

ORGANIZATIONAL MEETING OF TOURISM COUNCIL

MEETING JOINTLY WITH THE GREATER WILLIAMSBURG TOURISM AD HOC TASK FORCE

AUGUST 21 2018 STRYKER CENTER, WILLIAMSBURG VIRGINIA

1:00 p.m.

1. Call to Order - Mr. Wassmer
2. Roll Call of Ad Hoc Task Force and Roll Call of Tourism Council - Mr. Trivette
3. Public Comment Period (3 Minute Limit)
4. Report and Recommendations of the Task Force to the Tourism Council – Mr. Wassmer
 - a. MOU
 - b. By-laws
 - c. Executive Director Job Description
 - d. Alliance Update
 - e. Legal and Financial Matters Requiring Tourism Council Attention
5. Election of Tourism Council Chair – Legal Counsel
6. Election of Vice Chair – Council Chair
7. Election of Treasurer – Council Chair
8. Transition Plan MOU Endorsement – Council Chair
9. Appointment of Interim Executive Director – Council Chair
10. Appointment of Committee to Review By-laws - Council Chair
11. Endorsement of Executive Director Job Description and Appointment of Committee to Oversee Executive Director Recruitment – Council Chair
12. Update on Financial Transition Analysis – Staff
13. Acceptance of WADMC Fiduciary Responsibility and Outstanding Contracts – Chair/Staff
14. Discussion of Tourism Metrics Review Process - Staff
15. Establishment of Preliminary Meeting Schedule
16. Other Business
17. Adjournment

DOCUMENTS INCLUDED

1. Senate Bill 942
2. Task Force Endorsed MOU
3. Task Force Suggested By-laws
4. Task Force Recommended Executive Director Job Description
5. Audit Document

2018 SESSION

CHAPTER 850

An Act to amend and reenact §§ 58.1-638 and 58.1-3823 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-603.2, relating to state sales and use tax; Historic Triangle.
[S 942]

Approved April 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-638 and 58.1-3823 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-603.2 as follows:

§ 58.1-603.2. *Additional state sales and use tax in certain counties and cities of historic significance; Historic Triangle Marketing Fund.*

A. *For purposes of this section, "Historic Triangle" means all of the City of Williamsburg and the Counties of James City and York.*

B. *In addition to the sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1, there is hereby levied and imposed in the Historic Triangle a retail sales tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state sales tax imposed pursuant to §§ 58.1-603 and 58.1-603.1 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax under § 58.1-603.*

C. *In addition to the use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01, there is hereby levied and imposed in the Historic Triangle a retail use tax at the rate of one percent. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state use tax imposed pursuant to §§ 58.1-604 and 58.1-604.01 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax under § 58.1-604.*

D. *The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller as follows:*

1. *Fifty percent of the revenues shall be deposited into the Historic Triangle Marketing Fund created pursuant to subsection E and used for the purposes set forth therein; and*

2. *Fifty percent of the revenues shall be deposited into a special fund hereby created on the books of the Comptroller under the name "Collections of Historic Triangle Sales Tax" and distributed to the locality in which the sales or use tax was collected. The revenues received by a locality pursuant to this subsection shall not be used to reduce the amount of other revenues appropriated by such locality to or for use by the Greater Williamsburg Chamber and Tourism Alliance below the amount provided in fiscal year 2018.*

E. 1. *There is hereby created in the state treasury a special nonreverting fund to be known as the Historic Triangle Marketing Fund, referred to in this section as "the Fund," to be managed and administered by the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance. The Fund shall be established on the books of the Comptroller. All revenues generated pursuant to this section shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of marketing, advertising, and promoting the Historic Triangle area as an overnight tourism destination, with the intent to attract visitors from a sufficient distance so as to require an overnight stay of at least one night,*

as set forth in this subsection. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Finance.

2. The Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council) shall consist of members as follows: one member of the James City County Board of Supervisors, one member of the York County Board of Supervisors; one member of the Williamsburg City Council, one representative of the Colonial Williamsburg Foundation, one representative of the Jamestown-Yorktown Foundation, one representative of Busch Gardens Williamsburg, one representative of Historic Jamestowne, one representative of the Williamsburg Hotel and Motel Association, and one representative of the Williamsburg Area Restaurant Association. The Chief Executive Officer of the Virginia Tourism Alliance and the Chief Executive Officer of the Virginia Tourism Corporation shall serve as ex officio, non-voting members of the Council.

3. The Council shall establish the Historic Triangle Office of Marketing and Promotion (the Office) to administer a program of marketing, advertising, and promotion to attract visitors to the Historic Triangle area, as required by this subsection. The Council shall use moneys in the Fund to fund the pay for necessary expenses of the Office and to fund the activities of the Office. The Office shall be overseen by a professional with extensive experience in marketing or advertising and in the tourism industry. The Office shall be responsible for (i) developing and implementing, in consultation with the Council, long-term and short-term strategic plans for advertising and promoting the numerous facilities, venues, and attractions devoted to education, historic preservation, amusement, entertainment, and dining in the Historic Triangle as a cohesive and unified travel destination for local, national, and international travelers; (ii) assisting, upon request, with the coordination of cross-advertising and cross-marketing efforts between various tourism venues and destinations in the Historic Triangle region; (iii) identifying strategies for both increasing the number of overnight visitors to the region and increasing the average length of stay of tourists in the region; and (iv) performing any other function related to the promotion of the Historic Triangle region as may be identified by the Council.

4. The Council shall report annually on its long-term and short-term strategic plans and the implementation of such plans; marketing efforts; metrics regarding tourism in the Historic Triangle region; use of the funds in the Fund; and any other details relevant to the work of the Council and the Office. Such report shall be delivered no later than December 1 of each year to the managers or chief executive officers of the City of Williamsburg and the Counties of James City and York, and to the Chairmen of the House Committees on Finance and Appropriations and the Senate Committee on Finance.

