

# Resolution of the Governing Body of Montgomery County, Tennessee, the Montgomery County Board of Commissioners, to Amend Private Acts 1979, Chapter 167

WHEREAS, Montgomery County, Tennessee, earlier established a privilege tax by Chapter 167 of the Private Acts of 1979 and other Acts amendatory thereto; and

WHEREAS, the revenues from the proceeds of said tax have increased over time, but were disbursed based upon percentages; and

WHEREAS, Montgomery County, Tennessee, wishes to promote and develop tourism in the area and encourage visitors and overnight visitors to the area by its continued support of tourism, and the Tourist Commission (now known as the Convention and Visitors Bureau for Montgomery County and the City of Clarksville); and

WHEREAS, Montgomery County, Tennessee, amended the Private Act to undertake the construction of a multi-purpose event center in Montgomery County, Tennessee, and has undertaken studies and development plans as well as financing plans for the same; and

WHEREAS, Montgomery County, Tennessee, and the City of Clarksville, Tennessee, have jointly considered the further use and allocation of the proceeds of the Tax and wish to amend the percentage distribution of the same consistent with the act and without limiting its use for the promotion of Tourism in Montgomery County, Tennessee and the City of Clarksville, Tennessee; and

## Section 10. Tourist Commission

WHEREAS, revenues generated by the Privilege Tax provided for by this Section would be properly utilized and directed specifically toward the continued development of tourism and support of the existing Tourist Commission and use of these funds to develop the same would be in harmony with that mission; and

WHEREAS, for this purpose, the existing Private Acts of 1979, and other Acts amendatory thereto, should be further amended as follows:

Section 10 and 11 of the existing act would be stricken in their entirety and replace with Section 10 and 11 as follows:

**SECTION 10. Tourist Commission.** For the purpose of promoting tourist and recreational activity, authorization is granted to Montgomery County to establish a Tourist Commission for the City of Clarksville and Montgomery County. The commission shall be composed of five (5) persons selected by and with the joint approval of the mayor of the City of Clarksville and the County Mayor of Montgomery County. One member of the commission shall be a person affiliated with the hotel-motel business and the remaining members shall be selected from a list of nine (9) persons submitted by the area Chamber of Commerce. Upon this act becoming effective, the initial term of office for such commissioners shall be staggered so that one (1) such appointee shall serve an initial term of one (1) year, two (2) such appointees shall serve an initial term of two (2) years, and two (2) such appointees shall serve an initial term of three (3) years, and, thereafter, all commissions shall be appointed for terms of three (3) years and vacancies shall be filled in the same manner that original appointments are made with the area Chamber of Commerce submitting two (2) names for each vacancy, but vacancies shall be filled for the duration of the unexpired term only. There shall be no prohibition upon a commissioner succeeding himself or herself subject, however, to being reappointed in accordance with the previous provisions of this section. In the fiscal year beginning July 1, 2000, four (4) additional members shall be added to the Tourist Commission. The four (4) additional members shall be appointed as follows: As with the original members of the Tourist Commission, all these additional members shall be selected by and with joint approval of the County Mayor of Montgomery County and the Mayor of the City of Clarksville. In order to maintain staggered terms of office, one (1) of these additional members shall initially be appointed to a term of office

(Note: page image ends mid-sentence; remaining text continues on the next page.)

## Section 11. Application and Allocation of Revenue

of one (1) year, two (2) members shall initially be appointed to a term of office of two (2) years, and one (1) member shall initially be appointed to a term of office of three (3) years. After those initial terms, these appointments shall be filled in the same manner as those of the incumbent members of the Tourist Commission. Nothing in the act shall be deemed as abridging the terms of office of the incumbent members of the Tourist Commission. Apart from the differences in the length of their initial term of office, the additional members appointed to the Tourist Commission shall have all the same rights and privileges as the incumbent members of the Tourist Commission. As relates to budgetary and fiscal matters and expenditures, the Tourist Commission shall act only in an advisory capacity to the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. to establish an annual budget for approval by the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC; and in doing so shall be subject to the same provisions of law as and other Department, Board and/or Commission established by Montgomery County. Said CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. shall be responsible for preparing and submitting this Final proposed programmed budget as they may amend and approve, for all funds to be expended pursuant to the provisions of Section 11 of this act for approval by the Montgomery County Board of County Commissioners. The CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. shall then be responsible for the expenditure of all funds derived from the tax authorized by this act as approved and allocated in the budget for direct promotion of tourism as set out in Section 11.

## SECTION 11. Application and Allocation of Revenue. The

proceeds of the tax authorized by this act shall be appropriated and distributed by the Montgomery County Board of County Commissioners as follows: (1) Fifty percent (50%) of the proceeds shall be placed in the general capital projects fund of Montgomery County and shall be accounted for by Montgomery County for the sole, specific and exclusive use to promote tourism in Montgomery County, Tennessee for and by its exclusive use of these funds to pay the cost to build or design, or acquire land for a multi-purpose event center, multi-purpose event center construction debt, infrastructure, or additions. These funds derived from the portion of revenues allocated to Montgomery County shall be placed in the Capital Projects Fund of Montgomery County, Tennessee, and any unused funds shall be placed in a reserve account within the Capital Projects Fund until such time as appropriated to satisfy the aforementioned purposes and expenses. (2) Of the remaining

Fifty percent (50%) of the proceeds, an amount, up to (75%) of these proceeds remaining may be allocated to fund the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC.'s annual budget as may be approved by the Montgomery County Board of County Commissioners described in Section 10. Whatever amount of these proceeds not allocated for funding the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC

