

**BY-LAWS**  
**of the**  
**SUMMIT COUNTY, UTAH**  
**RESTAURANT TAX ADVISORY COMMITTEE**

**ARTICLE 1**

**ABBREVIATIONS AND TERM DEFINITIONS**

BY-LAWS	A summary of procedures, policies, rules, regulations and protocols adopted by the Summit County Restaurant Tax Advisory Committee (SCRTAC) and the Summit County Council governing its jurisdiction, roles, responsibilities, duties, standards and functions.
SCRTAC	The Summit County Restaurant Tax Advisory Committee.
COMMITTEE	SCRTAC with headquarters at the Summit County Courthouse and mailing address at Post Office Box 4472, Park City, UT 84060-4472
BOUNDARIES	SCRTAC will concern itself with the restaurant tax funds collected from and to be used within Summit County.
COUNTY COUNCIL	The Summit County Council who exercises legislative authority in the county.
COUNTY MANAGER	The Chief Executive Officer of the County.
STANDARD	Any type, model or example for comparison established by authority, custom or general consent.
TOURISM	The practice of traveling for pleasure.
TOURIST	A person who travels for pleasure; who has no residence located within Summit County, Utah.

**ARTICLE 2**

**LEGAL BASIS OF AUTHORITY**

- 2.1 The SCRTAC is organized by the authority of the County Council and shall have the authority to accept applications, investigate, prioritize and present to the County Council recommendations as to the granting of funds collected from the Restaurant Tax to appropriate projects.

2.2 The Restaurant Tax was authorized by the Utah State Legislature in 1991 (U.C.A. 59-12-601 A et. seq.) and the collection of said tax in Summit County by the Board of County Commissioners in June of 1992 by Ordinance 198A, and by subsequently enacted ordinances, as codified in title 3, chapter, 3 article B of the Summit County Code.

2.3 The mission of the SCRTAC is to:  
Investigate, advise and recommend to the County Council the best use(s) of the funds collected from the tax, for the purposes of financing in whole or in part, tourism promotion and the development, operation and maintenance of publicly owned or operated, tourist, recreation, cultural, and convention facilities.

### ARTICLE 3

#### POWERS AND DUTIES

3.1 The powers and duties of the SCRTAC are specifically those defined below.

- A. The SCRTAC will establish and maintain a procedure for the evaluation of requests for funding from the tax. At a minimum, it will include review of the written application, analysis of the applicant interview, and a final score for each applicant devised from the spreadsheet used by the Committee.
- B. Minimum requirements for applicants/applications to the Restaurant Tax Grant shall include:
  - i. The entity applying and receiving the award must be a not-for-profit, government entity, or government subdivision;
  - ii. If funding proposed for an event, the event is strongly encouraged to take place within Summit County. In some cases, events and promotions outside of the County that are promoting tourism within Summit County will be considered;
  - iii. Revenue from the imposition of the taxes may be used for: financing tourism promotion; and the development, operation, and maintenance of: (A) an airport facility, (B) a convention facility, (C) a cultural facility, (D) a recreation facility, or (E) a tourist facility. Note that A-E are defined by title 3, chapter 3, article B of the Summit County Code.
  - iv. Revenue from the tax used for facilities/physical assets shall only be provided to government owned

or operated entities and show proof of the ownership/operation in a legal contract as part of the grant request.

v. A suggested minimum grant request is \$10,000.

- C. The SCRTAC shall annually accept and review applications for funding and make recommendations to the County Council for approval of disbursement of funds prior to June 15<sup>th</sup>.
- D. The SCRTAC shall periodically review and evaluate the application and public input process to ensure efficiency, fairness and responsiveness.
- E. In reviewing applications and making its recommendations the SCRTAC shall place great emphasis on the project's ability to satisfy the basic objective of the program, that is, increasing tourism in Summit County from tourists originating outside of the County (Tourism Based). Additional factors to be considered are, but not limited to:

size of the request related to the amount of tourism generated (Return on Investment),

availability of other sources of funding or co-funding (Leverage),

nature of the project (Asset versus Promotion),

the ability of the project to increase future funds into Restaurant Tax collections (Increase 1% Tax),

if the request is for new and developing promotions or projects (New and Developing),

and experience of the project manager and quality of the project plans and controls.

3.2 The SCRTAC shall set appropriate deadlines for the receipt of applications, at least once a calendar year.

3.3 After the receipt of applications, the SCRTAC shall submit the applications to the Summit County Attorney to verify that the applications qualify for funding under the state statute, review all applications and make written recommendations concerning each application, including if necessary, a minority report and the consensus on each application.

- 3.4 The SCRTAC may ask the applicant for a presentation to the committee for additional information.
- 3.5 The SCRTAC shall take all appropriate applications and further rank them, as set out by procedure, for recommendation to the County Council as suitable or unsuitable for funding.
- 3.6 The ranking of the applications is not binding on the County Council.
- 3.7 The County Council shall be provided with a listing of all applicants, their applications and a brief description of their request along with a summary of the rationale and restrictions proposed for each applicant from the SCRTAC.
- 3.8 The SCRTAC shall assist the County Auditor, as necessary, in the identification of adequate collection of the tax.
- 3.9 The SCRTAC members shall act as liaison to the Summit County staff in the monitoring of funded projects.
- 3.10 The SCRTAC shall make an annual presentation to the County Council as to its goals, budget and activities.

