



Legislation Details (With Text)

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Title: To amend section 371.02 of the Columbus City Codes by revising the allocation of the city's combined 5.1 percent hotel/motel tax, to appropriate funds in the Hotel/Motel Tax fund for the 12 months ending December 31, 2013.

Sponsors: Andrew Ginther

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/5/2013	3	CITY CLERK	Attest	
3/5/2013	3	MAYOR	Signed	
3/4/2013	3	COUNCIL PRESIDENT	Signed	
3/4/2013	3	Columbus City Council	Approved as Amended	Pass
2/25/2013	1	Columbus City Council	Amended as submitted to the Clerk	Pass

The purpose of this ordinance is to amend section 371.02 of the Columbus City Codes, pertaining to the imposition of the hotel/motel tax. This ordinance changes the allocation of the city's combined 5.1 percent hotel/motel tax. This ordinance also appropriates the funds associated with receipts attributed to the Downtown Hilton hotel for use in accordance with Section 3.4 of the Cooperative Agreement among the City, the County of Franklin, and the Franklin County Convention Facilities Authority.

To amend section 371.02 of the Columbus City Codes by revising the allocation of the city's combined 5.1 percent hotel/motel tax, to appropriate funds in the Hotel/Motel Tax fund for the 12 months ending December 31, 2013.

WHEREAS, it is necessary to amend Section 371.02 of the Columbus City Codes to change the allocation of the city's combined 5.1 percent hotel/motel tax; and

WHEREAS, it is necessary to appropriate funds for the 12 months ending December 31, 2013 in the Hotel/Motel tax fund for use in accordance with Section 3.4 of the Cooperative Agreement among the City, the County of Franklin, and the Franklin County Convention Facilities Authority; ~~and~~ **Now, Therefore**

~~**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to amend Columbus City Codes section 371.02 to provide for the efficient operation of the city, and for the immediate preservation of the public health, peace, property, safety and welfare; Now, Therefore~~

SECTION ONE. To amend existing Section 371.02 as follows:

371.02 - Imposition of tax

(a) For the purpose of providing revenue with which to meet the needs of the city for the use of the general fund of the city, for the advancement of the cultural development of the community, for promotion and publicizing of the city of Columbus as a desirable location for conventions, trade shows and similar events to encourage the patronage and business of cultural, educational, religious, professional, sports, and other organizations to utilize the city of Columbus and its numerous facilities for such events, to support the production of affordable housing and create home ownership opportunities within the city of Columbus through the ~~Columbus Housing Trust Corporation~~ **Affordable Housing Trust for Columbus and Franklin County**, and for the further purpose of providing emergency human service needs to the community, all for the benefit of the citizens of the city of Columbus, an excise tax of three (3) percent is hereby levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests, pursuant to Ohio Revised Code Sec. 5739.02(C)(1) and furthermore, an additional excise tax of three (3) percent is hereby levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests, pursuant to Ohio Revised Code Sec. 5739.02(C)(2).

Effective January 1, 1989, the excise tax of three (3) percent levied pursuant to Ohio Revised Code Sec. 5739.02 (C)(1) above shall be reduced to two and one-tenths (2.1) percent and shall be levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests.

(b) Although the above levies are separate and distinct, for purposes of determining distribution, the combined amounts are hereinafter referred to as the "Hotel-Motel Excise Taxes".

(c) **All revenues received by the city from the hotel/ motel excise taxes each year shall be divided for the use of promoting and publicizing the city of Columbus as a desirable location for conventions, trade shows, and similar events; for use in purchasing cultural services for the enrichment of the community; for support of the production of affordable housing and creation of home ownership opportunities in Columbus; and for emergency human service needs, and for the use of the general fund of the city without restriction. Of the combined rates of 5.1% the amount of tax allocated for the purpose of promoting the city of Columbus from funds generated by the hotel/motel excise taxes shall be up to 4.84% 2.19% effective January 1, 2013. The maximum amount of said tax to be allocated for the purpose of expanding cultural services for the enrichment of the community shall not exceed a rate of 4.5% 1.59% in relation to the 5.1% combined rate effective January 1, 2013. By December of each year, recipients of funding pursuant to promoting the city and for cultural enrichment shall provide the mayor and city council a performance report of that year's activities. The maximum amount of said tax to be allocated for the purpose of providing emergency human service needs to the community shall not exceed a rate of .42% .51% in relation to the 5.1% combined rate, effective January 1, 2013, of which up to three hundred thousand dollars (\$300,000.00) annually may be allocated by city council to assist social service agencies in the city with the capital costs of maintaining their facilities. The amount of tax allocated to support the production of affordable housing and create home ownership opportunities within the city of Columbus through the ~~Columbus Housing Trust Corporation~~ Affordable Housing Trust for Columbus and Franklin County shall be up to .43% in relation to the 5.1% combined rate, effective January 1, 2013. The remaining revenues generated by the hotel/motel excise taxes each year shall be deposited in the general fund of the city without restriction of use. The payment scheduled for each of the aforementioned allocations shall be determined by the city auditor, provided that the city shall disperse at least fifty (50) percent of the revenue from the three (3) percent tax levied pursuant to Ohio Revised Code Sec. 5739.02(C)(2), to make contributions to convention and visitors bureaus operating within the county, annually. The payment schedule for contributions to convention and visitors bureaus operating within the county shall be**

determined by the city auditor and shall follow the priorities established below:

