

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON**

**RESOLUTION NO. 2017-044**

**A RESOLUTION MODIFYING THE LODGING TAX ADVISORY  
COMMITTEE AND ADOPTING RULES OF PROCEDURES  
AND RESCINDING RESOLUTION 1999-067**

**WHEREAS**, Pacific County levied a special "lodging" excise tax of two percent (authorized by RCW 67.28.180) with the approval of Resolution No. 81-39 and has been collecting such tax since that resolution's July 1, 1981 effective date; and

**WHEREAS**, the Pacific County Commissioners have been asked both to impose an additional "lodging" excise tax (authorized by RCW 67.28.181), and to change the use of revenue received from the tax levied by Resolution No. 81-39; and

**WHEREAS**, a municipality with a population of five thousand or more shall establish a lodging tax advisory committee under RCW 67.28.1817 before proposing the imposition of a new tax under Chapter 67.28, RCW, an increase in the rate of a tax imposed under that Chapter, the repeal of an exemption from a tax imposed under that Chapter, or a change in the use of revenue received under that Chapter; and

**WHEREAS**, Resolution 1999-067 establishing and formalizing the Lodging Tax Advisory Committee is hereby rescinded.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF PACIFIC, STATE OF WASHINGTON**, that the following Pacific County Lodging Tax Advisory Committee be formalized and Rules of Procedures be adopted as follows:

**SECTION 1 MEMBERSHIP:** The Committee membership shall include:

Three regular members and one alternate member who are representatives of businesses required to collect the tax for Pacific County under Chapter 67.28 RCW;

Three regular members and one alternate member who are persons involved in activities authorized to be funded by revenue received by Pacific County under Chapter 67.28 RCW; and

One member who is an elected official of Pacific County who shall serve as chair of the Committee.

In addition to the members appointed under subsections 1(a), 1(b) and 1(c), the Committee may include one nonvoting member who is an elected official of one of the incorporated cities within Pacific County.

Persons who are eligible for appointment under (a) of this section are not eligible for appointment under (b) of this section. Persons who are eligible under (b) of this section are not eligible under section (a) of this section. Organizations representing businesses required to collect tax for Pacific County under Chapter 67.28 RCW, organizations involved in activities authorized to be funded by revenue received by Pacific County under Chapter 67.28 RCW, and local agencies involved in tourism promotion may submit recommendations for membership on the Lodging Tax Advisory Committee.

Alternate members shall attend all meetings and may comment on any issue being considered by the Committee. The alternate member appointed under (a) of this section may vote in the absence of any of the three regular members appointed under that same subsection. The alternate member appointed under (b) of this section may vote in the absence of any of the three regular members appointed under that same subsection. "Absence", as the term is used in this section, also includes "vacancy" which shall exist in case of death, resignation or disqualification due to lapse of or change in association. All disqualifications shall be reviewed by the Board of Pacific County Commissioners.

Vacancies shall be filled from eligible persons by appointment of the Board of Pacific County Commissioners.

The Members serve at the pleasure of the County Commissioners and may be removed for any cause.

**SECTION 2 TERMS OF OFFICE:** The terms for all members of the Pacific County Lodging Tax Advisory Committee shall be effective the 1<sup>st</sup> day of September, 2017 and conclude at the end of their term, unless successors have not been qualified and appointed, in which case, the members shall continue in office until successors are qualified and appointed for the balance of the next succeeding term.

The initial Term of Office for "Business" Collector of Tax Positions #1 and #2 shall be for two (2) years and then eligible for reappointment for one additional two (2) year term thereafter. Position #3 shall be for one year and then eligible for one additional three (3) year term thereafter.

"Business" Collector of Tax

Position #1 – effective September 1, 2017 through December 31, 2019

Position #2 – effective September 1, 2017 through December 31, 2019

Position #3 – effective September 1, 2017 through December 31, 2018

The initial Term of Office for "Involved in Activity" User Positions #1, and #2 shall be for two (2) years and then eligible for reappointment for one additional two (2) year term thereafter. Position #3 shall be for one year and then eligible for one additional three (3) year term thereafter.

"Involved in Activity" User

Position #1 – effective September 1, 2017 through December 31, 2019

Position #2 – effective September 1, 2017 through December 31, 2019

Position #3 – effective September 1, 2017 through December 31, 2018

Members may serve two consecutive terms. Members may after one year following two consecutive terms reapply if there is a vacant position.

Alternate members may request to be appointed to any vacancy that may occur.

**SECTION 3 OFFICERS:** In addition to the statutorily designated Chair, there shall be a Vice Chair selected by and from the regular voting membership of the Pacific County Lodging Tax Advisory Committee. The Vice Chair selection shall occur during the first regular Committee meeting each calendar year. The Committee's officers will be responsible as follows:

Chair. Preside at all meetings, prepare agendas, call special meetings, and provide any public notice(s) required. The Chair shall vote only to break a tie.

Vice Chair. Serve as Chair in the absence of the Chair and at the Chair's pleasure for other issues.

An employee of General Administration will provide clerical (Clerk) support for the board. The Clerk will prepare agendas, record and prepare minutes of actions taken by the Committee and submit the same for the Committee's approval; then forward a copy of the approved minutes to the Clerk of the Board of County Commissioners.

