



HANDBOOK

Ohio County Commissioners

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CHAPTER 21 COUNTY PERMISSIVE LODGING TAX

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21.01 INTRODUCTION

In 1967 municipalities and townships were given authority to levy a 3% lodging tax which could be used for any lawful purpose. At the same time the General Assembly also authorized counties to enact permissive sales and use, utilities service, real property transfer, and motor vehicle license taxes.

Since the original county permissive tax package was enacted the General Assembly has granted counties two new permissive tax options. In 1980, the legislature authorized a county permissive lodging tax. The primary purpose of this tax is to fund the operations of convention and visitors' bureaus operating in the county. In 1986, authority was granted to enact a permissive liquor and cigarette tax for the purpose of financing the construction and operation of a sport facility for major league professional sports.

The enactment of the permissive tax package by the General Assembly during the 1960's significantly changed the way counties could finance services because prior to the ability to utilize permissive taxes counties were almost entirely dependent on property taxes.

The other permissive taxes will be discussed in other Chapters of this *Handbook*. For a general overview of permissive taxes refer to Chapter 17. In addition the following Chapters discuss other county permissive taxes in detail: Chapter 18, the Permissive

Sales and Use Taxes, Chapter 19, the Permissive Real and Manufactured Home Transfer Tax, and Chapter 20, the Permissive Motor Vehicle License Tax.

21.02 MUNICIPAL AND TOWNSHIP AUTHORITY TO LEVY ORIGINAL 3% LODGING TAX

In 1967 municipalities and townships were granted authority to levy up to a 3% lodging tax which could be used for any lawful purpose (ORC 5739.08(A), 505.56). The original enactment of this lodging tax was not contingent upon or affected by the enactment of a lodging tax by any other political subdivision. Any municipality or township could enact this tax at any time.

21.03 COUNTY, MUNICIPAL AND TOWNSHIP AUTHORITY TO LEVY AN ADDITIONAL 3% LODGING TAX

In 1979 the General Assembly enacted HB 355. This Act gave counties a window of until July 1, 1980 where the county had exclusive authority to enact a permissive lodging tax at a rate of not more than 3%. At least 66.6% of the funds derived from county enactment of this tax must be placed in a separate fund and used to make contributions to fund convention and visitors' bureaus operating within the county. A uniform percentage, not to exceed 33.3%, is distributed by the county to municipal corporations and townships that are not levying any lodging tax and that have hotels to which the county lodging tax applies.

Under this law, after the county window closed on July 1, 1980, if the county had not enacted this tax, any municipality or township in the county could enact an additional 3% lodging tax. This tax was in addition to the 3% that both municipalities and townships were authorized to enact in 1967. This original county lodging tax law also provided that if any municipality or township in the county enacted all or any part of this second 3% lodging tax, then the county was forever prevented from enacting a lodging tax.

If a township or municipality enacts this second 1980 tax, at least 50% of the revenue must be placed in a separate fund and used to make contributions to a convention and visitors' bureau within the county. The balance is deposited into the general fund of the township or municipality and may be used for any lawful purpose. A township or municipality need not have the first 3% tax (1967 tax) in place in order to enact the second 3% tax (1980 tax).

Table 21-1, Local Government Permissive Lodging Tax Authorities, at the end of this Chapter also includes information about local government permissive lodging taxes.

21.04 CONVENTION FACILITY AUTHORITIES AND SPECIAL LODGING TAXES

Since 1967 certain counties have been authorized to create a convention facility authority (CFA) for the purpose of financing one or more facilities, making payments on debt used to finance these facilities, paying operating costs of the authority, paying operating and maintenance costs of those facilities, and paying costs of administering the tax (ORC 351.021). Convention facility authorities in Franklin, Guernsey, Muskingum, and Ross Counties have been authorized by law and their respective boards of commissioners to levy special lodging taxes in support of the purposes of the CFA.

In any county where the board of commissioners have authorized a convention facilities authority to enact one or more special lodging taxes to support the convention facilities authority or to construct or equip a convention center, a municipality or township that has repealed a lodging tax enacted under authority of ORC Section 5739.08(A) may be precluded from reenacting that lodging tax while a special lodging tax enacted under ORC Section 5739.09(C) or ORC Section 351.021(B)(2) remains in effect. In any case, the combined rate for a municipality or township may not exceed 3% under ORC 5739.09(A). For more information regarding this complex aspect of the lodging tax law, refer to ORC Sections 5739.08, 5739.09(C), 351.021, and 307.695.

The following counties have been authorized and have levied a special lodging tax under various provisions of ORC Section 5739.09: Ashtabula, Cuyahoga, Fairfield, Hamilton, Lucas, Summit, and Trumbull counties. These lodging taxes generally are in addition to the following:

1. A 3% lodging tax levied by a board of commissioners under ORC Section 5739.09(A) or the 3% lodging tax levied by a municipality or township under ORC Section 5739.08(B) or 5739.09(B)(1); and
2. A 3% lodging tax levied by a municipality or township under ORC Section 5739.08(A) or by a township under ORC Section 505.56.

Special lodging taxes for CFA's and other purposes have been authorized by the General Assembly for specific counties based on factors such as population, geographic location, or specific purpose or project. The General Assembly provided limited time periods during which such special lodging taxes could be levied within an eligible county. Major changes in the lodging tax, including authorization for special lodging taxes, are summarized in Table 21–2, Summary of Lodging Tax Legislative Changes, at the end of this Chapter.

21.05 1994 LAW GIVES SELECTED COUNTIES A SECOND CHANCE TO ENACT LODGING TAX

Under legislation enacted in 1994 (HB 163), counties that were prevented from enacting the lodging tax because of prior municipal or township enactment were authorized to enact the 1980 3% county lodging tax. The tax, however, may only be enacted and apply within those municipalities and townships that have not previously enacted the 3% municipal or township lodging tax authorized in 1980 and which was enacted by the township or municipality after the expiration of the July 1, 1980 window for county enactment. In other words, the combined rate for all lodging taxes may not exceed 6%.