§ 58.1-638. Disposition of state sales and use tax revenue.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. If funds in subdivision 4 b (1)(c) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the operating, capital, and administrative costs of public transportation at a state share determined by the Commonwealth Transportation Board, and these amounts may be used to support the capital project costs of public transportation and ridesharing equipment, facilities, and associated costs at a state

share determined by the Commonwealth Transportation Board. Capital costs may include debt service payments on local or agency transit bonds. In making these determinations, the Commonwealth Transportation Board shall confer with the Director of the Department of Rail and Public Transportation. In development of the Director's recommendation and subsequent allocation of funds by the Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation and the Commonwealth Transportation Board shall adhere to the following:

(1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

(a) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(b) At least 72 percent of the funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

(c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of the Department of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

(d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(2) The Commonwealth Transportation Board shall allocate the remaining revenues after the application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass Transit Fund for 2014 and succeeding years as follows:

(a) Funds pursuant to this section shall be distributed among operating, capital, and special projects in order to respond to the needs of the transit community.

(b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating costs of transit providers and distributed by the Commonwealth Transportation Board based on service delivery factors, based on effectiveness and efficiency, as established by the Commonwealth Transportation Board. These measures and their relative weight shall be evaluated every three years and, if redefined by the Commonwealth Transportation Board, shall be published and made available for public comment at least one year in advance of being applied. In developing the service delivery factors, the Commonwealth Transportation Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the

Commonwealth Transportation Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the Chair of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Commonwealth Transportation Board shall consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior to approval of any amendment to the service delivery measures, the Board shall notify the aforementioned committees of the pending amendment to the service delivery factors and its content.

(c) Funds for special programs, which shall include ridesharing, transportation demand management programs, experimental transit, public transportation promotion, operation studies, and technical assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(i) To finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(ii) To finance up to 80 percent of the cost of the development and implementation of projects where the purpose of such project is to enhance the provision and use of public transportation services.

(d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation and established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues. The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated for debt service payments shall be included in the tier that applies to the capital asset that is leveraged.

(e) Transfer of funds from funding categories in subdivisions 4 b (2)(c) and 4 b (2)(d) to 4 b (2)(b) shall be considered by the Commonwealth Transportation Board in times of statewide economic distress or statewide special need.

(f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability in providing operating and capital funding to transit entities from year to year.

(3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match from the recipient.

c. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. If revenues of the Commonwealth Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.

d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the funds set aside for the Commonwealth Mass Transit Fund to support costs of project development, project administration, and project compliance

incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants and programs.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church, and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law [96-184](#).

6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental health facilities, persons who are confined in state or federal correctional institutions, or persons who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § **29.1-101** and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § **29.1-101.01**, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § **29.1-101**, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § **58.1-638.1** an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § **58.1-638.1**, and be used for the state's share of Standards of Quality basic aid payments.

3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the following percentages of the revenue generated by a one-half percent sales and use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid to the Highway Maintenance and Operating Fund established pursuant to § **33.2-1530**:

1. For fiscal year 2014, an amount equal to 10 percent;
2. For fiscal year 2015, an amount equal to 20 percent;
3. For fiscal year 2016, an amount equal to 30 percent; and
4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

The Highway Maintenance and Operating Fund's share of the net revenue distributable under this subsection shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales and use tax from Planning District 8 pursuant to §§ **58.1-603.1**, **58.1-604.01**, **58.1-604.1**, and **58.1-614** shall be deposited by the Comptroller in the fund established under § **33.2-2509**.

2. The additional revenue generated by increases in the state sales and use tax from Planning District 23 pursuant to §§ **58.1-603.1**, **58.1-604.01**, **58.1-604.1**, and **58.1-614** shall be deposited by the Comptroller in the fund established under § **33.2-2600**.

3. The additional revenue generated by increases in the state sales and use tax in any other Planning District pursuant to §§ [58.1-603.1](#), [58.1-604.01](#), [58.1-604.1](#), and [58.1-614](#) shall be deposited into special funds that shall be established by appropriate legislation.

4. The net revenues distributable under this subsection shall be computed as an estimate of the net revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

I. The additional revenue generated by increases in the state sales and use tax from the Historic Triangle pursuant to § [58.1-603.2](#) shall be deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle Marketing Fund established pursuant to subsection E of § [58.1-603.2](#); and (ii) 50 percent shall be deposited in the special fund created pursuant to subdivision D 2 of § [58.1-603.2](#) and distributed to the localities in which the revenues were collected. The net revenues distributable under this subsection shall be computed as an estimate of the net revenues to be received by the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the appropriate funds on the last day of each month.

J. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

~~J-K.~~ The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

§ [58.1-3823](#). Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ [58.1-3819](#) through [58.1-3821](#), Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ [58.1-3819](#) through [58.1-3821](#), any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

~~C. In addition to such transient occupancy taxes as are authorized by §§ [58.1-3819](#) through [58.1-3821](#), the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or~~

to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. *Of the revenues generated by the tax authorized by this subsection, one-half of the revenues generated from each night of occupancy of an overnight guest room shall be deposited into the Historic Triangle Marketing Fund, created pursuant to subdivision E 1 of § 58.1-603.2, and one-half of the revenues shall be retained by the locality in which the tax is imposed.*

~~2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.~~

~~a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.~~

~~In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.~~

~~If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.~~

~~3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.~~

~~4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.~~

~~For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.~~

D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. In addition to such transient occupancy taxes as are authorized by §§ **58.1-3819** through **58.1-3822**, Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

F. The county tax limitations imposed pursuant to § **58.1-3711** shall apply to any tax levied under this section, mutatis mutandis.