## ECONOMIC

DEVELOPMENT COUNCIL, INC. will be divided equally between the City of Clarksville, Tennessee and Montgomery County, Tennessee and paid to the General Fund of each for each fiscal year on or before September 15 following the close of the fiscal year. In any event, these remaining funds will be used only, specifically, and exclusively for the promotion of tourism in Montgomery County, Tennessee and in the City of Clarksville, Tennessee. The proceeds of all and any of the tax authorized by this act shall not be used to provide a subsidy in any form to any hotel.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of

Commissioners meeting in the regular business session on this the 14th day of December

2020, that the Executive, County Mayor from Montgomery County, Tennessee, be

requested to submit and obtain passage of an amendment to Private Acts of Tennessee,

1979, Chapter 167 as follows:

Section 10 and 11 of the existing act are stricken in their entirety and replaced with

Section 10 and 11 as follows:

**SECTION 10. Tourist Commission.** For the purpose of promoting tourist and recreational activity, authorization is granted to Montgomery County to establish a Tourist Commission for the City of Clarksville and Montgomery County. The commission shall be composed of five (5) persons selected by and with the joint approval of the mayor of the City of Clarksville and the County Mayor of Montgomery County. One member of the commission shall be a person affiliated with the hotel-motel business and the remaining members shall be selected from a list of nine (9) persons submitted by the area Chamber of Commerce. Upon this act becoming effective, the initial term of office for such commissioners shall be staggered so that one (1) such appointee shall serve an initial term of one (1) year, two (2) such appointees shall serve an initial term of two (2) years, and two (2) such appointees shall serve an initial term of three (3) years, and, thereafter, all commissions shall be appointed for terms of three (3) years and vacancies shall be filled in the same manner that original appointments are made with the area Chamber of Commerce submitting two (2) names for each vacancy, but vacancies shall be filled for the duration of the unexpired term only. There shall be no prohibition upon a commissioner succeeding himself or herself subject, however, to being reappointed in accordance with the previous provisions of this section. In the fiscal year beginning July 1, 2000, four (4) additional members shall be added to the Tourist Commission. The four (4) additional members shall be appointed as follows: As with the original members

of the Tourist Commission, all these additional members shall be selected by and with joint approval of the County Mayor of Montgomery County and the Mayor of the City of Clarksville. In order to maintain staggered terms of office, one (1) of these additional members shall initially be appointed to a term of office of one (1) year, two (2) members shall initially be appointed to a term of office of two (2) years, and one (1) member shall initially be appointed to a term of office of three (3) years. After those initial terms, these appointments shall be filled in the same manner as those of the incumbent members of the Tourist Commission. Nothing in the act shall be deemed as abridging the terms of office of the incumbent members of the Tourist Commission. Apart from the differences in the length of their initial term of office, the additional members appointed to the Tourist Commission shall have all the same rights and privileges as the incumbent members of the Tourist Commission. As relates to budgetary and fiscal matters and expenditures, the

Tourist Commission shall act only in an advisory capacity to the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. to establish an annual budget for approval by the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC; and in doing so shall be subject to the same provisions of law as and other Department, Board and/or Commission established by Montgomery County. Said CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. shall be responsible for preparing and submitting this Final proposed programmed budget as they may amend and approve, for all funds to be expended pursuant to the provisions of Section 11 of this act for approval by the Montgomery County Board of County Commissioners. The CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. shall then be responsible for the expenditure of all funds derived from the tax authorized by this act as approved and allocated in the budget for direct promotion of tourism as set out in Section 11.


## **SECTION 11. Application and Allocation of Revenue.** The

proceeds of the tax authorized by this act shall be appropriated and distributed by the Montgomery County Board of County Commissioners as follows: (1) Fifty percent (50%) of the proceeds shall be placed in the general capital projects fund of Montgomery County and shall be accounted for by Montgomery County for the sole, specific and exclusive use to promote tourism in Montgomery County, Tennessee for and by its exclusive use of these funds to pay the cost to build or design, or acquire land for a multi-purpose event center, multi- purpose event center construction debt, infrastructure, or additions. These funds derived from the portion of revenues allocated to Montgomery County shall be placed in the Capital Projects Fund of Montgomery County, Tennessee, and any unused funds shall be placed in a reserve account within the Capital Projects Fund until such time as appropriated to satisfy the aforementioned purposes and expenses. (2) Of the remaining Fifty percent (50%) of the proceeds, an amount, up to (75%) of these proceeds remaining may be allocated to fund the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC

DEVELOPMENT COUNCIL, INC.'s annual budget as may be approved by the Montgomery County Board of County Commissioners described in Section 10. Whatever amount of these proceeds not allocated for funding the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC. will be divided equally between the City of Clarksville, Tennessee and Montgomery County, Tennessee and paid to the General Fund of each for each fiscal year on or before September 15 following the close of the fiscal year. In

any event, these remaining funds will be used only, specifically, and exclusively for the promotion of tourism in Montgomery County, Tennessee and in the City of Clarksville, Tennessee. The proceeds of all and any of the tax authorized by this act shall not be used to provide a subsidy in any form to any hotel.

Duly passed and approved this 14th day of December 2020.

The seal of Montgomery County, Tennessee, is circular with the text "MONTGOMERY COUNTY, TENNESSEE" around the perimeter and "SEAL" in the center.

Sponsor *[Signature]*  
Commissioner *[Signature]*  
Approved *[Signature]*  
County Mayor

Attested *[Signature]*  
County Clerk