For example, in County A, if one township and one city have a lodging tax rate of 6% the county may also enact a lodging tax. The 3 percent county rate, however, would not apply within the township and city. It would apply within all other municipalities and townships in the county. In County B, if one village has a lodging tax at the rate of 4% the county could also enact a lodging tax. The 3% rate would apply to all areas of the county outside of the village. Within the village, however, the rate would remain at 4% because if the village has levied all or any portion of the tax the county tax cannot apply. In other words, even though the county enacted 3%, the 2% on top of the village's 4% cannot be collected.

If a municipality or township has enacted the tax under the "1980 law", they might want to repeal it, and at the same time, re-enact the same rate pursuant to the "1967 law". The incentive to such a municipality or township is that they must pay 50 percent of the revenue from the "1980 tax" to convention and visitors bureaus operating in the county, while they may keep all the proceeds from the "1967 tax" for the general fund of the municipality or township.

If a municipality or township elects to repeal the lodging tax under the 1980 law, then a county may enact the county lodging tax and have that tax apply in more jurisdictions within a county thus generating more revenue for convention and visitors' bureaus. Convention and visitors' bureaus also stand to benefit more from county enactment of the 1980 tax due to the fact that counties must contribute at least 66.6% of the proceeds of the tax to convention and visitors' bureaus while the municipal/township contribution must be at least 50%.

The Attorney General has ruled (OAG 13- 010) that if a municipality levies a lodging tax under ORC 5739.09(B)(1), the 1980 lodging tax law, and later a board of commissioners levies a lodging tax under the 1980 county authority (ORC 5739.09(A)(1) within those areas of the county that are not subject to the municipal lodging tax, if that municipality later annexes territory of that county, the newly annexed territory will be subject to the municipal lodging tax and not the county lodging tax. The Attorney General reasoned that the legislature intended for a municipality or township to apply its lodging tax in the same manner throughout its boundaries, and thus once annexed, the municipal lodging tax must apply uniformly throughout the municipality.

21.06 ENACTMENT PROCEDURE

Unlike other county permissive taxes, the enactment of the permissive lodging tax does not require public notice or public hearings. While such hearings may be desired, there is no requirement in law to hold hearings. It is, however, recommended that local hotels and motels be notified prior to the enactment of the permissive lodging tax.

The lodging tax generally is enacted by resolution adopted by a majority of the board of commissioners and may only be repealed by resolution of the board. There is an exception in the case of a special lodging tax enacted for the purpose of constructing and equipping a convention center (ORC 307.695(H)) where the tax could have been submitted to the voters or where the action to impose the tax could have been subject to referendum. Another exception exists in the convention facilities authority law (ORC 351.021(C)(2)) where the decision of a board of commissioners to authorize a board of directors of a CFA to levy a lodging tax is subject to referendum under ORC Sections 305.31 to 305.41. The time period for each of these actions has expired and these provisions applied only to specific situations. Unless otherwise provided by law, lodging taxes generally are not subject to referendum and may not be submitted to the voters for enactment.

21.07 ADMINISTRATION OF LODGING TAX

The law requires a board of commissioners to “establish all regulations necessary for the administration and allocation of the tax.” Regulations normally provide for payment of the lodging tax on a quarterly or monthly basis. As will be discussed in greater detail in Sections 21.11 through 21.13 of this Chapter, the regulations also may provide for penalty and interest for late payment of the tax.

Counties that levy the lodging tax adopt a code of regulations for administration of the tax. Each code of regulations generally will include provisions relating to definitions, imposition of the tax, exemptions, registration of hotel operators, reporting and remitting the tax, penalties and interest, retention and inspection of hotel records, appeal procedures, refunds, allocation of the tax, and duties of the convention and visitors’ bureau.

The attorney general has ruled (OAG 90–102) that commissioners have broad discretion to “determine what information is required to be reported to administer” the lodging tax. In response to a county question over the confidentiality of transactions, property, or business information of any person or company contained in a tax return, this opinion states that county auditors, members of boards of revision, the tax commissioner, and employees of these offices are subject to prohibitions under ORC Sections 5715.49 and 5715.50 regarding the release of confidential tax information. However, these limitations apply only to the offices and records named and Ohio law does not uniformly establish confidentiality of tax information.

At the end of this Chapter as Exhibit 1 is the Ottawa County Lodging Excise Tax Code of Regulations. Counties are encouraged to work with their county prosecutor in the development of their code of regulations for their county.

21.08 LODGING TAX DEFINITIONS

The Ohio sales tax law provides certain definitions that are useful in understanding the application of the lodging tax. The following sales tax definitions are helpful in this regard:

1. "Person" includes "individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals in any form." (ORC 5739.01(A))
2. "Sale or selling" includes "all transactions by which lodging by a hotel is or is to be furnished to transient guests." (ORC 5739.01(B)(2))
3. "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code." (ORC 5739.01 (M))
4. "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days." (ORC 5739.01 (N))

As explained in Sections 21.11 and 21.12 of this Chapter, counties may on a permissive basis amend their resolution to apply the lodging tax to establishments with fewer than five rooms.

21.09 EXEMPTIONS FROM THE LODGING TAX

Utilizing the definition of person included within the sales tax law that defines a person to include the "state and its political subdivisions," the Attorney General concluded (OAG 84-012) that "political subdivisions are expressly included among those individuals and entities to which an excise tax on hotel lodging transactions is to apply." In the same opinion the Attorney General concluded that only the following statutory exemptions are provided to the lodging tax law:

1. Transactions involving lodging in an establishment with fewer than five rooms, and
2. Transient guests occupying sleeping accommodations for a stay in excess of 30 consecutive days.

The Attorney General also ruled in the same opinion that while a board of commissioners is authorized to adopt regulations to facilitate administration of the tax, “such a board may not, by rule, enlarge or restrict statutory exemptions.”

In a separate opinion (OAG 88–065) the Attorney General ruled that when a corporation rents lodging for its employees in a hotel for 30 or more consecutive days at a time, regardless of which employees occupy those rooms or if on certain days certain rooms go unused, the lodging tax does not apply to such transactions provided the room rental is 30 or more consecutive days.

