

Beech Mountain Tourism Development Authority

Be it resolved, the Beech Mountain Town Council does hereby create a Tourism Development Authority (Authority) for the purpose of advertising and promoting travel and tourism in the Town of Beech Mountain.

Article I

Section I – Appointment of Membership

The Authority shall consist of five (5) members appointed to three year terms by the Town Council, except the initial appointees, whose terms shall be as follows: Three members with terms expiring December 1, 2002, and two members with terms expiring December 1, 2003. The Town Council will appoint a chairperson and a vice-chairperson from among the membership.¹

Section II – Tenure of Membership²

- a. Members shall serve terms of three years, excepting original appointees
- b. Members desiring to resign should communicate it in writing to the Chairperson
- c. Membership in the Authority is not transferable or assignable

Section III – Qualifications of Membership

- a. Members of the Authority must be actively engaged in a business within the Beech Mountain Chamber of Commerce membership area, as defined on February 1, 2002
- b. Four of the members must be currently employed in a business related to the Beech Mountain travel and tourism industry, and
- c. Two of the members must be employed by a business that collects occupancy tax levied by the Beech Mountain Town Council

Section IV – Vacancies of Membership

In the event of a vacancy among the membership of the Authority, the Town Council will appoint a replacement to fulfill the remainder of the unexpired term.

Section V – Compensation of Membership

Members of the Authority shall receive no compensation for their services.

¹ Article I Section I – Appointment of Membership amended this 14th day of December, 2010 through resolution by Town Council

² Article I Section II – Tenure of Membership amended this 14th day of December, 2010 through resolution by Town Council

Article II

Section I – Rules of Conduct for Members

- a. Faithful attendance at all meetings and conscientious performance of duties required of members of the Authority shall be considered a prerequisite of continuing service on the Authority. If a member is not excused to miss more than three meetings consecutively the Authority with the discretion of the Beech Mountain Town Council may replace him.
- b. No Authority member shall take part in the consideration and determination of any matter in which he is personally or financially interested.
- c. Each member shall maintain the confidential nature of confidential material to which members may become privy.
- d. No Authority member shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which a reasonable person would believe that the gift was intended to influence him in the performance of his duties, or was intended as a reward for any official action on his part.
- e. The Authority may suspend or expel any of its appointed members for cause, and may terminate the membership of any of its appointed members by majority vote of its members.

Section II – Officers

The Town Council shall designate the Chairperson and Vice-Chairperson of the Authority. The Town Manager, or his designee, shall serve as the Secretary of the Authority. The Beech Mountain Finance officer shall serve as the Treasurer of the Authority as an ex-officio member.

Section III – Duties of Officers

- a. Chairperson shall call and preside at all regular and special meetings of the Authority. Shall appoint the chairperson and members of each committee, and shall be an ex-officio member of all such committees. Chairperson shall submit for consideration of the Authority such recommendations and information as he may consider proper concerning the business, affairs and policies of the Authority.
- b. Vice-Chairperson shall preside at meetings and perform the duties of the Chairperson in the absence or incapacity of the Chairperson. He/she shall perform such other duties as may be assigned to him/her by the Chairperson of the Authority.

Article III

Section I – Committees

Standing committees will be chaired by Authority members and will be divided into the following categories:³

³ Article III Section I – Committees amended by majority vote of the TDA Board – strike “not serving as Chair or Vice-Chair” since there are 4 committees and 5 TDA Board members

- a. Finance/Budget committee will be responsible for the annual budget and annual audit. In addition, this committee will comply with the obligation of the Authority to submit quarterly and annual reports of revenues and expenditures to the Town Council. The Authority will act in accordance with the Local Government Budget and Fiscal Control Act. The annual budget should finance tourist related capital projects in the Town.
- b. Promotions/Chamber Liaison committee will work to promote travel, tourism and conventions in the Town; sponsor tourist related events and activities in the Town; and in conjunction with the Beech Mountain Chamber of Commerce assist with marketing, advertising, publications, market research, and scheduled events.
- c. Capital Improvements committee will finance tourism-related capital projects in the Town. Capital expenditures are expenditures in excess of \$500. The Capital Improvements committee will seek and accept annual requests for capital expenditures on or before April 30th of each year. Such capital expenditure requests must be submitted using the official TDA Capital Request Form.^{4 5}
- d. Marketing committee will consider seasonal marketing plans and make recommendations to the Authority.⁶

Special committees may be appointed and/or abolished by the Chairperson having specific duties as may be delegated to them by the Authority.

All committee meetings fall under article 33C of Chapter 143 of the General Statutes of North Carolina commonly referred to as the Open Meetings Law.

