

RESOLUTION NO. 41-16

A RESOLUTION AUTHORIZING THE VISITOR AND CONVENTION BUREAU (VCB) TO ENTER INTO CONTRACTS FOR ITS MARKETING SERVICES TO LODGING PROPERTIES OUTSIDE THE CITY LIMITS

Recitals.

On October 16, 1996, the City Council adopted 101-96, authorizing the expansion of the Visitor & Convention Bureau's (VCB) marketing programs to include lodging properties outside the Grand Junction City limits. The expansion has been reauthorized three times since the initial resolution

At each five-year review of the program, the VCB Board of Directors recommended that the program be continued. The VCB reported to the Council that a variety of lodging properties outside the City limits have participated in the program for many years and that those participants were pleased with the response to the VCB's marketing effort on their behalf. Based on the positive response from the participants, the Board recommended to the City Council that the program be continued.

The Board and the Council have concluded that marketing lodging properties, and making marketing available to lodging properties not within the City limits on a voluntary basis, is in the best interest of the VCB and the City. Consequently, the City Council determines that the expanded marketing effort, including authorizing the VCB to contract for its services, shall be continued in accordance with and pursuant to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the Director of the Visitor & Convention Bureau, or her designee, is authorized to contract with person(s)/entity(ies) owning lodging property(ies) as that term is defined by the City, outside the City's limits, to voluntarily exchange the efforts of the VCB in return for three percent (3%) of gross revenues received from lodging sales. The fee shall not be represented as a tax.

Such contract(s) shall be subject to the following terms and conditions:

1. All lodging properties in Mesa County may contract with the VCB for its services; the services offered or provided to any or all owners so contracting shall be determined by the VCB in its sole and absolute discretion and shall be generally equivalent to those provided other lodging properties.
2. The VCB shall be authorized to provide its services for a term and on exact conditions determined by mutual negotiations and agreement by and between the VCB and the lodging property(ies).

3. The Board shall evaluate the in September of each year of its existence. The success of the program shall be determined by the Board in its sole discretion. Factors that may be considered and influence the Board's determination of success and/or whether to continue the program include but are not limited to:

- a. sales, room nights, group business or other measure(s) of increased occupancy attributable to VCB sales leads;
- b. the impact of occupancy (economic multiplier) of lodging business growth in the City and if feasible Mesa County; and,
- c. consumer response, if any, to the addition of additional/outside the City lodging properties in the visitor guide.

3. Because the fee is not a tax the VCB shall require a non-refundable deposit of no less than \$500.00 for each contracting owner of a hotel, motel and bed and breakfast and other lodging property not a short-term vacation rental property. A deposit of \$250.00 will be required of each contracting owner of a short-term, vacation rental property.

4. Failure to comply with the terms of any contract may result in the VCB discontinuing its effort and/or denying to enter a contract with a lodging property in a subsequent year(s). A lodging property may request marketing being subject to application by the owner and approval by a majority of the VCB Board to renew or reinstate marketing if/when a contract is terminated for non-compliance.

5. The contract shall, as drafted by the City Attorney, contain provisions allowing the City to audit the lodging property(ies) books and records to otherwise ensure compliance with the contract and all applicable law(s).

6. Notwithstanding any provision to the contrary, the Director or her designee may, without cause or reason being stated, decline to enter into any contract authorized by this resolution.

7. If the VCB Board or the Director determines, at any time the VCB is authorized to contract its services to lodging properties outside the City, based on the foregoing criteria or others developed by the Director and/or the Board, that the continuation of expanded marketing efforts is not in the best interest of the VCB, the City of Grand Junction and/or the lodging properties located within the then existing City limits, the Board and/or the Director shall request that the City Council reconsider and rescind the authorization in this resolution.

8. The authorization provided for herein shall not expire, unless terminated, amended or otherwise rendered of no effect by law.

PASSED and ADOPTED this 19th day of October, 2016.

Phyllis Norris

Phyllis Norris
President of the City Council

ATTEST:

Stephanie Tuin

Stephanie Tuin
City Clerk

