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers within 15 calendar days of when the vote occurred for the voting record maintained by VCB staff. Roll call will be taken on each vote relating to financial recommendations. Items will be voted on individually, rather than collectively.
9. **Council Meetings.** The TDC will meet at least once a quarter, with additional meetings or workshops set up by a vote of its members.
10. **Notice.** All meetings are open to the public, must adhere to State of Florida Sunshine Laws and must be publicly advertised in advance, in keeping with County policy.

These By-Laws may be amended from time to time by the Board of County Commissioners. The Council may provide recommendations to the Board as to proposed modifications.