In another opinion (OAG 90-095), the Attorney General provides clarity with respect to other provisions of the state sales tax law. In this opinion the Attorney General concludes:

1. The provision of ORC Section 5739.02(B)(1) which exempts “sales to the state or any of its political subdivisions, or any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions” are simply exemptions from the state sales tax and are not exemptions from the lodging tax. In other words, the lodging tax applies to counties and other political subdivisions.
2. The federal government and governmental entities outside the State of Ohio are not persons for purposes of the sales tax law definition found in ORC Section 5739.01(A) and are not transient guests for purposes of the definition found in ORC Section 5739.01(N). The lodging tax does not apply to the federal government or out of state agencies when such charges are billed directly to the federal or out of state agency.
3. When lodging is furnished to, or paid by a representative or employee of the federal government or a governmental entity outside the State of Ohio, then the transaction is subject to the lodging tax, if the representative or employee pays for the lodging, as opposed to the lodging being billed directly to the federal or out of state agency. Such transactions are subject to the lodging tax even if the representative or employee is reimbursed by the federal or out of state agency. In order to qualify for an exemption, the lodging bill must be paid directly by the federal or out of state agency.
4. Lodging provided to a religious or charitable organization or a representative or employee of such an organization is subject to the lodging tax.

A U.S. District Court has ruled that so-called “hotel intermediaries” that sell discounted rooms over the internet to the public “were not ‘vendors’ as they were neither owners nor operators of the hotels” and they also were not agents or employees of the hotels for whom they performed the functions of the vendor (Hamilton County Ohio et al v. Hotels.com, L.P. et al, Fed Supp. 2d 2011 U.S. Dist. LEXIS 83520 (N.D. Ohio July 29, 2011)). Under this decision hotel intermediaries cannot be made to collect the full

amount of the tax due on rental of hotel rooms. Attempts to address this issue legislatively in the Ohio General Assembly have been unsuccessful.

21.10 USE OF THE REVENUE

As a general rule no revenue derived from a permissive lodging tax may be used for the county general fund. The only revenue that the county can retain is for the real and actual costs of administering the tax. Unlike the permissive sales and use tax, which is collected by the state and remitted to the county, a county is responsible for administering the lodging tax. The law provides that after funds are deducted for the administration of the tax that:

1. The county must return to any municipality or township that does not have any lodging tax in effect a uniform percent, not to exceed 33.3%. The Attorney General has ruled (OAG 88-082) that this distribution is mandatory, however, it could be as little as .5 percent. In addition, if there are no hotels and motels in a township or municipality, then no funds are returned.
2. After deducting administrative expenses and making any required distributions to townships and municipalities, the county must deposit remaining revenue in a special fund to be used solely to make contributions to convention and visitors' bureaus operating in the county.

The Attorney General has ruled (OAG 81-022) that a separate fund must be established for the receipt of lodging tax revenue regardless of whether a convention and visitors bureau exists within the political subdivision enacting the tax. While this opinion involved a municipal corporation, the conclusion of the opinion would apply equally to counties. This same opinion opined that a political subdivision (county, municipality, or township) could levy the tax regardless of whether a convention and visitors bureau existed within the political subdivision.

In two separate opinions the Attorney General has opined (OAG 81-093, OAG 83-054) that a convention and visitors bureau may expend revenue available to it from a lodging tax levied under ORC Section 5739.09(A) to aid in the support of a local historical museum. The second opinion advised that a convention and visitors bureau may use lodging tax revenue for the maintenance of a county owned facility which is used only for public purposes, such as a county building used as a museum and for the performing arts.

The Attorney General also ruled (OAG 03-039) that except as provided in ORC Section 307.695 and 5739.09(A)(2) a convention and visitors' bureau may contribute a portion of lodging tax funds to a county agency established by a board of commissioners to operate and maintain county parks under ORC Section 301.26. In those circumstances where a county has levied a lodging tax under ORC Section 5739.09(A) and pledged revenue from the tax pursuant to an agreement with a convention and visitors bureau under ORC Section 307.695 to finance the

construction and equipping of a convention center, any increase in the tax authorized under ORC Section 5739.09(A)(2) must “be spent solely to make contributions to the convention and visitors’ bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located.”

A recent amendment to the lodging tax law (ORC 5739.09(J)) limits all money collected by a county and distributed to a convention and visitors’ bureau, except for any money pledged, on the effective date of HB 59, to “debt service charges on bonds, notes, securities, or lease agreements, to be used solely for tourism sales, marketing and promotion, and their associated costs, including, but not limited to, operational and administrative costs of the bureau, sales and marketing, and maintenance of the physical bureau structure.” This provision may have the practical effect of limiting the use of lodging tax revenue to the uses specified in the amendment.

ORC Section 5739.09(J) may override earlier Attorney General opinions that broadened the potential use of lodging tax dollars by convention and visitors’ bureaus. CCAO recommends that convention and visitors’ bureaus consult with legal counsel prior to expending lodging tax revenue distributed to a convention and visitors’ bureau for any purpose other than the purposes outlined in ORC Section 5739.09(J).

21.11 PERMISSIVE AUTHORITY FOR COUNTIES TO EXPAND LODGING TAX BASE AND TO IMPOSE PENALTIES AND INTEREST CHARGES FOR LATE PAYMENT OF LODGING TAXES

In 2001 the Legislature amended the lodging tax law in the state budget (HB 94) to allow a board of county commissioners to:

1. Expand the lodging tax base to cover transactions that occur in establishments with fewer than five guest rooms; and
2. Impose penalties and interest charges for the late payment of lodging taxes and to prescribe the time for payment of the taxes.

At the conclusion of this Chapter a sample resolution is provided as Exhibit 2 to assist any board of county commissioners that wishes to take the legal steps needed to expand its lodging tax base.

21.12 PERMISSIVE AUTHORITY TO EXPAND THE LODGING TAX BASE

Counties that levy a lodging tax may adopt a resolution that imposes the tax on establishments in which fewer than five rooms are used for the accommodation of guests. These establishments were exempt from charging and remitting the lodging tax

under former law because they were exempt from the definition of a hotel used to determine which establishments were authorized to collect the tax. The law allows counties, for purposes of collecting the lodging tax, to expand the definition of the term hotel to include establishments with fewer than five guest rooms.

