

**AN ORDINANCE ESTABLISHING A TOURIST AND RECREATION COMMISSION FOR THE CITY OF BURNSIDE, KENTUCKY**

**WHEREAS**, the Common Council of the City of Burnside desires to establish a Tourist and Recreation Commission for the City, in order to promote tourism and recreation within the city as well as to administer funds generated by the restaurant revenue.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** as follows:

**Section I. Findings, Purposes, and Legislative Intent.**

This Ordinance establishes a Tourist and Recreation Commission for the City of Burnside in order to promote tourism and recreation within the city as well as to administer funds generated by the restaurant referendum.

**Section II. Membership of Tourist and Recreation Commission - Terms - Officers.**

(1) There is hereby created a Tourist and Recreation Commission of the City of Burnside, said Commission to be established pursuant to KRS 91A.350(2).

(2) The Commission shall be composed of seven (7) members to be appointed by the Mayor and approved by the City Council, pursuant to KRS 91A.360, in the following manner:

(a) Three (3) Commissioners shall be appointed from a list of three or more names submitted by a hotel and motel association, recognized by the Mayor, and existing within the City of Burnside or Pulaski County. If no formal local city or county hotel and motel association is in existence upon the establishment of a commission or upon the expiration of the term of a Commissioner appointed pursuant to the subsection, then up to three (3) Commissioners shall be appointed by the Mayor from persons representing local hotels or motels. A local

city hotel and motel association shall not be required to be affiliated with the Kentucky Hotel and Motel Association to be recognized as the official local hotel and motel association, and the recognition of the existence of a formal hotel and motel association shall be in the sole discretion of the Mayor of the City of Burnside.

(b) One (1) Commissioner shall be appointed from a list of three (3) or more names submitted by the local restaurant association recognized by the Mayor, and existing within the City of Burnside. If no formal restaurant association or associations exist upon the establishment of a Commission or upon the expiration of the term of a Commissioner appointed pursuant to this subsection, then one (1) Commissioner shall be appointed by the Mayor from persons representing local restaurants. A local restaurant association shall not be required to be affiliated with the Kentucky Restaurant Association to be recognized as the official local restaurant association, and the recognition of the existence of the official local restaurant association shall be in the sole discretion of the Mayor of the City of Burnside.

(c) One (1) Commissioner shall be appointed from a list of three (3) or more names submitted by the Chamber of Commerce recognized by the Mayor, and existing within the City of Burnside. If no local Chamber of Commerce is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the Mayor from persons representing local businesses.

(d) Two (2) Commissioners shall be appointed by the Mayor.

(3) A candidate submitted for appointment to the commission pursuant to subsection (1)(a) to (1)(c), shall be appointed by the Mayor within thirty (30) days of the receipt of the required list or lists. Vacancies shall be filled in the same manner that original appointments are made.

(4) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the Mayor shall appoint two (2) Commissioners for a term of three (3) years, two (2) Commissioners for a term of two (2) years and three (3) Commissioners for a term of one (1) year. There shall be no limitation on the number of terms to which a Commissioner is reappointed. Subsequent appointments shall be for three (3) year terms.

(5) The Commission shall elect from its membership a chairman and a treasurer, and may employ personnel and make contracts necessary to carry out the purpose of KRS 91A.350 to 91A.390. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers and printers.

(6) The books of the commission and its account as established in KRS 91A.390(2) shall be audited annually by an independent auditor who shall make a report to the commission, to the associations submitting lists of names from which commission members are selected, to the Mayor, to the State Auditor of Public Accountants, and to the Burnside City Council. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.

(7) A commissioner may be removed from office, by action of the Mayor or the Burnside City Council, as provided by KRS 65.007.

### **Section III. Annual Submission by Commission to Request Funds.**

The Commission shall annually submit to the City Council a request for funds for its operation in the ensuing year. The City Council shall include the Tourist and Recreation Commission in its annual budget and shall provide funds for its operation in the City's annual budget.

### **Section IV. Writing Checks or Handling Funds; Bond Required.**

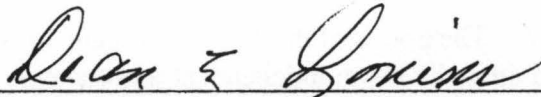
The City Clerk and all officers of the City Tourist and Recreation Commission with draft writing authority, or who may otherwise handle funds, shall be bonded by the City in an amount commensurate to the largest balance of funds existing in any given month.

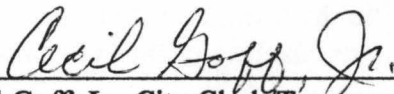
**Section V. Issuing Revenue Bonds or Borrowing Money; Fiscal Year.**

The City Tourist and Recreation Commission shall have no authority, and is expressly prohibited from issuing revenue bonds, or from borrowing money, without the express approval of the City Council. The fiscal year shall begin on July 1 of each year and terminate on June 30 of the following year.

**Section VI. Effective date of Ordinance; Publication.**

This Ordinance shall take effect upon its date of publication, whether in whole or in summary, according to law.

  
Dean Lovins, Mayor, City of Burnside

ATTEST:   
Cecil Goff, Jr., City Clerk/Treasurer

First Reading: 01-10-2005

Second Reading: 02-07-2005

Date of Publication: 02-15-2005

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