

# **Chapter 12**

## **CONVENTION AND VISITOR BUREAU COMMITTEE**

### **2-12-1: STANDING COMMITTEE ESTABLISHED:**

There is hereby established a standing committee to be called the "Whitefish convention and visitor bureau committee", hereinafter referred to as the committee. (Ord. 06-05, 3-20-2006)

### **2-12-2: PURPOSE, POWERS, PROCESSES AND DUTIES:**

The purpose and duties of the committee are:

- A. To be the designated nonprofit convention and visitors' bureau for the city of Whitefish;
- B. To develop an annual marketing plan and budget for each fiscal year, which annual marketing plan and budget will be presented to the Whitefish city council for approval;
- C. To submit the annual marketing plan approved by the Whitefish city council to the Montana tourism advisory council and receive approval by the tourism advisory council of such annual marketing plan;
- D. To contract with the Montana department of commerce to receive lodging tax revenues earmarked for tourism promotion and disbursed pursuant to section 15-65-121, Montana Code Annotated;
- E. To implement the annual marketing plan referenced above, and use the proceeds distributed by the Montana department of commerce pursuant to the budget approved by the Whitefish city council;
- F. To comply with all of the provisions contained under the category "eligible organizations" in

the "Regulations And Procedures For Regional/CVB Tourism Organizations Use Of Lodging Facility Use Tax Revenue" promulgated by the Montana department of commerce;

- G. To provide recommendations and advice to the Whitefish city council, as appropriate, regarding tourism promotion;
  
- H. To solicit nonvoting members residing in or owning a business located in the city of Whitefish zoning jurisdiction, if the committee determines it to be in the best interests of the committee and in the best interests of tourism promotion; such members may be required by the committee to pay an annual fee for membership;
  
- I. To conduct such additional activities with regard to tourism promotion as are determined by the committee to be in the best interests of the committee and of the city of Whitefish; and (Ord. 06-05, 3-20-2006)
  
- J. To create a new classification of members, to be called "lodging associate members", which would have the following characteristics:
  - 1. The associate member must have a Whitefish street address (including 59937 zip code) and a Whitefish telephone number.
  - 2. The associate member must provide a significant activity, experience or service that is not already provided in the Whitefish zoning jurisdiction, as determined annually by the board of the WCVB.
  - 3. The associate member must agree to all obligations and duties applicable to regular members of the WCVB.
  - 4. The associate member must be nominated by a convention and visitor bureau standing city committee member (board member of the WCVB) and be approved by a majority of the standing city committee (board of the WCVB).

Associate members cannot participate in the nomination or recommendation of board positions, nor can they serve on the board. Otherwise, however, they will have the same rights as other members. (Ord. 07-23, 7-16-2007)

Nothing in this chapter shall be construed to provide the committee with the power to authorize the use of public funds other than those funds specifically identified in the committee's annual budget and approved by the Whitefish city council. The committee shall be entitled to conduct fundraising activities, including charging a membership fee, and expend any funds raised for purposes related to tourism promotion. In conducting fundraising activities, the committee shall not be entitled to incur indebtedness that could

be charged against the city. (Ord. 06-05, 3-20-2006)

This section has been affected by a recently passed ordinance, 13-02 - CONVENTION AND VISITOR BUREAU COMMITTEE. [Go to new ordinance.](#)

**2-12-3: MEMBERSHIP:**

A. Appointment; Compensation: The committee shall have up to nine (9) members. Members shall be appointed by the city council. All members shall reside in the city of Whitefish zoning jurisdiction. The city council shall endeavor to appoint members who represent one of the following business categories, and that have broad experience in and a current understanding of the following types of businesses:

- Finance
- Large lodging properties
- Restaurant and bar business
- Retail businesses
- Small lodging properties
- Transportation business
- Whitefish golf course
- Whitefish Mountain Resort

The city clerk shall make a notation of a member's representation category to facilitate appointment to categories not represented. However, the city council shall be entitled to appoint those individuals that it determines most qualified, regardless of representation category. The city council may appoint one of its members to serve as an ex officio (nonvoting) member of the committee. Committee members shall receive no compensation.

B. Terms Of Members: Committee terms shall be for three (3) years, although several of the terms of the initial appointees may be slightly longer than three (3) years. There are hereby created positions numbered 1 through 9 inclusive of the members of the committee. Three (3) of the initial appointees shall serve three (3) year terms. Two (2) of the initial appointees shall serve two (2) year terms. Two (2) of the initial appointees shall serve one year terms. Terms shall be assigned to the initial appointees randomly.

Position Number	Position Specification	Initial Expiration Date

1	Member	May 31, 2009
2	Member	May 31, 2009
3	Member	May 31, 2009
4	Member	May 31, 2008
5	Member	May 31, 2008
6	Member	May 31, 2007
7	Member	May 31, 2007
8	Member	May 31, 2014
9	Member	May 31, 2013

Thereafter members appointed to each position shall serve for three (3) year terms; the terms beginning on June 1 of the year in which the term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 12-10, 7-2-2012)

C. Removal Of Member: A member may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of this chapter and the rules of procedure or bylaws of the committee, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chairperson or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.

D. Vacancy: Any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-05, 3-20-2006)

## **2-12-4: ORGANIZATION:**

At its first meeting after the initial appointment of committee members, and thereafter at its first meeting after June 1 of each year, the committee shall elect officers, including a chairperson

(also known as the president), vice chairperson (also known as the vice president), treasurer and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice chairperson shall serve as chairperson pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chairperson, vice chairperson, treasurer or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-05, 3-20-2006)

## **2-12-5: MEETINGS, RULES AND REGULATIONS:**

Five (5) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt bylaws for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every other month or at the call of the chairperson, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 12-10, 7-2-2012)

## **2-12-6: STAFF SUPERVISION:**

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 06-05, 3-20-2006)

## **2-12-7: EXPENDITURES:**

Other than those funds specifically identified in the committee's annual budget and expenditure of which has been approved by the Whitefish city council, the committee shall have no authority to make any expenditure on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds. (Ord. 06-05, 3-20-2006)

## **2-12-8: COMMITTEE AS BOARD OF DIRECTORS:**

The committee shall serve as the board of directors of the Whitefish Convention And Visitor

Bureau, Inc., a Montana nonprofit corporation (the "nonprofit corporation"). The officers of the committee shall serve in the same capacity as officers of the nonprofit corporation. The articles of incorporation of the nonprofit corporation shall be amended, as necessary and appropriate, to conform to the terms of this chapter, and shall further provide that such articles of incorporation shall not be further amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, shall adopt bylaws that conform to the terms of this chapter and to the amended articles of incorporation, and thereafter such bylaws shall not be amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, may provide that that nonprofit corporation may have members, and may solicit dues or other contributions from such members; provided, however, that all of such members shall be nonvoting members, and shall not be able to elect or remove members of the board of directors, or amend the articles of incorporation or bylaws of the nonprofit corporation. (Ord. 06-05, 3-20-2006)