This permissive authority was granted to counties townships, and municipalities that levy lodging taxes. In 2009 the legislature amended the law to clarify what constituted a hotel establishment in which fewer than five rooms are used for the accommodation of guests. The law (ORC 5709.09(G)) provides that the following “hotels” are subject to the lodging tax:

1. Hotels used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry.
2. In determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under same ownership and the structures are not identified in advertisements of the accommodations as distinct hotels.
3. Two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution expanding the base of the lodging tax may apply to any transactions that arise from a lodging tax that was in effect **before** the date the resolution was adopted. To be effective, the adopted resolution must state this specifically. However, the tax can only apply to specific transactions that occur **after** the effective date of the resolution expanding the base of the tax to establishments that have five or fewer rooms.

The resolution expanding the base of the lodging tax to establishments with fewer than five rooms may apply to any lodging tax enacted by a county under any Division of ORC Section 5739.09. This includes the 3% lodging taxes levied by 65 counties as well as special additional lodging taxes levied in Ashtabula, Cuyahoga, Fairfield, Hamilton, Lucas, Summit, and Trumbull counties. The resolution cannot apply to taxes levied by convention facility authorities (CFAs) in Franklin, Guernsey, Muskingum, and Ross counties. CFAs are considered separate taxing authorities from boards of county commissioners and are not affected by the changes made in the 2001 law.

Please note that the 2001 law **does not** authorize a board of county commissioners to expand the state sales tax imposed at 5 $\frac{3}{4}$ % under ORC 5739.02(A)(1) to transactions in establishments with fewer than five guest rooms. The 5 $\frac{3}{4}$ % state sales tax is separate and distinct from any lodging tax that may be in effect under the authority of ORC Section 5739.09. Nor does the language of ORC Section 5739.09(G) authorize

counties to collect any **additional county sales tax** that is in effect above the mandated 5 ³/₄% state rate.

21.13 AUTHORITY TO IMPOSE PENALTIES AND INTEREST PAYMENTS FOR LATE PAYMENT OF LODGING TAXES

The law also authorizes a board of county commissioners to impose, in its regulations related to the lodging tax, either penalties or interest payments, or both, for the late payment of lodging taxes. This authority, which codifies a practice that was in use in many counties, is an extension of the existing authority that a board possesses to establish all regulations necessary to provide for the administration and allocation of the tax.

Any penalty imposed by a board for late payments cannot exceed 10% of the tax owed. Any interest charges imposed cannot exceed the federal short-term rate as prescribed in ORC Section 5703.47 for the payment of delinquent property taxes and other delinquent taxes. That rate is 4% in calendar year 2013. On October 15th of each year, the tax commissioner determines the federal short-term rate for the following calendar year.

The law also specifically authorizes these regulations to prescribe the time for payment of the tax, which may be either monthly or quarterly.

21.14 LAKE FACILITIES AUTHORITY LODGING TAX

The board of commissioners of one or more counties that contain an “impacted watershed” as defined in ORC Section 353.01 may levy a lodging tax provided the lake facilities authority lodging tax and any existing lodging tax levied under ORC Sections 351.021, 5739.08, and 5739.09 do not exceed 5%.

The purpose of the lake facilities authority lodging tax is to conduct “activities to remediate, rehabilitate, enhance, foster, aid, improve, provide, or promote an impacted watershed within the jurisdiction of the lake facilities authority.” The definition of an impacted watershed includes a lake of at least one-half square mile that has toxic blue-green algae in excess of 80 parts-per-billion and that was visited by at least 400,000 people per year for the four years preceding the calendar year in which the last resolution necessary for the creation of authority was adopted.

In a resolution adopted by one or more boards of county commissioners creating a lake facilities authority or a joint lake facilities authority, county commissioners may authorize the board of directors of the lake facilities authority to submit to the voters in a primary or general election within the impacted lake district a lodging tax to pay any costs authorized by ORC Chapter 353, to pay principal and interest on authority tax anticipation bonds issued to pay those costs, to pay the operating costs of the authority,

and to pay the cost of administering the tax. This provision which was included within the state budget in 2013 will take effect September 29, 2013.

21.15 CURRENT STATUS OF THE LODGING TAX

According to information compiled by the Ohio Department of Taxation from local sources, 65 counties, 136 townships and 188 municipalities had a lodging tax in 2010, the last year for which information was available. For additional information regarding the status of lodging taxes in different counties, please [click here](#).

TABLE 21-1

LOCAL GOVERNMENT PERMISSIVE LODGING TAX AUTHORITIES

| POLITICAL SUBDIVISION | RATE | ORC | DISPOSITION OF REVENUE | NARRATIVE DESCRIPTION/COMMENTS |
|-----------------------|------------------|--------------------------|---|--|
| COUNTY | Not More Than 3% | 5739.08(C) 5739.09(A) | The county must provide that a uniform percent (not to exceed 33.3%) shall be distributed to townships and municipalities that have not enacted a lodging tax pursuant to ORC 5739.08(B) and 5739.09(B)(1). The uniform percent, however, is only distributed to municipalities and townships that have hotels or motels. The basis of the distribution is the uniform percentage rate times the revenue derived from hotels and motels located in the township or municipality. If no hotels or motels are located in the township or municipality, no revenues are distributed. In addition, if a municipality or township has enacted a lodging tax pursuant to ORC 5739.08(B) and 5739.09 (B)(1), no revenues may be distributed. The remainder must be used to make contributions to convention and visitors' bureaus operating in the county. | This authority was granted in 1980. Counties were given a "window" until July 1, 1980 to exclusively enact this tax. After that date if the county had not enacted the tax, any municipality or township could enact this tax pursuant to ORC 5739.09(B). Such enactment by any municipality or township in the county had the effect of precluding subsequent enactment by the county; however, this prohibition was eliminated effective May 10, 1994 (HB 163). Under this new law, however, a county may not overlap the tax in any municipality or township that has enacted an ORC 5739.09(B) tax. Thus, as a general rule the combined rate may not exceed 6%. |
| MUNICIPALITY | Not More Than 3% | 5739.08(A) | All revenues may be used for any lawful municipal purpose. | This authority was granted in 1967. This tax can be used for any municipal purpose and |