2. That the provisions of this act shall not become effective until 30 days following (i) the repeal by the City of Williamsburg of Ordinance Number **17-09** and Ordinance Number **17-10** and (ii) the amendment by the City of Williamsburg of the ordinance imposing the current \$2 per night transient occupancy tax to distribute the revenues generated by such tax in accordance with the provisions of subsection C of § **58.1-3823** of the Code of Virginia, as amended by this act. The City of Williamsburg shall provide notice to the Department of Taxation within three working days of the repeal of both ordinances.

3. That the provisions of this act shall expire on January 1, 2019, if the City of Williamsburg does not repeal the ordinances set forth in the second enactment.

4. That if the requirements of the second enactment of this act are met and the provisions of this act become effective, the provisions of this act shall expire on the first day of the month following the adoption of any additional food and beverage tax, admissions tax, or transient occupancy tax by the City of Williamsburg or the Counties of James City or York not in effect on January 1, 2018. The provisions of this enactment shall expire on January 1, 2026.

5. That the General Assembly finds that maintaining a robust tourism industry in the Historic Triangle area, the birthplace of not only the Commonwealth but of our nation, is of the utmost economic importance to the Commonwealth as a whole. The travel and tourism industry in the Historic Triangle generated in Fiscal Year 2016 direct employment of 11,945 persons and produced state revenues of \$58.6 million.

ENDORSED BY AD HOC TASK FORCE ON 7/30/18

Memorandum of Understanding for Tourism Promotion Transition Plan

Ad Hoc Task Force Goals

The localities (James City County, York County, the City of Williamsburg) and the Greater Williamsburg Chamber and Tourism Alliance (the “Alliance”) hereby agree to work in good faith during the period of transition inherent in the implementation of SB 942 (2018) and the establishment of the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance.

The parties acknowledge and agree to the following general principles and goals as the Tourism Council is made fully operational:

- The importance of continuity and the value of the Williamsburg Area Marketing and Destination Committee (the “WADMC”) and the Alliance professional tourism staff is acknowledged.
- The calendar year WADMC and Alliance marketing plans will be implemented through 2018. The three localities will work in good faith to provide for any revenue shortfall required to implement the 2018 plan as a result of altered cash flow to the Alliance.
- Recognizing the complexities of the transition in terms of contracts and cash flow, the three localities will make their attorneys, finance directors and other staff available to assist the Alliance as well as the newly appointed Tourism Council, Policy and Finance Committee, and Executive Director.
- Calendar year 2019 will be a transition year requiring marketing strategy continuity with the WADMC and Alliance 2018 plans while pivoting to the required long term strategic plans reflecting more resources. Recognizing the role of state and local government in revenue collection, the Tourism Council should shift to a July 1 to June 30 fiscal year beginning with FY 2020. A two year marketing plan paid for over two budget cycles should be the goal of the Tourism Council.

- Acknowledging the need to preserve continuity between WADMC and the Tourism Council and recognizing the time required for the installation of an Executive Director, as well as the impact of such transitions on the existing marketing professionals of the Alliance, the Task Force concludes that staffing must be addressed. The existing marketing and tourism staff, consistent with the attached organizational chart, shall continue to be employees of the Alliance. Wages and benefits shall remain consistent with those previously budgeted by the Alliance. This staff shall report to an Interim Executive Director for the Historic Triangle Office of Marketing and Promotion until a permanent Executive Director is selected by the Tourism Council. The Task Force calls upon the Tourism Council to appoint such an Interim Executive Director at its organizational meeting. The Executive Director shall have full organizational control for future employment decisions.
- Existing WADMC contracts related to marketing, public relations, and social media have been determined to be assignable and should be assigned to the Tourism Council for programmatic continuity.
- It is recognized that the Alliance and Tourism Council will share costs for the jointly occupied facility owned by the Alliance and that the appropriate proportional cost allocations will likely change over time based on experience and operational scale. For initial budget planning purposes, building occupancy costs will be split with 65% contributed by the Tourism Council and 35% by other Alliance activity (the Business Council). The formula will be reviewed and adjusted as part of the annual budget process by agreement of the parties.
- It is also necessary to allocate Alliance staff costs. The Task Force finds that the positions should be categorized in three categories for initial budget planning purposes including 1.) tourism staff (Tourism Council) 2.) other Alliance (Business Council) staff and 3.) shared support staff. The shared support staff cost allocation will initially be 65% related to the Tourism Council's work and 35% to the Business Council. The parties will review and revise shared staff cost allocations annually based on experience and by agreement of the parties.
- The bylaws of the Historic Triangle Office of Marketing and Promotion (the "Office") and the Chamber will reflect an organization structure in which all tourism promotion

activities are under the auspices of the Council and the Office, consistent with a comprehensive destination marketing organization (DMO) approach.

- For purposes of tourism promotion strategy funded by the requirements of SB 942, both enhanced marketing and tourism product development should be considered within the definition of tourism promotion.
- Any dollars set aside for capital product development will require a regional community decision-making structure. The Chamber could serve as the fiduciary agent for such funds pending future decisions.
- Recognizing the role of locally generated tax dollars in the future work of the Council and the Office, the bylaws of the Council, Office, and the Chamber will reference a Public Policy and Finance Committee, whose members shall be elected officials from the three localities. Further, the Council officer of Treasurer should be elected from among one of the local elected officials serving on the Council.
- The existing SB 942 Ad Hoc Task Force should continue to function until such time as the Council, its Executive Director, and the Public Policy and Finance Committee are in place.
- Those funds SB 942 require the localities to provide the Chamber would be a good source of seed money for a Regional Tourism Product Development Fund in future years.
- In order to develop stronger tourism promotion metrics for use by the Office in its public reporting, a baseline econometric study of overnight tourism's financial and budgetary impact within James City County, the City of Williamsburg, and York County will be undertaken no later than during the Fiscal Year 2020 Work Plan.
- The Task Force concludes that it will be appropriate to request one or more technical adjustments in SB 942 during next year's General Assembly session. An initial recommendation is the Tourism Council board appointment designated for the "Virginia Tourism Alliance" is redesignated for the Greater Williamsburg Chamber and Tourism Alliance as we believe that was the intent of the legislation and we are not aware of an organization known as the "Virginia Tourism Alliance".