#### ARTICLE 4

##### COMMITTEE MEMBERSHIP AND ADMINISTRATION

- 4.1 The committee shall consist of nine (9) members to be appointed by the County Council on a nonpartisan basis who are residents of Summit County. At least five (5) members shall be current employees of entities in the county that are subject to the tax with the balance of the members being employees of recreational facilities, museums, cultural attractions, or other tourism related industries located within the county.
- 4.2 Preference for Membership of the committee may include the following groups:
- One member recommended by the Park City Area Restaurant Association
  - At least one member who is a restaurant owner in Summit County
  - One member recommended by the Park City/Summit County Chamber of Commerce/Convention and Visitors Bureau
  - One member recommended by the Park City Area Lodging Association

- One member from within the boundaries of the North Summit School District
- One member from within the boundaries of the South Summit School District
- Three members from the County-at-large

- 4.2.1 The committee may add up to three ex-officio members, as they see fit, to assist with the communications and functions of the committee. Ex-officio members have no voting rights. Ex-officio members are appointed for one-year terms by the committee.
- 4.3 Each committee member appointment shall be for a term of three (3) years. Part years will count as a complete year, so that all appointments will terminate on July 31 of the appropriate year. Should the committee be in the midst of a granting process at the expiration of a committee member's term, that term shall continue until the process is completed.
- 4.3.1 An individual can serve up to 3 consecutive terms (9 years) on the Committee. At the completion of a third consecutive term, the individual shall be required to wait at least one year before applying again or may serve as an Ex-officio member.
- 4.4 The County Council shall be informed by the committee chairperson at least 2 months prior to the expiration of the term of a member(s).
- 4.5 The Chairperson, the Vice-Chairperson and the Secretary shall be elected at the first meeting of a new granting process, by a majority vote. The Chairperson shall preside over and conduct all meetings and act as the representative to the County Council for all committee transactions. In the absence of the Chairperson, the Vice-Chairperson shall preside and conduct. The Secretary shall take meeting minutes and maintain them.
- 4.6 All members shall serve on the SCRTAC without compensation.
- 4.7 Committee membership may be terminated by a resignation in writing to the County Council.
- 4.8 Committee members shall discharge any duties assigned by the Chairperson and should attend all meetings, hearings and site visits.
- 4.9 The County Treasurer shall serve as the treasurer for the SCRTAC.

4.10 The County Attorney or his or her assigned staff shall serve as attorney for the SCRTAC.

4.11 The County Auditor shall serve as auditor for the SCRTAC.

#### ARTICLE 5

#### DISMISSALS

5.1 Committee members may be removed from the committee, by the County Council with or without cause. However, removal with cause may include the following:

- A. Three (3) unexcused absences from regularly scheduled meetings in a given year; or,
- B. Publicly misrepresenting the committee's philosophy or decisions.

#### ARTICLE 6

#### MEETINGS AND PROCEDURES

6.1 The committee shall meet as required, to process grant applications at least once per calendar year. Additional meetings may be called by the Chairperson at such a time and place as he or she may designate. A notice of time and place of each meeting shall be given to committee members as required. Meetings will last no longer than two (2) hours unless an extension is agreed upon by the majority of the members present.

6.2 Meetings shall be conducted generally in accordance with Robert's Rules of Order, but shall be as informal as appropriate to the situation.

6.3 Special meetings may be called by the Chairperson or by a majority of the committee upon seventy-two (72) hours' notice, or in the case of an emergency, as soon as possible after notification to committee members.

6.4 Executive closed sessions may be scheduled whenever the Chairperson deems such action permissible under Section 6.5 of these by-laws and with the concurrence of the County Attorney.

6.5 All meetings shall comply with the open meeting law of the State of Utah: Section 52-4-1, *et. seq.* U.C.A. (1953), as amended.

6.6 A majority of the committee members shall constitute a quorum and the action of the majority of the members' present shall be the action of the committee.

- 6.7 Committee members shall attend all meetings unless excused by the Chairperson for their absence.

ARTICLE 7

INDEMNIFICATION OF COMMITTEE MEMBERS

- 7.1 The County shall provide for indemnification of any and all of the committee members against actual damages necessarily incurred by them in connection with the defense of any action, suit or proceeding, in which they or any one of them are made parties, or a party, by reason of having been a committee member, except in relation to matters as to which such committee member shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty and to such matters as shall be settled by agreement predicated on the existence of such liability for negligence or misconduct.

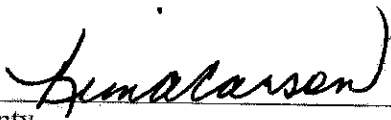
ARTICLE 8

AMENDMENTS

- 8.1 The BY-LAWS may be amended at any regular committee meeting by a majority vote and ratification by the local governing body. Copies of proposed amendments shall be provided all committee members seven (7) days in advance of the meeting at which the amendments are to be proposed.

Accepted:   
Brooke Hontz, Chairperson  
SCRTAC

Date: 3/8/2017

Ratified   
Summit County  
Chairperson, County Council

Date: 3/8/2017