Section II – Meetings

The Authority shall meet once monthly at a date and time determined by the Authority. All Authority meetings are to be held in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina commonly referred to as The Open Meetings Law.

The Chairperson, Vice-Chair or any two members of the Authority may call special meetings of the authority at any time provided that 48 hours written notice is given to each member of the Authority. Such notice shall list the time and place for the special meeting and shall include an agenda.

The Board of the Authority shall be responsible for keeping records of its meetings including minutes, resolutions, discussions, findings, recommendations and attendance records.

All meetings shall be open to the public. The Authority shall adopt rules of procedure to govern its meetings. All regular meetings will be held at Beech Mountain Town Hall on the last Wednesday of each month at 9 AM.⁷

Section III – Quorum

A quorum shall consist of three (3) members of the authority.⁸

⁴ Article III Section I Committees (c) amended by majority vote of the TDA Board – spelling typo “Capitol changed to Capital”

⁵ Article III Section I Committees (c) amended by a majority vote of the TDA Board on October 29, 2014

⁶ Article III Section I Committees (d) added by majority vote of the TDA Board to reflect the presence of this standing committee

⁷ Article III Section II Meetings amended by majority vote of the TDA Board – strike “to” and replace with “will” in the last sentence

⁸ Article III Section III Quorum amended by a majority vote of the TDA Board on September 3, 2014

Section IV – Voting

All actions taken by the Authority are done so by majority vote of the members of the Authority. Each member of the Authority is entitled to one vote. Votes may not be assigned. All members may vote on an issue properly before the Authority unless a member has a personal or financial interest in the matter before the Authority.

Section V – Fiscal Year

The fiscal year for the Authority shall be July 1st through June 30th of the following year as governed by the Local Government Budget and Fiscal Control Act.

Article IV

Section I – Powers and Duties

The Authority, upon its appointments shall study the tourism industry of the Town of Beech Mountain and the most effective means of enhancing and promoting that industry and recommend any plans, sections and programs, which will, in accordance with the powers granted herein, serve to enhance and improve the tourism industry of the Town of Beech Mountain. To this end the Beech Mountain Town Council confers upon the Authority the following powers and duties:

- a. To promote travel, tourism, and corporate travel in the town, sponsor tourist related events and activities in the Town, and finance tourist related capital projects in the Towns;
- b. To contract with and/or hire an individual, agency or organization to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, and engage in or sponsor similar promotional activities that attract tourists or business travel to the area;
- c. To make recommendations to the Town Council for the efficient and effective enforcement of the Beech Mountain Room Occupancy Tax;
- d. To conduct such market research as it deems necessary in order to devise and develop the tools and plans necessary to create an effective marketing plan and promote travel and tourism industry in the Town;
- e. To make Tourism-related expenditures that, in judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the Town or to attract tourists or business travelers to the Town. The term Tourism-related expenditures includes tourism-related capital expenditures.^{9 10}
- f. To select appropriate goals, through committee use, for the enhancement and development of the tourism industry in the Town of Beech Mountain;
- g. To seek, evaluate and choose proposals from appropriate organizations which will address the establishment and approved goals of the Authority;

⁹ Article IV Section I Powers and Duties (c) amended by a majority vote of the TDA Board on October 29, 2014

¹⁰ Article IV Section I Powers and Duties (f) removed by a majority vote of the TDA Board on October 29, 2014. Other items shifted up.

- h. To evaluate the effective and efficient implementation of the officially adopted plans of the Authority and of the Town Council;
- i. To submit quarterly and at the close of the fiscal year to the Beech Mountain Town Council reports of its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require;
- j. To make recommendations to the Beech Mountain Town Council of persons nominated to serve new terms or to fill vacant terms on the Beech Mountain Tourism Development Authority.

Section II – Expenditures

Beginning February 1, 2002, and continuing through January 31, 2009, the Authority shall use at least one-third of the funds remitted to it through the collection of Occupancy Tax to promote travel and tourism on Beech Mountain and may use the remainder of these funds for tourism related capital expenditures.

Beginning February 1, 2009, the Authority must spend two-thirds of the Occupancy Tax funds to promote advertising and travel and tourism to/on Beech Mountain, and one-third of these funds shall be used to finance tourism-related capital projects in the town.¹¹

Article V

Section I – Amendments

These By-laws, or any part thereof, may be amended at the pleasure of and by a majority affirmative vote of the members of the Authority present and voting, providing a quorum is present.

Adopted this the 29th day of October 2014.



Brian K. Barnes, Chairperson

¹¹ Article IV Section II Expenditures amended by a majority vote of the TDA Board on October 29, 2014