TOURISM COUNCIL OF THE GREATER WILLIAMSBURG
CHAMBER AND TOURISM ALLIANCE

BYLAWS
July 30, 2018

Approved:

ARTICLE I
POWERS AND DUTIES

The Council shall have and may exercise the powers authorized in Section 58.1-603.2 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”), effective July 1, 2018, as such may be amended from time to time.

ARTICLE II
MEMBERSHIP

The membership of the Council shall be constituted as follows, or as otherwise set forth in Virginia Code section 58.1-603.2(E)(2), as amended (individually, a “Member”):

A. One representative from each of the following:

1. James City County Board of Supervisors
2. Williamsburg City Council
3. York County Board of Supervisors

B. One representative from each of the following:

1. Colonial Williamsburg Foundation
2. Jamestown-Yorktown Foundation
3. Busch Gardens Williamsburg
4. Historic Jamestowne
5. Williamsburg Hotel and Motel Association
6. Williamsburg Area Restaurant Association

C. Ex Officio, Non-Voting Members. The Chief Executive Officer of the Virginia Tourism Alliance and the Chief Executive Officer of the Virginia Tourism Corporation shall serve as ex officio, non-voting members of the Council.

D. Designees. If any Member of the Council identified in Article II(A) is unable to attend a meeting of the Council, the Member may designate another current elected official of such governing body to attend the meeting of the Council. If any Member of the Council identified in Article II(B) or (C) is unable to attend a meeting of the Council, the Member may designate another person affiliated with the Member's organization to attend the meeting of the Council. In either case, such designation shall be for the purposes of the one meeting that the Member will be unable to attend and shall be submitted in writing or electronically to the Chair of the Council at any time prior to the meeting. If a Member fails to attend two consecutive meetings or three or more meetings in a twelve (12)-month period, the Council may remove such Member by simple majority vote.

ARTICLE III **OFFICERS AND DUTIES**

A. Officers. The Council shall annually elect from its voting Members a Chair, a Vice-Chair, and a Treasurer. The Council may further elect such other subordinate officers from among its Members as it may from time to time deem appropriate. The election of officers shall be conducted in accordance with the voting procedures set forth in Article IV, Section J.

B. Terms of Office. Officers of the Council shall be elected at the annual organizational meeting of the Council, to serve for a term of two (2) years or until a successor is elected, unless sooner removed by the Council or the person ceases to be a Member of the Council. All officers shall be eligible for reelection; provided, however, no officer may serve more than two (2) consecutive two (2) year terms in succession. Any officer who serves a partial term shall not be considered as serving a full term for purposes of this limitation; provided, however, that no officer shall serve for more than six (6) years on the Council. Any vacancy occurring in an office will be filled for the unexpired term by the Council at the next regular meeting (or at an earlier special meeting called for that purpose) following the occurrence of such vacancy.

C. Appointment. At a regular meeting held preceding the annual organizational meeting at which the election of officers will be held, the Chair shall appoint a nominating committee. At the annual organizational meeting, the nominating committee shall submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any Member at the annual meeting.

D. Chair. The Chair shall preside over all meetings of the Council at which he or she is present, and shall vote as any other Member. The Chair shall be responsible for the implementation of the actions taken and policies established by the Council, shall have all of the powers and duties customarily pertaining to the office of Chair, and shall perform such other duties as may from time to time be established by the Council.

E. Vice Chair. In the event of the absence of the Chair, or the inability of the Chair to perform any of the duties of the office or to exercise any of the powers thereof, the Vice Chair shall perform such duties and possess such powers as are conferred on the Chair, and shall perform such other duties as may from time to time be assigned to the Vice Chair by the Chair or be established by the Council.

F. Treasurer. The Treasurer, or its designee, shall have the care and custody of and be responsible for all funds of the Tourism Council, and shall deposit such funds in the name of the Council in such financial institutions as the Council may designate. The Treasurer, or its designee, shall sign or countersign in the name of the Council all checks, drafts and request the State Treasurer for funds to be disbursed from the Historic Triangle Marketing Fund. The Treasurer shall render a report on the condition of the finances of the Council at each regular meeting of the Council and at such times as may be required, and the Treasurer shall make a full financial report at the annual meeting of the Council. The Treasurer shall be an elected official serving on the Council.

ARTICLE IV **MEETINGS**

A. Annual Organizational Meeting. The annual organizational meeting of the Council shall be held by the Council in the month of _____ for the purpose of

electing officers and transacting such other business as may come before the meeting.

B. Regular Meetings. Regular meetings of the Council shall be held on a periodic basis as determined by resolution of the Council, but not less frequently than once per quarter, on the _____ of the scheduled month at a place to be determined by the Chair, or at such time and place as the Council may determine.

C. Special Meetings. Special meetings may be called by the Chair, in his or her discretion, or by request in writing of a majority of the voting Members. Any request in writing by a majority of the voting Members shall be addressed to the Chair and shall specify the time and place of meeting and the matters to be considered at the meeting, which time shall not be earlier than the third business day after the day that the Chair receives the request. If the Chair elects to call a special meeting or receives a request in writing from the requisite number of Members, the Chair shall take appropriate action to coordinate the meeting site and time and shall cause notice to be provided to each Member of the Council to attend the special meeting at the applicable time and place. Such notice shall specify the matters to be considered at the meeting, and shall be sent by electronic (e.g. email) or telephonic means at least forty-eight [48] hours (twenty-four [24] hours if the meeting is called by the Chair in exigent circumstances) in advance of the date of the meeting. Formal notice to any person is not required provided all Members are present or those not present have waived notice in writing, filed with the records of the meeting, either before or after the meeting.