| POLITICAL SUBDIVISION | RATE | ORC | DISPOSITION OF REVENUE | NARRATIVE DESCRIPTION/COMMENTS |
|-----------------------|------------------|-----------------------------|--|---|
| | | | | none of these revenues are required by statute to be used for convention and visitors' bureau purposes. |
| MUNICIPALITY | Not More Than 3% | 5739.08(B) 5739.09(B)(1) | At least 50% of the revenues derived from this tax must be spent to make contributions to convention and visitors' bureaus operating in the county. The other 50% may be used for municipal general fund purposes. | This authority was granted in 1980. However, it is only available to municipalities located in counties that have not imposed the tax pursuant to ORC 5739.09(A). A municipality need not have in effect the tax pursuant to ORC 5739.08 (A) in order to enact this tax. |
| TOWNSHIP | Not More Than 3% | 505.56 5739.08(A) | All revenues may be used for any lawful township purpose. | This authority was granted in 1967. This tax can be used for any township purpose and none of these revenues are required by statute to be used for convention and visitors' bureau purposes. |
| TOWNSHIP | Not More Than 3% | 5739.08(B) 5739.09(B)(1) | At least 50% of the revenue derived from this tax must be spent to make contributions to convention and visitors' bureaus operating in the county. The other 50% may be used for township general fund purposes. | This authority was granted in 1980. However, it is only available to townships located in counties that have not imposed the tax pursuant to ORC 5739.09(A). A township need not have in effect the tax pursuant to ORC 5739.08(A) and ORC 505.56 in order to enact this tax. |

TABLE 21 – 2

SUMMARY OF LODGING TAX LEGISLATIVE CHANGES

| BILL NO. | EFFECTIVE DATE | MAJOR PROVISIONS |
|----------|----------------|---|
| HB 59 | 9 -28-13 | Required that lodging tax revenues distributed by a county to a convention and visitors' bureau in existence on the effective date of the bill to be used solely for tourism sales, marketing and promotion, and their associated costs, including operational and administrative costs of the bureau, sales and marketing, and maintenance of physical bureau structure. Permitted Muskingum County CFA to allocate a portion of lodging tax revenue to county and municipal tourism facilities and programs, and the improvement and maintenance of county fairgrounds. Permitted a lake facilities authority with a vote of the people to levy a lodging tax which when combined with lodging taxes levied under ORC 5739.08, 5739.09, and 351.021 could not exceed 5% for the purpose of remediating an "impacted watershed" within the area of a lake facilities authority. This law enacts ORC 5739.09(K), 351.021(F) and 353.06. |
| HB 1 | 10-16-09 | Defined establishments in which fewer than five rooms are used for the accommodation of guests to include rooms regardless of whether each room is accessible through the same keyed entry, or whether rooms are in the same structure or multiple structures. Defined structures to be under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person This law amended ORC 5739.09(G). |
| HB 562 | 9-23-08 | Permitted any board of commissioners levying a lodging tax under ORC 5739.09(A)(4)(a) and any municipality within such a county to amend previously adopted resolutions to provide that revenue be contributed to a CFA to pay the costs of constructing one or more convention centers and to provide money to a convention and visitors' bureau to promote one or more convention centers. This law was enacted for Hamilton county and Cincinnati. This law enacted ORC 5739.09(A)(4)(b) and 5739.09(B)(2)(b). |
| HB 119 | 6-30-07 | Permitted a county to levy an additional 1% lodging tax to pay the costs of financing and operating a convention center by a convention and visitors' bureau. An additional 1% lodging tax was enacted by Summit county. This law enacted ORC 5739.09(A)(6) and (7). |
| HB 699 | 12-28-06 | Permitted a county to levy an additional 2% lodging tax for the purpose of constructing a new arena and permitted the county to enter into an agreement with the owner of a professional sports team for the purpose of using the facility financed by the county with the lodging tax. Lucas county used this authority to enact an additional lodging tax. This law amended ORC 5739.09(A) and ORC 307.695. |
| HB 66 | 9-29-05 | Authorized a county with a population in excess of 1.2 million people (Cuyahoga) to levy a lodging tax at a rate not to exceed 5% including 3% levied under ORC 5739.09(A)(1) to pay the cost of constructing, financing, or operating a convention center as defined in ORC 307.695 and authorized under ORC 5739.09(I). Also permitted the board of directors of a convention facilities authority (CFA) of a county that has been authorized by the board of commissioners of that county and that is an Appalachian county with a population of less than 80,000 (Ross) to levy an additional lodging tax not to exceed 3% ORC 351.021(C). The Ross County CFA enacted a 1.25% levy under this authority in 2005. |
| HB 95 | 6-26-03 | Permitted a board of commissioners of a county with a "port authority military use facility" to levy an additional lodging tax of not more than 2% for the purpose |

