

ORDINANCE NO 19-07-09- 003

**AN ORDINANCE SETTING FORTH THE RULES AND  
PROCEDURES GOVERNING THE KOSCIUSKO COUNTY  
CONVENTION, RECREATION AND VISITOR'S COMMISSION**

**WHEREAS**, on the 25th day of September, 1986, the Kosciusko County Council adopted Ordinance No. 86-C2, which Ordinance had an effective date of December 1, 1986 and which Ordinance levied a tax on various lodgings and fixed the rate of that tax (the "Innkeeper's Tax"), pursuant to Indiana Code § 6-9-18 (Ordinance No. 86-C1 was adopted immediately prior to Ordinance 86-C2, but was repealed pursuant to Ordinance 86-C-3 on the 13th day of November, 1986); and

**WHEREAS**, on the 13th day of October, 1994, the Kosciusko County Council adopted Ordinance No. 94-2, which Ordinance had an effective date of January 1, 1995 and which Ordinance provided for local collection of the Innkeeper's Tax and direct disbursement from the Convention, Recreation and Visitor Promotion Fund (the "Fund") to the Kosciusko County Convention and Visitors Bureau (the "Bureau"); and

**WHEREAS**, on the 12th day of April, 2001, the Kosciusko County Council adopted Ordinance 01-001 INN, which Ordinance amended the previously established procedures regarding local collection of the Innkeeper's Tax so that the amounts collected pursuant to the Innkeeper's Tax and held in the Fund would be disbursed to the Kosciusko County Convention, Recreation and Visitor's Commission (the "Commission"), which body had contracted with the Bureau, and so that the Commission would then be responsible for preparation of a budget to be approved by the County Council; and

**WHEREAS**, on the 17th day of March, 2004, the Kosciusko County Council adopted Ordinance No. 04-03-17-001 INN, which Ordinance mandated that disbursements from the Fund and to the Commission should happen on a monthly (as opposed to quarterly) basis; and

**WHEREAS**, IC § 6-9-18-5 charges the County Commissioners with the creation of the Commission and with the establishment of the rules and procedures governing the Commission; and

**WHEREAS**, the Kosciusko County Commissioners wish to set out the rules and procedures governing the Kosciusko County Convention, Recreation and Visitor's Commission by adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF KOSCIUSKO COUNTY, AS FOLLOWS:**

## **SECTION 1. ESTABLISHMENT, COMPOSITION, MEMBERSHIP REQUIREMENTS AND APPOINTING AUTHORITIES.**

### **Section 1.01. Establishment.**

The prior establishment of the Kosciusko County Convention, Recreation and Visitor's Commission is hereby ratified and reaffirmed.

### **Section 1.02. Composition.**

The Commission shall be composed of seven (7) members.

### **Section 1.03. Engagement or Involvement of Simple Majority in Convention, Visitor, or Tourism Business.**

A simple majority of the members of the Commission must be:

- (1) engaged in a convention, visitor, or tourism business; or
- (2) involved in or promoting conventions, visitors, or tourism.

### **Section 1.04. Residency Requirements.**

Each member of the Commission must be:

- (1) a resident of the State of Indiana; and
- (2) either:
  - a. a resident of Kosciusko County; or
  - b. an owner or executive level employee of a convention, visitor, or tourism business that is located within Kosciusko County.

### **Section 1.05. Engagement of at Least Two (2) Members in the Business of Renting or Furnishing Rooms, Lodging, or Accommodations.**

If available and willing to serve, at least two (2) of the members of the Commission must be engaged in the business in Kosciusko County of renting or furnishing rooms, lodging, or accommodations, which is defined as renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any: (1) hotel; (2) motel; (3) boat motel; (4) inn; (5) college or university memorial union; (6) college or university residence hall or dormitory; or (7) tourist cabin.

### **Section 1.06. Prohibition Against Multiple Members From Same Business Entity.**

Not more than one (1) member may be affiliated with the same business entity.

### **Section 1.07. Appointing Authorities and Numbers.**

Appointments to the Commission shall be made as follows:

- (1) the Kosciusko County Commissioners shall appoint four (4) members to the Commission;
- (2) the Kosciusko County Council shall appoint two (2) members to the Commission; and
- (3) the Mayor of the City of Warsaw shall appoint one (1) member to the Commission.

## **SECTION 2. TERMS, VACANCIES, AND REMOVAL FOR CAUSE.**

### **Section 2.01. Terms.**

All terms of office of members of the Commission shall begin on the 1st day of January. Initial appointments must be for staggered terms. On January 1, 2020, the Kosciusko County Commissioners shall make two (2) appointments for a period of one (1) year and two (2) appointments for a period of two (2) years; the Kosciusko County Council shall make two (2) appointments for a period of two (2) years; and the Mayor of the City of Warsaw shall make one (1) appointment for a period of one (1) year. All subsequent appointments shall be for two (2) year terms. A member whose term expires may be reappointed to serve another term.