D. Adjourned Meetings. Any regular or special meeting may be adjourned to a date and time certain.

E. Public Notice. All meetings of the Council shall be preceded by public notice given in accordance with the provisions of Section 2.2-3707 of the Virginia Code. Notice of all meetings shall be published on the Council's website (if the Council has one) and available in the offices of the Council.

F. Open Meetings. All Council meetings shall be open to the public in accordance with the Virginia Freedom of Information Act, section 2.2-3700 et seq. of the Virginia Code (the "FOIA"), provided that the Council may meet in closed session

for those purposes authorized by, and held in accordance with the requirements of the FOIA, to include requirements for public notice.

G. Quorum. A majority of the Council (both voting and nonvoting), which shall include at least a majority of the voting Members, or their designees pursuant to Article II, Section D, shall constitute a quorum.

H. Temporary Absence. No action shall be voted upon by the Council unless a quorum is present; provided, however, that the temporary absence from the meeting room of Members (or designees attending pursuant to Article II, Section D) required to constitute a quorum shall not be deemed to prevent presentations or deliberations regarding any matter that may be submitted to a vote. The Chair or any other Member may note the absence of a quorum during presentations or deliberations, but a failure to note the absence of a quorum during that period shall not affect the requirement that a quorum exist when any vote is taken.

I. Decisions of the Council. The Council shall act in one of the following ways:

1. *Resolution* – The Council may act upon adoption of a resolution. Resolutions shall be in writing and a copy of any proposed resolution shall be provided to all Members of the Council before the resolution is proposed for adoption. To the extent possible, such copy shall be provided twenty-four (24) hours in advance.

2. *Motion* – The Council may act on oral motion made by a voting Member of the Commission (or a designee attending pursuant to Article II, section D) who are present and voting.

J. Voting.

1. *Votes* – Votes shall be taken only upon motions made. Each voting Member of the Council (or if a Member has a designee attending pursuant to Article II, Section D, then that Member's designee) shall be entitled to one (1) vote in all matters requiring action by the Council; provided, however, that: (a) any proposal to fund a capital improvement in whole or part; or (b) any proposal to revise these bylaws, shall require the affirmative vote of all the Members identified in Article II, Section A.

2. *Methods of Voting* – All voting shall be taken by roll call.

3. *Restating the Question* – The Chair shall restate the question prior to the taking of a vote, provided, however, that at the request of the Chair, a Member (or a designee attending pursuant to Article II, Section D) may restate the question if it is the opinion of the Chair that such procedure will expedite the decision of the question.

4. *Reconsideration* – Action on a resolution or motion that has been approved may be reconsidered only upon motion of a Member (or a designee attending pursuant to Article II, Section D) voting with the prevailing side on the original vote, which motion must be made at the same regular meeting. A motion to reconsider may be seconded by any Member (or a designee attending pursuant to Article II, Section D). Any resolution or motion that failed as a result of a tie vote may be reconsidered upon motion by any Member (or a designee attending pursuant to Article II, Section D) who voted against it, which motion must be made at the same meeting or the next regularly scheduled meeting.

K. Commencement of Meetings. At the times specified for the commencement of regular meetings, and at the hour specified for adjourned or special meetings, the Chair shall call the meeting to order, and shall ensure that the presence of Members (or their designees) or absence is noted. A quorum shall be required for the commencement of any meeting.

L. Agenda. The Chair shall prepare an agenda for each meeting. Any Member having matters to be considered by the Council shall submit them to the Chair for inclusion on an appropriate agenda. The agenda for an upcoming meeting shall be sent to the Members prior to the meeting date (for regular meetings, the Chair should endeavor to provide the agenda at least seven (7) days in advance).

M. Minutes. Minutes of the meetings of the Council, except closed sessions, shall be kept and be a public record. Copies of the minutes shall be provided to each Member prior to the meeting at which the minutes are to be presented for approval by the Council.

N. Closed Sessions. If a closed session is required at a meeting, consistent with purposes permitted by Virginia law, the agenda shall specify a time or position on the agenda, generally after all public business has concluded, for such a closed session properly called and conducted in accordance with Virginia law. When so requested, the Chair may permit a closed session at any other time prior to consideration of any agenda item provided that the purpose of the closed session and the procedure used to go into closed session are in accordance with Virginia law.

O. Order in Conduct of Business.

1. *Persons Addressing the Council* – Prior to public comment and public hearings, the Council will provide guidelines for length of presentation by individuals and group representatives. Persons speaking at a meeting or public hearing shall confine their remarks to the subject of the meeting or public hearing. At the discretion of the Chair, the conduct of business by the Council may be reordered to allow earlier consideration of matters about which a substantial number of persons desire to address the Council. Persons addressing the Council may furnish the Chair and Members with a written copy of their remarks, at or before the meeting.

2. *Recognition* – Recognition shall be given only by the Chair. No person shall address the Council without first having been recognized.

3. *Questions* – Questions by Members (or their designees) shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.

4. *Council Discussion* – Discussion and debate by the Council shall be conducted following the presentation of the item of business pending. No Member (or designee) shall speak to the item until recognized by the Chair.

P. Decorum.

1. *Council Members* – Decorum of Members (and designees) shall be maintained in order to expedite disposition of the business before the Council.

Questions and remarks shall be limited to those relevant to the pending business. Members (and designees) shall address all remarks to the Chair.

2. *Others* – Decorum of persons other than Members shall be maintained by the Chair, who may request such assistance as may appear necessary. Persons addressing the Council shall first be recognized by the Chair and shall audibly state their name and address, and, if applicable, who they represent. Speakers shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Council as a whole unless answering a question of an individual Member (or designee). Persons whose allotted time to speak has expired shall be warned by the Chair to conclude after which such person shall leave, unless he or she is asked to remain to answer questions from the Council. The Chair shall call the speaker to order if out-of-order remarks are made or other indecorous conduct occurs. If such persists, the Chair shall rule the speaker out-of-order and direct the speaker to leave. Groups or a person in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Chair.