| BILL NO. | EFFECTIVE DATE | MAJOR PROVISIONS |
|----------|----------------|--|
| | | of paying the operating expenses of a port authority that operates a port authority military-use facility ORC 5739.09(5)(a). In 2004 Trumbull county increased its lodging tax from 2.5% to 4% under this authority. This law enacted ORC 5739.09(A)(5)(a) and ORC 5739.09(H). |
| HB 518 | 9-6-02 | Permitted a board of commissioners that levied a lodging tax under ORC 5739.09(A)(1) to levy an additional lodging tax not to exceed 3 1/2% and to pledge that revenue to a CFA for the purpose of constructing, expanding, maintaining, operating, and promoting a convention center in the county. Also permitted a municipality in a county that levies a tax under ORC 5739.09(A)(4) to levy not more than an additional 1% lodging tax for the same purposes as the county. In 2002 Hamilton County enacted an additional 3 1/2% lodging tax and Cincinnati enacted an additional 1% under this law. Ashtabula county also enacted an additional 3% lodging tax under this law. This law enacted ORC 5739.09(A)(4) and ORC 5739.09(B)(2). |
| SB 143 | 3-22-02 | Enacted the Simplified Sales and Use Tax Administration Act and as part of that law replaced and renumbered ORC 5739.02(C) with ORC 5739.08 and ORC 5739.024 with ORC 5739.09. |
| HB 94 | 9-5-01 | Authorized the lodging tax regulations of a county, municipality, or township to provide for a penalty or interest, or both, provided the penalty does not exceed 10% and the interest rate does not exceed the federal short term interest rate. Permitted a county, municipality, or township to amend the definition of "hotel" in ORC 5739.01 to include establishments with fewer than 5 rooms for the accommodation of guests. The new definition may apply to any lodging tax previously adopted by a county, municipality or township under that section of law if the resolution so states but the tax shall not apply to any transaction that occurred prior to the adoption of the resolution adopting the new definition. This law amended ORC 5739.024 and enacted ORC 5739.024(G). |
| SB 310 | 1-04-01 | Authorized a county, municipality, and port authority to enter into a cooperative agreement with a nonprofit corporation for the construction and operation of a port authority educational and cultural performing arts facility to be leased to and operated by the nonprofit corporation. Funding may be provided from port authority revenue bonds, bonds of the municipality, and from an existing 1 1/2% lodging tax originally levied for the purpose of funding a municipal educational and cultural facility under ORC 5739.024(E). The authority to levy an additional 1 1/2% lodging tax was originally granted to and utilized by Summit county in 1993. This law enacted ORC 307.672(D), 307.674, and 5739.024(F). |
| HB 850 | 3-18-99 | Authorized a board of commissioners levying a 3% lodging tax under ORC 5739.024(A)(1) to levy an additional lodging tax not to exceed 4% for the purpose of contributing that revenue to a CFA to pay for constructing, maintaining, operating, and promoting a facility in the county. Intended for Richland county, this tax was not enacted. This law enacted ORC 5739.024(A)(3). |
| HB 215 | 6-30-97 | Authorized a board of commissioners levying a 3% lodging tax under ORC 5739.024(A)(1) and that has entered into an agreement under ORC 307.695 to levy an additional 2% lodging tax for the purpose of making contributions to a convention and visitors' bureau for the promotion, advertising, and marketing of the region in which the county is located. In 1997 Lucas county enacted this tax. This bill amended ORC 5739.02(C) and enacted ORC 5739.024(A)(2). |
| HB 163 | 5-10-94 | Authorized any county to levy a lodging tax under ORC 5739.024(A) in any area of the county other than in a municipality or township that already levies a lodging tax under ORC 5739.024(B). Twenty six counties that were precluded from levying a lodging tax by the existence of a previously enacted municipal or township lodging tax could now levy a lodging tax in any area of the county that |

| BILL NO. | EFFECTIVE DATE | MAJOR PROVISIONS |
|----------|----------------|--|
| | | did not have a ORC 5739.024(B) tax in place. |
| HB 207 | 6-30-93 | Authorized a county and a host city to issue general obligation bonds and for a county to levy a lodging tax not to exceed 1 ½% to pay debt service on the bonds for the purpose of acquiring, maintaining, or building a municipal educational and cultural facility. In 1993 Summit and Fairfield counties enacted this tax. Summit County and Akron used this authority to build Inventure Place. This law amended ORC 5739.02(C) and enacted ORC 307.672 and 5739.024E. |
| SB 359 | 12-22-92 | Authorized a board of commissioners, a port authority, and a host municipality to enter into an agreement with a corporation in which the county agrees to levy a 1 ½ % lodging tax for the purpose of acquiring, constructing, and equipping a port authority educational and cultural facility. The law authorized the port authority to issue debt, construct the facility, and lease the facility to a corporation which agreed to operate and maintain the facility. Cuyahoga county enacted this tax in 1993 and the parties to the agreement built the Rock and Roll Hall of Fame in Cleveland. This law enacted ORC 307.671, 5739.02(C)(6) and 5739.024(D). |
| HB 772 | 6-29-88 | Permitted a board of commissioners to authorize the board of directors of a CFA to levy a lodging tax not to exceed 4% and to issue CFA tax anticipation bonds for the purpose of constructing a convention center. The CFA was also authorized to levy an additional lodging tax of .9 % contingent upon municipalities and townships within the boundaries of the CFA reducing an existing lodging tax by .9% so that the total rate of the .9% CFA lodging tax and the municipal and township lodging tax did not exceed 3%. These lodging taxes were enacted in 1988 and used to build the Columbus Convention Center. Guernsey county's CFA enacted a 3% lodging tax and Muskingum county's CFA enacted a 4% lodging tax under this authority. This law amended ORC 351.01 and 5739.02(C) and enacted 351.021 and 351.141 among other provisions. |
| HB 560 | 7-15-85 | Authorizes a board of commissioners and a convention and visitors' bureau to enter into an agreement in which the county agrees to levy a lodging tax not to exceed 3% and pledge those revenues to the bureau for the purpose of making payments on bonds issued to finance the construction and equipping of a convention center. This law permitted Lucas county to construct the Seagate Convention Center. This law amended ORC 5739.02(C), 5739.024(A) and (C), and 505.56 and enacted ORC 307.695. |
| HB 736 | 10-16-80 | Required the county, municipality, or township levying a lodging tax under ORC 5739.024(A) or (B) to deposit any revenue reserved for making contributions to convention and visitors bureau in a "separate" fund instead of the general fund. |
| HB 355 | 1-1-80 | Authorized county commissioners for the first time to enact a lodging tax not to exceed 3% and authorized municipalities and townships to levy an additional 3% lodging tax. Required at least 66 and 2/3% of the county lodging tax and at least 50% of municipal or township lodging tax to be used to make contributions to convention and visitors' bureau operating in the county. Counties and townships also were authorized to make contributions from their respective general funds to convention and visitors' bureaus. This law enacted ORC 307.693 and 5739.024(A) and (B) and amended ORC 5739.02(C). |