(e) All revenues received by the city from the hotel/ motel excise taxes each year shall be divided for the use of promoting and publicizing the city of Columbus as a desirable location for conventions, trade shows, and similar events; for use in purchasing cultural services for the enrichment of the community; for support of the production of affordable housing and creation of home ownership opportunities in Columbus; **and** for emergency human service needs; ; and for the use of the general fund of the city without restriction. Of the combined rates of 5.1% the amount of tax allocated for the purpose of promoting the city of Columbus from funds generated by the hotel/motel excise taxes shall be up to 1.84% **2.19% effective January 1, 2013**. The maximum amount of said tax to be allocated for the purpose of expanding cultural services for the enrichment of the community shall not exceed a rate of 1.5% **1.59%** in relation to the 5.1% combined rate **effective January 1, 2013**. By December of each year, recipients of funding pursuant to promoting the city and for cultural enrichment shall provide the mayor and city council a performance report of that year's activities. The maximum amount of said tax to be allocated for the purpose of providing emergency human service needs to the community shall not exceed a rate of .42% **.51%** in relation to the 5.1% combined rate, **effective January 1, 2013**, of which up to three hundred thousand dollars (\$300,000.00) annually may be allocated by city council to assist social service agencies in the city with the capital costs of maintaining their facilities. The amount of tax allocated to support the production of affordable housing and create home ownership opportunities within the city of Columbus through the Columbus Housing Trust Corporation **Affordable Housing Trust for Columbus and Franklin County** shall be up to .43% in relation to the 5.1% combined rate, **effective January 1, 2013**. The remaining revenues generated by the hotel/motel excise taxes each year shall be deposited in the general fund of the city without restriction of use. The payment scheduled for each of the aforementioned allocations shall be determined by the city auditor, provided that the city shall disperse at least fifty (50) percent of the revenue from the three (3) percent tax levied pursuant to Ohio Revised Code Sec. 5739.02(C)(2), to make contributions to convention and visitors bureaus operating within the county, annually. The payment schedule for contributions to convention and visitors bureaus operating within the county shall be determined by the city auditor and shall follow the priorities established below:

(1)The first priority is for said contributions to be paid to the Franklin County Convention Facilities Authority, a duly constituted convention and visitors bureau operating within the county of Franklin, Ohio, to the extent necessary to satisfy the city's obligation under Section 3.06 of the lease agreement dated as of June 1, 1990 between the Franklin County convention facilities authority, as lessor, and the city and the county of Franklin, Ohio, as lessees.

(2) The second priority is for said contributions to be made pursuant to authorization of council to convention and visitors bureaus operating within the county of Franklin, Ohio, when in the judgment and opinion of the city auditor such contributions are not required to meet the first priority. The city auditor may make contributions on a monthly basis provided no second priority contribution shall be made in a month until such time as a first priority contribution is either satisfied or deemed not required.

(3) Receipts attributed to the full service convention center hotel located on High Street in Columbus, Ohio across from the existing Columbus Convention Center shall be allocated for use as directed under Section 3.4 of the Cooperative Agreement among the City, the County of Franklin and the Franklin County Convention Facilities Authority beginning January 1, 2013 for a period of up to 30 years or the life of the bonds for the project, whichever is greater.

(d) Each recipient organization of funds pursuant to the above described allocation shall within one hundred twenty (120) days after the end of their fiscal year provide to the city auditor financial statements of the organization for such fiscal year prepared in accordance with generally accepted accounting principles, with an ~~option~~ opinion thereon by a firm of

certified public accountants.

(e) The tax imposed herein applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to the state, or any of its political subdivisions, or any charitable organization for the lodging of transient indigent individuals, when such charitable organization pays the hotel or transient accommodation for such lodging.

(f) For the purpose of the proper administration of this chapter and to prevent evasion of the tax it is presumed that all lodging furnished by hotels to transient guests is subject to the tax until the contrary is established.

SECTION 2. That prior existing section 371.02 of the Columbus City Codes, 1959, is hereby repealed.

SECTION 3. That revenue attributed to the Downtown Hilton Hotel are hereby appropriated and expenditures authorized in the Hotel/Motel Fund, Fund 231, Subfund 008, as provided for and in accordance with Ordinance No. 1578-2009 and 0447-2009, beginning January 1, 2013, in an amount not to exceed \$1,500,000.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same