### **Section 2.02. Vacancies.**

In the event of a vacancy, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an initial appointment is not made by February 1 or if a vacancy is not filled within thirty (30) days, the Commission shall appoint a member by majority vote.

### **Section 2.03. Removal for Cause.**

A member of the Commission may be removed for cause by the member's appointing authority.

### **Section 2.04. Salary Prohibited; Entitlement to Reimbursement.**

Members of the Commission may not receive a salary. However, Commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

## **SECTION 3. ORGANIZATIONAL MEETING AND QUORUM.**

### **Section 3.01. Organizational Meeting.**

The Commission shall meet after January 1 each year for the purpose of organization. At this meeting, the Commission shall elect the following officers from among its membership:

- (1) President;
- (2) Vice President;
- (3) Secretary; and
- (4) 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.

### **Section 3.02. Quorum and Authority to Act.**

A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

## **SECTION 4. POWERS OF COMMISSION AND EXPENDITURES.**

### **Section 4.01. Powers of the Commission.**

The Commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the Commission considers necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from the Convention, Visitor and Tourism Promotion Fund (as established under IC § 6-9-18-4(a)), or from money transferred from that Fund to the Commission's treasurer under section IC § 6-9-18-4(b), to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in Kosciusko County; and
- (7) require financial or other reports from any corporation that receives funds from the Commission pursuant to IC § 6-9-18.

**Section 4.02. Expenses to Be Paid From the Convention, Visitor and Tourism Promotion Fund.**

All expenses of the Commission shall be paid from the Convention, Visitor and Tourism Promotion Fund (as established under IC § 6-9-18-4(a)), or from money transferred from that Fund to the Commission's treasurer under section IC § 6-9-18-4(b).

**Section 4.03. Budgets and Expenditures.**

The Commission shall annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under Section 4.01(6) and submit it to the county fiscal body for its review and approval. An expenditure may not be made under this Ordinance unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law.

**SECTION 5. OATH, COMPLIANCE WITH LAWS, AND HANDLING OF FUNDS.**

**Section 5.01. Oath of Office.**

Each Commission member, before entering 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 Circuit Court of Kosciusko County.

**Section 5.02. Compliance with Laws.**

The Commission is a governmental body and, accordingly, shall comply with all State and Federal laws including, but not limited to, the following:

- (1) Indiana Open Door Law (Indiana Code § 5-14-1.5-1, et seq.);
- (2) Indiana Access to Public Records Law (Indiana Code § 5-14-3-1, et seq.);
- (3) Indiana Publication of Notice Law (Indiana Code § 5-3-1-1, et seq.);
- (4) Indiana Nepotism Law (Indiana Code § 36-1-20.2-1, et seq.);
- (5) Indiana Conflict of Interest Law (Indiana Code § 35-44.1-1-4).

**Section 5.03. Handling of Funds; Subject to Audit.**

All money coming into possession of the Commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the Commission is subject to audit and supervision by the state board of accounts.

**Section 5.04. Unauthorized Transfer or Use of Funds.**

(A) Pursuant to Indiana Code § 6-9-18-8, a member of the Commission who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a Level 6 felony.

(B) Pursuant to Indiana Code § 6-9-18-8, a person who receives a transfer of money Indiana Code § 6-9-18-1, et seq. and knowingly uses that money for any purpose not permitted under Indiana Code § 6-9-18-1, et seq. commits a Level 6 felony.

**SECTION 6. EFFECTIVE DATE AND RESCISSION AND REPEAL OF PRIOR CONFLICTING TERMS.**

**Section 6.01. Effective Immediately Upon Passage.**

This Ordinance shall be in full force and effect immediately upon passage by the Kosciusko County Board of Commissioners.

**Section 6.02. Rescission and Repeal of Prior Conflicting Terms.**


Any previously enacted ordinances or resolutions of this Board containing provisions materially conflicting or inconsistent with the terms of this Ordinance are hereby rescinded and repealed to the extent of any such conflict or inconsistency.

Passed and adopted by the Board of Commissioners of the County of Kosciusko this **9th** day of **July, 2019**.

**ATTEST:**

**BOARD OF COMMISSIONERS,  
Kosciusko County**

  
\_\_\_\_\_  
**Michelle Puckett, Auditor**

  
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**Cary Groninger, President**

  
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**Bradford Jackson, Member**

  
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**Robert Conley, Member**

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