ARTICLE V **COMMITTEES**

A. Open Meeting Requirement. Council-appointed committees and subcommittees shall comply with the open meeting requirements of the FOIA.

B. Public Policy and Finance Committee.

1. *Charge.* This committee shall be responsible for advising the Council on all public policy and financial matters and overseeing financial activities undertaken by the Council, including:

a. Reviewing, commenting on, and recommending the annual budget and adjustments to the budget,

b. Recommending the financial and public policies of the Council (e.g., investment, procurement, risk management, debit and credit card, direct debit, and small purchases) and making recommendations,

c. Monitoring the Council's compliance with policies and procedures,

d. Reviewing financial statements, and

e. Working with the Auditor of Public Accounts in performing the annual audit.

f. Matters related to the interaction of the Council with the public, communications with news media, and policies relating generally to public communication and information

2. *Membership.* The Committee shall consist of seven (7) voting Members and two ex officio members.

a. Standing Members: James City County, York County, and the City of Williamsburg shall each name two members of their governing bodies to the Committee.

b. Ex Officio, non-voting Members:

a. The Executive Director of the Historic Triangle Office of Marketing and Promotion; and

b. A member of the Virginia General Assembly who represents any portion of the Greater Williamsburg area

3. *Chair.* The chair and the vice chair of the Committee shall be appointed by the Chair of the Council.

4. *Quorum and Voting.* A quorum shall consist of a majority (5) of the committee Members, at least three (3) of whom shall be Standing Members. Approval of recommendations shall require an affirmative vote of a majority of the Members present.

C. Additional Committees. The Council may, in its discretion, form such additional advisory committees as it may deem appropriate.

D. Ad Hoc Committees. As needed, the Chair of the Council may appoint *ad hoc* committees to pursue specific tasks (e.g., nominating committee; personnel committee). In the absence of an appointed personnel committee, the Finance and Public Policy Committee shall be responsible for conducting the Executive Director's annual review, reviewing employee compensation and recommending adjustments thereto.

ARTICLE VI **ADMINISTRATION**

A. Historic Triangle Office of Marketing and Promotion. The Council shall establish the Historic Triangle Office of Marketing and Promotion (“the Office”) as required by Code of Virginia, § 58.1-603.2.E.3. All tourism promotion activities undertaken by the Council shall fall within the auspices of the Office, subject to policies adopted and approved by the Council.

B. Executive Director. The Council shall employ or contract with an Executive Director who shall be a professional with extensive experience in marketing or advertising and in the tourism industry and who shall have direct authority for the employment, retention, and supervision of all of the other employees of the the Office. The Executive Director shall have direct control, subject to the oversight and authority of the Council, of the management of the day-to-day administrative affairs of the Office. The Executive Director shall propose activities to the Council and shall carry out policies, programs and projects approved by the Council, and shall be responsible for preparing and presenting the annual budget to the Council and as required by section 58.1-603.2.D(4) of the Virginia Code. The Executive Director may not contemporaneously serve as a member of the Council.

C. Staff. The Executive Director may employ or contract for such staff of qualified professional and other persons as the Council determines to be necessary to carry out its duties and responsibilities and those of the Office. Staff of the Council may not contemporaneously serve as a member of the Council.

D. Execution of Instruments. The Executive Director, on specific authorization by the Council, shall have the power to sign or countersign in its behalf any agreement or other instrument to be executed by the Council including checks and vouchers in payment of obligations of the Council or the Office.

ARTICLE VII **FINANCES**

A. Finances and Payments. The monies of the Council shall be deposited in a separate bank account or accounts in such banks or trust companies as the Council designates, and all payments (with the exception of those from petty cash) shall be made in the most practicable manner as determined by the Council. Checks and drafts shall be signed and countersigned by the Chair (or, in the Chair's absence, the Vice Chair), and the Executive Director (or, in the Executive

Director's absence, those authorized from time to time by vote of the Council or, where the Vice Chair is acting solely as a countersigning party, the Vice Chair).

B. Audits. At least once each year, the Council shall work with the Auditor of Public Accounts (APA) to have an audit to be made by an independent certified public accountant or by APA of all funds of the Council.

C. Budget and Fiscal Year. The Council shall adopt an annual budget for each fiscal year which budget shall provide for all of the revenues and the operating, capital, and administrative expenses of the Council and Office for the fiscal year. The fiscal year of the Council will commence on July 1st each year and will terminate on the following June 30th. The annual budget for a fiscal year shall, except in the case of the Council's first fiscal year, be adopted before such fiscal year begins. The Executive Director is authorized to administer the administrative budget approved by the Council and may in the exercise of that authority, but subject to the advice and consent of the chair of the Public Policy and Finance Committee, implement adjustments to the amounts allocated to line items within the administrative budget, provided that, after giving effect to those adjustments, the aggregate amount of the administrative budget is equal to or less than the then applicable Council-approved administrative budget.

D. Bond of Officers and Others. The officers of the Council and such employees as the Council so designates, may, prior to taking office or starting contract or employment, respectively, be required by the Council to give bond payable to the Council conditioned upon the faithful discharge of that officer, contract employee or employee's duties, in such amount as the Council may require. The premium for each such bond shall be paid by the Council and the bond(s) shall be filed with the Council.

ARTICLE VIII **AMENDMENTS**

Any proposed amendment, repeal or alteration, in whole or in part, of these Bylaws shall be presented in writing and read for a first time at a regular meeting of the Council. Such proposal may be considered and amended at such meeting, but shall not be acted on by the Council until a subsequent regular meeting or a special meeting called for the purpose. At such subsequent meeting, such

proposal shall be read a second time, shall be subject to further consideration and amendment germane to the section or sections affected by such proposal, and shall thereafter be acted on in accordance with the voting requirements of these Bylaws.

