

STATE OF TEXAS

COUNTY OF LEON

ORDER PROVIDING FOR THE COLLECTION OF A TWO PERCENT HOTEL  
OCCUPANCY TAX

Whereas, Chapter 352 of the Texas Tax Code was amended to authorize Leon County to impose a two percent hotel occupancy tax, and,

Whereas, Leon County desires to collect the hotel occupancy tax authorized by the amendment to Chapter 352 of the Texas Tax Code.

Now, Therefore, Be It Resolved that Leon County Commissioners Court Orders that a two percent county hotel occupancy tax be collected beginning October 1, 2007, in accordance with the provisions recorded below

HOTEL OCCUPANCY TAX

A. DEFINITIONS

The following words, terms, and phrases are, for the purpose of this section, except where the context clearly indicates a different meaning, defined as follows:

- (1) Hotel shall mean any building or buildings, trailer, or other facility, in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but hotel shall not be defined so as to include hospitals, sanitariums, or nursing homes
  - (2) Consideration shall mean the cost of the room, sleeping, space, bed, or other facility in such hotel and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room sleeping space, bed or other facility for occupancy.
  - (3) Occupancy shall mean the use or possession, or the right to the use or possession of any room or rooms, sleeping space, bed, or other facility in a hotel for any purpose.
  - (4) Occupant shall mean anyone who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms, sleeping space, bed, or other facility in a hotel under any lease, concession, permit, right of access, license, contract, or agreement
  - (5) Person shall mean any individual, company, corporation, or association owning, operating, managing, or controlling any hotel
  - (6) Quarterly Period shall mean the regular calendar quarters of the year, the first (1<sup>st</sup>) quarter being composed of the months of January, February, March; the second (2<sup>nd</sup>) quarter being the months of April, May, and June; the third (3<sup>rd</sup>)
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quarter being the months of July, August, and September. and the fourth (4<sup>th</sup>) quarter being the months of October, November, and December

- (7) Permanent Resident shall mean any occupant who has or shall have the right to occupancy of any room or rooms, sleeping space, or other facility in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.

#### B. LEVY OF TAX, RATE, EXCEPTIONS

- (1) There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of Two Dollars (\$2.00) or more per day, such tax to be equal to two percent (2%) of the consideration paid by the occupant of such room to such hotel
- (2) No tax shall be imposed hereunder upon a permanent resident
- (3) No tax shall be imposed hereunder upon the United States or an officer or employee of the United States when traveling on or otherwise engaged in the course of official duties for the United States
- (4) Exemptions dexribed in Section 352.007 of the Texas Tax Code.

#### C. COLLECTION

Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed in subsection B hereof for Leon County.

#### D REPORTS AND PAYMENTS

On the last business day of the month following the month of collection, every person required hereby to collect the tax imposed by this section shall file a report with the Leon County Auditor's Office; said report shall show the consideration paid for all room occupancies in the preceding month; the amount of tax collected on the County's behalf on such occupancies, the number of persons exempt from the hotel/motel tax during the month, and any other information on a form promulgated by the Auditor's Office. Such person shall also pay over the tax due on such occupancies at the time of filing such report. At the time of the quarterly report and payment of the State of Texas Hotel Occupancy Tax, there shall also be furnished to the Leon County Auditor's Office a copy of such quarterly report

#### E. RULES AND REGULATIONS

Leon County shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this section and the amount of taxes due under the provisions of this section. Each person required to collect the tax imposed herein shall make those records available with Leon County, upon request.

## F PENALTIES

### Failure to File or Filing False Report

- (1) If any person required by the provisions of this section to collect the tax imposed herein, or make reports as required herein, and pay to the Auditor's Office the tax imposed herein, shall fail to collect such tax, file such report, or pay such tax, or if any such person shall file a false report, such person shall be deemed guilty of a misdemeanor.
- (2) If the owner fails to report when required or pay the tax when due, the owner shall pay a penalty of five percent of the amount of the tax due. If the owner fails to file the report or pay the tax before the 31<sup>st</sup> day after the date that the report or tax payment was due, he shall pay an additional penalty of five percent of the amount of the tax due
- (3) Delinquent taxes and accrued penalties draw interest at the rate of 10 percent a year beginning 60 dys after the date on which the tax was due.
- (4) The county attorney may bring suit against a person who is required to collect the tax imposed by this chapter and pay the collections over to the county and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the county until the tax is paid or the report filed, as applicable, as provided by the court's order. The remedy provided by this subsection is in addition to other available remedies.