EXHIBIT 1

**OTTAWA COUNTY
LODGING EXCISE TAX
CODE OF REGULATIONS**

AMENDED EFFECTIVE May 6, 2008

OTTAWA COUNTY LODGING EXCISE TAX
CODE OF REGULATIONS

INDEX

| | Page |
|---|------|
| Section 1. Title | 3 |
| Section 2. Definitions | 3-4 |
| Section 3. Imposition of Tax | 4 |
| Section 4. Exemptions | 4 |
| Section 5. Prohibition Against False Evidence of Tax-Exempt Status | 4 |
| Section 6. Tax to be Separately Stated and Charged | 4-5 |
| Section 7. Registration | 5 |
| Section 8. Reporting and Remitting | 5 |
| Section 9. Penalties and Interest | 6 |
| Section 10. Records, Inspection, Destruction | 6 |
| Section 11. Failure to Collect and Report Tax, Determination of Tax by County Auditor | 6-7 |
| Section 12. Appeal | 7 |
| Section 13. Actions to Collect | 7 |
| Section 14. Refunds | 7 |
| Section 15. Severability | 8 |
| Section 16. Money Received, Where Credited | 8 |
| Section 17. Duties of Convention and Visitors' Bureau | 8 |

OTTAWA COUNTY LODGING EXCISE TAX CODE OF REGULATIONS

Section 1. Title

This Code of Regulations shall be known and may be cited and referred to as "Ottawa County Lodging Excise Tax Code of Regulations" or "Lodging Excise Tax Code of Regulations" to the same effect.

Section 2. Definitions

Except where the context otherwise requires, the definitions given in this section govern the construction and are the meanings of the words defined.

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Auditor" means the Auditor of the County of Ottawa, Ohio, or his or her appointed designee.
- (c) "Lodging" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which one or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. This includes but is not limited to hotels, motels, bed & breakfasts, cottages, cabins, condominiums, and vacation homes.
- (d) "Transient guest" means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.
- (e) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction there from whatsoever.
- (f) "Operator" means the person who is proprietor of the lodging establishment, whether in the capacity of owner, lessee, mortgagee in possession, licensee, or

any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this regulation and shall have the same duties and liabilities as his principal. Compliance with the provisions of this regulation by either the principal or the managing agent shall, however, be considered to be compliance by both.

- (g) "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or space or portion thereof, in any lodging establishment for dwelling, or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of such room or suite of rooms for dwelling, lodging or sleeping purposes.

Section 3. Imposition of Tax

For the purpose of providing revenue with which to meet the needs of Ottawa County, Ohio, for the use of the general fund of the County in making contributions to the convention and visitors' bureau operating within the County, an excise tax is hereby levied on transactions by which lodging is, or is to be furnished to transient guests.

The tax is three percent (3%) on all rents paid or to be paid by the transient guest for the lodging. Said tax constitutes a debt owed by the transient guest to Ottawa County, which is extinguished only by payment to the operator as trustee for the County, or to the County. The transient guest shall pay the tax to the operator of the lodging establishment at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient guest ceasing to occupy space in the lodging establishment. The operator shall collect from the transient guest the full and exact amount of the tax payable on each taxable lodging.

Section 4. Exemptions

No tax shall be imposed under this regulation upon: Rents not within the taxing power of the County under the Constitution or laws of Ohio or the United States; No exemption claimed under this section shall be granted except upon a claim therefore

made at the time rent is collected and under penalty of perjury upon a form prescribed by the Auditor.

Section 5. Prohibition Against False Evidence of Tax-Exempt Status

No transient guest shall refuse to pay the full and exact tax as required by this regulation or present to the operator false evidence indicating that the lodging as furnished is not subject to the tax.

Section 6. Tax to be Separately Stated and Charged

The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax.

No operator of a lodging establishment shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

Section 7. Registration

Within thirty (30) days after commencing business, each operator of any lodging establishment renting lodging to transient guests shall register said establishment with the Auditor and obtain from him or her a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- (1) The name of the operator;
- (2) The address of the lodging establishment;
- (3) The date upon which the certificate was issued;

- (4) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Ottawa County Lodging Excise Tax Code of Regulations by registering with the Auditor for the purpose of collecting from transient guests the Lodging Excise Tax and remitting said tax to the Auditor. This certificate does not constitute a permit."

Section 8. Reporting and Remitting

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Auditor, make a return to the Auditor, on forms provided by him or her, of total rents charged and received and the amount of tax collected for transient occupancies. All claims for exemption from tax filed by occupants with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Auditor. The Auditor may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to ensure collection of the tax and he or she may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason.

All taxes collected by operators pursuant to this regulation shall be held in trust for the account of Ottawa County until payment thereof is made to the Auditor. All returns and payments submitted by each operator shall be treated as confidential by the Auditor and shall not be released by him or her except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State of Ohio, the County of Ottawa, or in order to comply with requirements of O.R.C. Section 149.43. The Auditor or his/her designee may conduct such audits as are deemed necessary in order to ensure compliance with these rules and regulations and the imposition and payment of the tax. Audits are an integral part of administering the tax.

Section 9. Penalties and Interest

- (a) Delinquency. Any operator who fails to remit any tax imposed by this regulation within the time required shall pay a penalty equal to ten percent (10%) of the amount of the tax, in addition to the tax.

- (b) Fraud. If the Auditor determines that the non-payment of any remittance due under this regulation is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in paragraph (a) of this section.
- (c) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this regulation shall pay interest at the rate per annum prescribed by section 5703.47 of the Ohio Revised Code, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- (d) Penalties during Pendency of Hearing or Appeal. No penalty provided under the terms of this regulation shall be imposed during the pendency of any hearing provided for in Section 11 of this regulation nor during the pendency of any appeal to the Board of Ottawa County Commissioners provided for in Section 12 of this regulation.
- (e) Abatement of Interest and Penalty. In cases where a return has been filed in good faith and an assessment has been paid within the time prescribed by the Auditor, the Auditor may abate any charge of penalty or interest or both.

