

**RESOLUTION NO. 98 -2016, ADOPTING LOCAL LAW
NO. 3 -2016, A LOCAL LAW TO ENHANCE THE COUNTY'S
TOURISM PROMOTION PROGRAM**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 4, 2016, a proposed local law entitled, "**A LOCAL LAW TO ENHANCE THE COUNTY'S TOURISM PROMOTION PROGRAM**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 3 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENHANCE THE COUNTY'S TOURISM
PROMOTION PROGRAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that 24% of the County's hotel/motel tax revenues, up to a maximum of \$2 million annually, are allocated to a tourism promotion agency for the purpose of attracting transient guests to Suffolk County.

This Legislature also finds that the County's hotel/motel tax law places restrictions on the County's tourism promotion agency to ensure that tax dollars are spent to promote tourism on a regional basis and not utilized to benefit favored individual businesses. However, this Legislature believes that the tourism promotion agency can and should work with individual hotels and motels and other tourism-related industries to further their shared goal of attracting visitors to Long Island.

This Legislature concludes that the tourism promotion agency should have the ability to share advertising, and to work cooperatively at trade shows, with individual hotel and motel representatives and other tourism-related businesses.

Therefore, the purpose of this local law is to authorize the County's tourism promotion agency to work in a cooperative manner with hotels, motels and other local businesses to promote tourism and attract visitors to Suffolk County.

Section 2. Amendments.

Chapter 523 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 523.
Hotels and Motels**

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§ 523-14 Tourism Promotion Agency.

A. The County of Suffolk shall enter into a contract, as mandated by Tax Law § 1202-o(5), with a tourism promotion agency to administer programs designed to develop, encourage, solicit and promote convention business and tourism within the County of Suffolk. The promotion of convention business and tourism shall include any service, function or activity, whether or not performed, sponsored or advertised by the tourism promotion agency, with the intent to attract transient guests to the County. The County Executive, or his designated representative, is hereby authorized to negotiate and enter into such a contract. No such contract shall be executed without the prior approval of the Legislature.

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(2) Such contract shall provide that the tourism promotion agency must adhere to a business, marketing and/or financial plan which clearly delineates how the moneys received under such contract shall be utilized. The business, marketing, and/or financial plan shall require that funds received from members of the tourism promotion agency shall be segregated from Suffolk County hotel/motel tax revenues and shall not be commingled. The business, marketing and/or financial plan shall also provide that all advertising activities or promotions paid for[, in part or in whole,] with Suffolk County hotel/motel tax revenues shall be used to promote tourism within the targeted region and shall not direct visitors to any particular business. Nothing contained in this subsection shall be construed to prohibit paid advertisement

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D. The tourism promotion agency may jointly advertise with individual hotels, motels and other tourism-related business entities on the condition that all hotels, motels and tourism-related businesses in Suffolk County have an opportunity to advertise with the agency and that the rates charged to participating hotels, motels and tourism-related businesses are reasonably proportionate to their share of the purchased advertising.

E. The tourism promotion agency may allow representatives of individual hotels, motels and other tourism-related businesses to participate cooperatively with the agency at trade shows on the following conditions:

1. All hotels, motels and tourism-related businesses in Suffolk County are given an opportunity to participate at trade shows.
2. The participating hotels, motels and businesses pay for their travel and lodging costs and make a contribution to the agency's exhibit space.
3. That all leads generated during a trade show are made available to all appropriate hotels and motels that collect taxes pursuant to this chapter.

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Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: March 1, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: March 17, 2016

After a public hearing duly held on March 14, 2016
Filed with the Secretary of State on March 31, 2016