### Tax Assessments

If the operators of any hotel shall fail to file a report for any period as required by this sections, or shall fail to pay the tax for any period as required by this section, then the Auditor is hereby authorized to make an assessment of the tax for such period. The tax assessed, together with any penalties provided by this section, shall be a propr and superior lien on all property of the hotel

## G USE OF REVENUE

- (1) The Commissioners' Court by contract may delegate to a person, including another governmental entity or a private organization, the management or supervision of programs and activities funded with revenue from the tax authorized by this order. The Commissioners' Court in writing shall approve in advance the annual budget of the person to which it delegates those functions and shall require the person to make periodic reports to the Commissioners' Court at least quarterly listing the expenditures made by the person with revenue derived from the tax authorized by this order. The person must maintain revenue provided from the tax authorized by this order in a separate account established for that purpose and may not commingle that revenue with any other money. The Commissioners' Court may not delegate to any person the management or supervision of its tourist and convention programs and activities funded with revenue from the tax authorized by this order other than by contract as provided by this order. The approval by the Commissioners' Court of the county of the annual budget of the person to whom the Commissioner's Court delegates those

functions creates a fiduciary duty in the person with respect to the revenue provided by the tax authorized under the contract

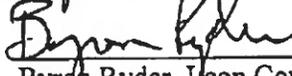
(2) A person with whom a county contracts under this order shall maintain complete and accurate financial records of each expenditure of hotel occupancy tax revenue made by the person and, on request of the Commissioners' Court of the county or other person, shall make the records available for inspection and review to the Commissioners' Court or other person

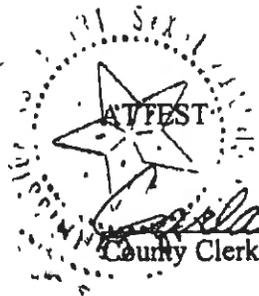
(3) Hotel occupancy tax revenue spent for a purpose authorized by this section may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures authorized by the applicable provisions of this order governing the use of revenue by Leon County

(4) County hotel occupancy tax revenue may not be spent for travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner.

(5) Revenue derived from the tax authorized by this order is to be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry as permitted by the applicable provisions of this order governing the use of revenue by Leon County. That revenue may not be used for the general revenue purposes or general governmental operations of Leon County

Adopted this the 10<sup>th</sup> day of September, 2009

  
Byron Ryder, Leon County Judge



  
County Clerk

Leon County, Texas

HOTEL OCCUPANCY TAX POLICY

Pursuant to Commissioners Court Resolution dated September 10, 2007, Leon County has imposed a hotel occupancy tax at a rate of two percent (2%) effective October 1, 2007

- 1) Applicability Any sole owner, partnership, corporation or other organization that owns, operates, manages or controls any hotel or motel within the jurisdiction of Leon County, Texas as defined by Chapter 156 and Chapter 352 of the Texas Tax Code
- 2) Forms and Procedures The County Auditor shall prescribe the forms and procedures to enact this policy in accordance with state law and shall report the status of collections to the Commissioners Court on a quarterly basis
- 3) Reporting Period The reporting period shall be each calendar quarter beginning with the third quarter of 2007 ending September 30, 2007, with each report and remittance due on or before the last day of the month following the reporting period
- 4) Discount No discount is approved for the collection of the County Hotel Occupancy Tax
- 5) Reports and Receipts The County Auditor is the designated county person to receive reports and remittances. The County Auditor shall issue receipts of taxes paid upon request as required for ownership changes
- 6) Exemptions and Refunds Exemptions are only allowed for those entities identified by the Texas Comptroller of Public Accounts in accordance with state law. Refunds for certain qualified exemptions shall be filed by the entity paying the tax using the prescribed form with the County Auditor
- 7) State Laws and Rules All other definitions, rules, and procedures not described herein will follow state laws as amended by the legislature and procedures established by the State Comptroller in force at the time the tax is collected
- 8) Special Revenue Fund Commissioners Court authorizes the County Auditor to establish a special revenue fund for the county's hotel occupancy tax collections in accordance with state law