Section 10. Records, Inspection, Destruction

Each operator shall keep complete and accurate records of lodging furnished, together with a record of the tax collected thereon, which shall be the amount due under this regulation, and shall keep all invoices and such other pertinent documents. If the operator furnishes lodging not subject to the tax, the operator's records shall show the identity of the transient guest, if the sale was not exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. Such records and other documents shall be opened for a period of three (3) years, unless the Auditor, in writing, consents to their destruction within that period, or by any others requesting that such records be kept for a longer period of time.

Section 11. Failure to Collect and Report Tax. Determination of Tax by County Auditor

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this regulation, any report and remittance of said tax or any portion thereof required by this regulation, the Auditor shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the Auditor shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this regulation and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this regulation. In case such determination is made, the Auditor shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may, within ten (10) days after the serving or mailing of such notice, make application in writing to the Auditor for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Auditor shall become final and conclusive and immediately due and payable. If such application is made, the Auditor shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax; interest and penalties should not be so fixed. After such hearing, the Auditor shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 12.

Section 12. Appeal

Any operator aggrieved by any decision of the Auditor with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Ottawa County Commissioners by filing a notice of appeal with the Auditor and County Commissioners within fifteen (15) days of the serving or mailing of the determination of tax due. The Board of Ottawa County Commissioners shall fix a time and place for hearing such appeal, and shall give notice in writing to such operator at his last known place of address. The findings of the Board of Ottawa County Commissioners shall be served

upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 13. Actions to Collect

Any tax required to be paid by a transient guest under the provisions of this regulation shall be deemed a debt owed by the transient guest to the County. Any such tax collected by an operator which has not been paid to the County shall be deemed a debt owed by the operator to the County. Any person owing such a debt to the County under the provisions of this regulation which debt has become delinquent, shall be liable to an action brought in the name of the County of Ottawa, by and through the Ottawa County Prosecutor, for the recovery of such amount.

Section 14. Refunds

A lodging establishment I operator or transient guest may apply for a refund when transient guest stays for more than 30 days. Forms for said refund will be supplied by the County Auditor upon request.

Section 15. Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this regulation or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this regulation or any part thereof. The Ottawa County Commission hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional.

Section 16. Money Received, Where Credited

That the proceeds of the Lodging Excise Tax shall be placed in a separate fund entitled "County Lodging Tax". Effective with lodging taxes collected on or after October 1, 2008, after deducting the real and actual cost of administering the same as

determined by the Auditor and returning to each municipal corporation or township that does not levy an excise tax on hotel lodging, a uniform percentage, set at 1% of the 3% bed tax collected in each such municipal corporation and the unincorporated portion of each such township from such transactions, said funds are to be spent solely to make contributions to the convention and visitors' bureau operating within Ottawa County. This is in accordance with motion passed on May 6, 2008. The amount of the contribution to be made to the convention and visitors' bureau shall be determined by the Board of Ottawa County Commissioners.

Section 17. Duties of Convention and Visitors' Bureau

- A. The amounts allocated herein and hereby to the Convention and Visitors' Bureau are so appropriated thereto on condition that the said bureau recognizes that the County's lodging industry which bears responsibility hereunder for the collection of the tax hereby levies; extends to the boundaries of Ottawa County, therefore, undertakes to promote the purposes and premises of the resolution adopting these regulations throughout the entire County so that the lodging industry of the County generally may share as equitably as possible in the benefits to be derived from the promotion of such purposes and premises.
- B. The Convention and Visitors' Bureau of Ottawa County, which receives funds under this regulation, shall present quarterly financial and performance reports, as well as an annual operations report, each showing its use for the funds hereby provided, to the Board of Ottawa County Commissioners, the Auditor and the County Administrator, who shall be charged with the duty of inquiry examination of the work of the said Convention and Visitors' Bureau, to the end that the intent and purposes of the resolution adopting these regulations have been and are being satisfied.

EXHIBIT 2

RESOLUTION TO APPLY THE _____ COUNTY LODGING TAX TO TRANSACTIONS IN ESTABLISHMENTS THAT CONTAIN FEWER THAN FIVE ROOMS USED FOR THE ACCOMMODATION OF GUESTS

M. _____ moved the adoption of the following resolution:

WHEREAS, Ohio Revised Code (ORC) Section 5739.09(G), as enacted by House Bill 94 of the 124th General Assembly, authorizes a Board of County Commissioners to adopt a resolution specifying that, for purposes of any lodging tax that may be imposed by the board under ORC Section 5739.09(G) or division (C) of ORC section 5739.08, hotel, as otherwise defined in ORC Section 5739.01, includes establishments in which fewer than five rooms are used for the accommodation of guests; and

WHEREAS, the _____ County Board of Commissioners currently imposes a lodging tax of _____% on transactions that occur at hotels within the jurisdiction of the county; and

WHEREAS, this lodging tax was originally imposed by resolution of the board of commissioners on _____; and

WHEREAS, it is the intent of the _____ County Board of Commissioners at this time to impose this lodging tax on transactions in establishments in which fewer than five rooms are used for the accommodation of guests; and

WHEREAS, the lodging tax to which these transactions would be subject was imposed by the board before the date on which this resolution is adopted;

NOW THEREFORE BE IT RESOLVED, that the _____ County Board of Commissioners hereby authorizes, for purposes of the _____ County lodging tax, that the definition of hotel will include establishments in which fewer than five rooms are used for the accommodation of guests; and

BE IT FURTHER RESOLVED, that the lodging tax shall be collected and remitted by those establishments in accordance with the applicable provisions of the ORC and with the rules and regulations adopted by this board; and

BE IT FURTHER RESOLVED, that this resolution shall become effective on the 30th day after the day of its adoption and that on that date, the _____ County lodging tax shall be extended to transactions in establishments in which fewer than five rooms are used for the accommodation of guests; and

BE IT FURTHER RESOLVED, that all formal actions of the board relating to the adoption of this resolution were taken in an open meeting of the board in compliance with all legal requirements of ORC Section 121.22, the Sunshine Law, and

BE IT FINALLY RESOLVED, that certified copies of this resolution shall be forwarded by the clerk of this board to the County Auditor, the _____ County Convention and Visitors' Bureau and the County Commissioners Association of Ohio (CCAO).

Upon roll call on the adoption of the resolution, the vote was as follows:

Adopted