The Clerk shall prepare an agenda for each meeting and a copy delivered to each member at least four (4) days prior to the meeting and shall consist of the following order of business:

1. Call to Order
2. Introduction of Board members and Staff (if needed)
3. Minutes of the previous meeting
4. Correspondence
5. Old Business
6. New Business
7. Adjournment

The Clerk will also monitor contracts for compliance, process invoices for payment and prepare other local and state required reports.

**SECTION 4 MEETINGS:** The Pacific County Lodging Tax Advisory Committee shall meet on a regular basis of not less frequently than once each calendar year. Public notice of the place ("barrier free" facility) and time of the regular meetings as determined by the Committee shall be published in the official county newspaper. The Washington State "Open Meetings Act" (Chapter 42.30 RCW) shall govern the proceedings.

Special meetings may be held with at least twenty-four hours with advance written notice of such being furnished to each member. The Clerk shall furnish notice of any special meeting to the local news media.

**SECTION 5 QUORUM:** Five voting members, with at least two being section 1(a) appointees and at least two being section 1(b) appointees, shall constitute a quorum for transaction of Pacific County Lodging Tax Advisory Committee business.

**SECTION 6 COMMITTEE DUTIES:** As required by RCW 67.28.1817(2), the Pacific County Lodging Tax Advisory Committee shall submit comments in a timely manner through generally applicable public comment procedures on:

Any proposal to:

1. Impose a tax under Chapter 67.28 RCW,
2. Increase the rate of a tax imposed under that Chapter, or
3. Repeal an exemption from a tax imposed under that Chapter; or
4. A change in the use of the revenue received under that Chapter.

The Committee shall hold a special meeting within fifteen days of receipt of any such submission, unless a regular meeting will be held during the same period of time, to begin consideration upon the proposal.

The Committee's comments shall include an analysis of 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 Pacific County Tourism Development Fund 106.

The Committee shall assist with the oversight of the Pacific County Tourism Development Program by engaging in long-range planning. The Committee shall evaluate the program's operating budget and the various funding requests and forward the same with the Committee's recommendations for action by the Board of Pacific County Commissioners.

The Committee shall draft procedures for the solicitation, submission and evaluation of annual funding requests, which shall be approved by the Board of Pacific County Commissioners.

The Committee must select the candidates from amongst the applicants applying for use of revenues and provide a list of such candidates and recommended amounts of funding to the Board of Pacific County Commissioners for final determination. The Board of Pacific County Commissioners may choose only recipients from the list of candidates and recommended amounts provided by the local lodging tax advisory committee.

To prevent a conflict of interest, if a Committee member sits on a board/organization or represents a board/organization whose application is being considered for funding, the member shall recuse themselves from any discussion or voting on the application.

**SECTION 7 PUBLIC RECORDS ACT** All public records associated with the Lodging Tax Advisory Committee and its members shall be available from the County for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that public records then in the custody of a member and are needed for the County to respond to a request under the Act, as determined by the County, members agree to make them promptly available to the County. If the member considers any portion of any record provided to the County, whether in electronic or hard copy form, to be protected from disclosure under law, the member shall clearly identify any specific information that it claims to be confidential or proprietary. If the County receives a request under the Act to inspect or copy the information so identified by the member and the County determines that release of the information is required by the Act or otherwise appropriate, the County's sole obligations shall be to notify the member (a) of the request and (b) of the date that such information will be released to the requester unless the member obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If the member fails to timely obtain a court order enjoining disclosure, the County will release the requested information on the date specified.

The County has, and by this section assumes, no obligation on behalf of the member to claim any exemption from disclosure under the Act. The County shall not be liable to the member for releasing records not clearly identified by the member as confidential or proprietary. The County shall not be liable to the member for any records that the County releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.


The member agrees to indemnify and, to the greatest extent legally possible, to hold harmless the County in any action by a third party due to the negligence, recklessness or intentional actions by the member relating to its performance on the Lodging Tax Advisory Committee. This includes any lawsuit filed by a third party for the County's allegedly improper release of confidential or proprietary information pursuant to a public records request.

**SECTION 8 RESOLUTIONS/INTERPRETATIONS:** A majority of the Committee members may refer disputable issues or questions concerning the formalization and Rules of Procedures of the Lodging Tax Advisory Committee to the Board of Pacific County Commissioners for resolution or interpretation, as the case may require.

**PASSED** by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, the 22nd day of August, 2017, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage:

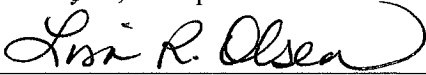
2 YEA; 0 NAY; 0 ABSTAIN; and 1 ABSENT

APPROVED AS TO FORM:

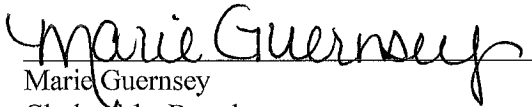
  
Prosecutor's Office  
21357  
WSBA #

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
Lisa Ayers, Chairperson

  
Lisa Olsen, Commissioner

ATTEST:

  
Marie Guernsey  
Clerk of the Board

  
Frank Wolfe, Commissioner