ARTICLE IX
PROCEDURES

Parliamentary Procedure. In all matters of parliamentary procedure not specifically governed by these Bylaws or otherwise required by law, the current edition of *Robert's Rules of Order, newly revised*, as applicable to small boards or committees, shall apply.

**Executive Director, Historic Triangle Office of Marketing and Promotion
Visit Williamsburg**

Purpose:

Create and manage all tourism marketing and sales programs that result in increased visitation to the Greater Williamsburg area.

Position Summary:

The Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council) is seeking an Executive Director to lead the Historic Triangle Office of Marketing and Promotion. The Executive Director will provide expertise, leadership and vision in all marketing efforts for the destination and overall management of operations for the Destination Marketing Organization (DMO). The position will oversee the development, delivery and performance of a fully integrated marketing campaign to promote Greater Williamsburg area tourism and increase overnight visitation.

The Executive Director reports to the Tourism Council of the Greater Williamsburg Chamber & Tourism Alliance (the Council) and is responsible for recruiting and motivating private and public partners to support a regional Tourism Marketing Program, analyzing and interpreting the needs of partners, defining and reporting performance benchmarks, and recommending revisions in the program of work to insure value in the program.

Essential Duties and Responsibilities:

- Administer oversight of all tourism efforts for the destination. Establish overall goals and strategies for marketing and sales. Develop programs for year-round destination. Oversee consumer leisure, group, conference, sports and international market segments that align with the objectives and goals of the organization.
- Prepare and maintain annual tourism marketing plan and budget; enforce responsible spending; and ensure financial transparency through regular reporting to the Tourism Council and Finance Committee.
- Lead, train, supervise and evaluate tourism staff participating in tourism marketing, sales and promotion; public relations, events and activities; participation in familiarization (FAM) tours, sales missions, trade shows, conventions and bid presentations.
- Oversee staff for all major tourism meetings, committees and events as well as the creation and production of major tourism publications.
- Lead and partner with local, regional and state tourism organizations and private sector allies engaging them in developing and implementing marketing strategies on programming that promotes the destination.

- Develop Performance and Accountability Measures/Metrics that articulate the goals of the Tourism Council including but not limited to growth in visitation levels, increase in tax collections for rooms, meals and sales tax and increase in total tourism expenditures as measured by USTA. Specific marketing metrics such as web visits, SEO, engagement and others to be determined.
- Oversee a research study to establish baseline measures and conduct annually to monitor growth and success.
- Oversee and conduct destination research. Analyze research results, drawing conclusions that serve as the basis for proposed marketing strategy.
- Maintain relationships with all outside contractors/agencies to oversee efforts by providing strategic direction and approving their work in brand strategy, advertising, digital marketing, web development, email marketing, public relations and social media marketing.
- With the support of outside agencies and staff; as well as community stakeholders, develop strategic long-term marketing strategies for the destination.
- Maintain relationships and collaborate with industry partners, inside and outside of Greater Williamsburg. Encourage and foster the spirit of regional marketing.
- Act as liaison for cooperative sales and marketing programs undertaken with the Virginia Tourism Corporation, Capital Region USA efforts and other regional travel industry partners, such as Virginia Restaurant, Lodging and Travel Association and the Coastal Virginia Tourism Alliance.
- Hold memberships in key industry organizations such as US Travel, Destination Marketing Association International and others as they would benefit the region. Participate in targeted trade shows and missions.
- Develop and maintain a brand that reflects the community as a tourism destination.

Education, Experience and Skills Required:

- Bachelor Degree or higher is preferable in tourism marketing, strategic communications, DMO/CVB leadership role or a closely related field.
- Significant experience with minimum of 10-15 years in management and leadership roles with a demonstrated track record of success.

- Comprehensive knowledge of travel, tourism and hospitality industry; marketing principles, practices, advertising mediums, and techniques.
- Demonstrated ability to effectively lead and manage teams, and foster a positive, success-oriented environment within the organizations.
- Experience collaborating with government agencies, boards, external stakeholders and industry partners including attractions, lodging providers, restaurants.
- Proven track record of carrying out marketing plans from strategy development to successful implementation.
- Outstanding interpersonal and presentation skills and a proficiency at public speaking.
- Demonstrate community leadership and participation.
- Demonstrate an ability to communicate effectively in writing and verbally and have the ability to motivate people.
- Knowledge of strategic planning principles and how to measure their success with established key performance indicators (KPI).
- Proficiency in market research and data analysis processes.
- Experience in tracking, reporting and analyzing web analytics.

Williamsburg Area Destination Marketing Committee Auditor concerns for the 2017 financial report and required footnote disclosures

Issue: The audit report will contain the financial statements of the Williamsburg Area Destination Marketing Committee which comprise the statement of financial position as of December 31, 2017 and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements. Financial statement disclosures are required to cover subsequent events which will address the affects of the new legislation as regards WADMC.

The audit report will be released after the enactment of the legislation. Two factors are raised, 1) The auditee no longer exists therefore there is no entity with a governing body (a board of directors) to take responsibility for the financial reports contained in the audit. The responsibility for ownership of the assets and liabilities and oversight of the operations of the marketing committee should be assumed by a legal entity. 2) The cash projections for the remainder of the 2018 marketing campaign reflect a potential cash deficiency.

On July 26, 2018 I met with Corrina Ferguson, Dave Potter and Steve Whitson from Brigham and Calhoun for a general discussion of the plan for continuing the operations of WADMC. I explained to the group the need for a plan prepared by management that addresses how the remaining assets, liabilities and contractual obligations will be handled. This is necessary to assure the auditor that the auditee (WADMC) as of December 31, 2017 will not be in default within the next year. If this cannot be shown, the liquidation basis of accounting must be used in the preparation of the financial statements. The footnotes to the financial statements would state that sufficient doubt exists as to the solvency of the organization.

A suggestion was made concerning the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council). At the organizational meeting to be held in mid-August, a motion should be made as follows: The Council moves to accept fiduciary responsibility for the assets and liabilities as of July 1, 2018 and to receive revenue and honor the outstanding Contracts of WADMC to successfully complete the 2018 marketing plan.

The acceptance by the Council to take responsibility for the continuation of the 2018 marketing plan and to meet the current contractual obligations of WADMC will provide sufficient evidence that a plan exists to alleviate any doubt that WADMC, as of December 31, 2017, would be able meet its financial obligations for the 2018 marketing campaign.

From: [Craig Quigley](#)
To: [Craig Quigley](#)
Subject: EXECUTIVE INSIGHT BRIEF | AUGUST 17, 2018
Date: Friday, August 17, 2018 3:04:38 PM
Attachments: [image001.png](#)

Ladies & Gentlemen, below please find this week's edition of *Executive Insight Brief* from The Roosevelt Group.

Craig R. Quigley
Rear Admiral, U.S. Navy (Ret.)
Executive Director
Hampton Roads Military and Federal Facilities Alliance
757-644-6324 (Office)
757-419-1164 (Mobile)



EXECUTIVE INSIGHT BRIEF | AUGUST 17, 2018

TOP STORIES

Omarosa Releases Second Tape

Omarosa Manigault Newman, the former reality TV star who became a top White House aide to President Donald Trump, on Thursday released exclusively to MSNBC [a secret tape](#) of campaign official Lara Trump offering her a \$15,000-a-month job after she was fired from the administration. The tape — which, according to Manigault Newman was made on Dec. 16, 2017, just days after she had left the White House — appears to corroborate claims she made in her new book about receiving an offer from the president's re-election campaign.

Trump Revokes Security Clearances

Striking at one of his fiercest critics over Russia, President Trump said Wednesday he has revoked the security clearance of former CIA director John Brennan, and continues to review the clearances of other Barack Obama administration officials. Brennan has used his status "to make a series of unfounded and outrageous allegations" and "wild outbursts on the Internet and television about this administration," Trump said in a statement read by White House Press Secretary Sarah Sanders.

As critics accused Trump of seeking to silence opponents, the president added names to his list of other Obama-era officials whose security clearances are under review: FBI and Justice Department officials involved in the investigation of Russian interference in the 2016 presidential election. Brennan, like many of his supporters, called the decision part of a broader effort by Trump to "suppress freedom of speech" and "punish critics." Read more [here](#).

Army Tests Their New Missile Defense System

The U.S. Army's future missile defense battle manager was put to the test across long distances to prove it's capable of playing an integral role in multi-domain operations, according to Northrop Grumman, the system's developer.

The Integrated Air and Missile Defense Battle Command System, or IBCS, showed its ability to "scale up and network" over a large swath of terrain spanning from Texas to New Mexico to Alabama in a U.S. Army-led test, Northrop announced in an Aug. 15 statement.

IBCS is the linchpin for the service's [future Army Integrated Air and Missile Defense system](#), or AIAMD, but has seen schedule slips to reach initial operational capability by several years, which has been partly due to the service expanding the mission for the command-and-control system beyond what was originally intended. [Click for full story](#).

Trump Loosens Restrictions on Cyber Attacks

President Donald Trump has eliminated rules governing the process for launching cyberattacks, giving the military freer rein to deploy its advanced hacking tools without pushback from the State Department and the intelligence community, an administration official told POLITICO. Trump's decision, the latest example of his desire to push decision-making authority down the chain of command, could empower military officials to launch more frequent and more aggressive cyberattacks against adversaries like Russia and Iran.

The guidelines approved by President Barack Obama, known as Presidential Policy Directive 20, required high-level discussions between many agencies before the military could conduct significant cyber operations. In rescinding PPD-20, Trump put [cyberattacks on the same level as kinetic operations](#), which do not require high-level approval or interagency discussions. Now, U.S. Cyber Command can conduct attacks based on the administration's strategic decisions without needing to get White House signoff on individual digital strikes.

Turkey, Friend or Foe?

Last Friday, Turkish President Recep Tayyip Erdogan published an [op-ed](#) in the New York Times outlining his country's grievances toward the United States. The Turkish leader raised concerns about U.S. policy that vex Turkish leaders and citizens alike. Yet Erdogan only told half the story, leaving his readers to believe that Washington has victimized a reliable ally and partner. The United States has long had its own list of grievances, however—and it's to the Trump administration's credit that, unlike its predecessors, it finally seems to be doing something about it. [Read more.](#)

Chinese Activity

The Pentagon and State Department are reinforcing their commitment to African security and influence amid numerous reports of stepped-up Chinese military and economic incursions into the region. Having established a military base in Djibouti on the coast as recently as last year, China is expanding political and military influence in the region, inspiring substantial concern among U.S. officials and prompting discussion of a stronger commitment.

According to senior U.S. leaders and independent think-tank assessments, China's fast-expanding military presence is designed to fortify substantial political and economic influence. For more, click [here](#).

China is actively developing its fleet of long-range bombers and "likely" training its pilots for missions targeting the U.S., according to a new Pentagon report. The "Annual Report on Military and Security Developments Involving the People's Republic of China" is a U.S. government report mandated by Congress, which details Chinese military developments over the previous year. This year's report also claims that China is pursuing a nuclear capability on its long-range bombers, saying the Chinese air force "has been re-assigned a nuclear mission." [Read more](#).

Look Ahead

Tuesday, August 21:

9:30AM—Senate Armed Services Committee hearing on nominations
G-50 Dirksen Senate Office Building

10:00AM—Senate Armed Services Committee hearing on Russian sanctions
538 Dirksen Senate Office Building

10:00AM—Senate Foreign Relations Committee hearing on Russian relations
419 Dirksen Senate Office Building

Thursday, August 23:

2:00PM—Hudson Institute discussion on Afghanistan
1201 Pennsylvania Avenue NW, Suite 400

Have a great weekend!

