



City of McCall  
**Joint Meeting of the  
City Council and  
Local Option Tax  
Commission**

**AGENDA  
Special Meeting  
February 1, 2024 at 5:30 PM  
Legion Hall – Below City Hall  
216 East Park Street  
McCall, ID  
AND MS TEAMS Virtual**

**ANNOUNCEMENT:**

American with Disabilities Act Notice: If you need assistance, please contact City Hall at 634-7142 at least 48 hours prior to the meeting. Council Meetings are available for in person and virtual attendance. Any member of the public can join and listen only to the meeting at 5:30 pm by calling in as follows: **Dial 208-634-8900 when asked for the Conference ID enter: 740 526 034#**

Or you may watch live by clicking this link:

<https://youtube.com/live/T5ye6la4HVE?feature=share>

**WORK SESSION**

**AB 24-029 Joint Work Session with the McCall City Council and the Local Option Tax Commission and Direction to staff (ACTION ITEM)**

- Council Tourism Local Option Tax Funding Priorities
- Tourism Local Option Tax Budget Setting
- Local Option Tax Commission Guidance Document

**Adjourn**

Current Council Funding direction

- ▶ Direct cost related to administering the LOT \$14,500
- ▶ Parks Building move \$200,000 annually (2022-2026)
- ▶ Downtown Sidewalk Maintenance ~\$185,000 annually
- ▶ Housing \$260,000 for FY2023

Total ~\$660,000

**LOT Actual Dollars per Month**

Month	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	Totals
October	14,274	16,938	14,412	11,306	10,483	11,520	12,392	12,163	13,390	19,298	22,085	25,791	27,291	30,504	30,166	44,871	52,496	53,920	46,755	423,301
November	11,272	9,748	7,978	7,147	5,850	5,535	6,103	7,298	8,233	11,738	12,986	15,209	16,795	17,929	20,073	27,132	29,184	30,705	26,240	250,915
December	18,547	21,746	22,261	16,224	14,294	15,459	13,939	19,101	18,122	21,802	31,168	32,785	33,179	49,031	64,163	91,656	112,975	119,687		716,139
January	17,232	18,707	20,163	17,932	17,007	17,510	17,065	19,334	24,733	26,778	31,157	31,506	40,724	46,286	49,923	60,516	57,714	61,406		575,693
February	20,446	22,943	27,324	24,826	18,873	19,921	19,716	22,331	22,013	28,487	32,613	35,777	38,616	42,579	48,770	60,544	67,925	69,067		622,771
March	15,110	13,668	21,527	15,969	8,925	11,941	17,344	20,251	19,365	18,422	23,712	25,885	31,339	59,451	45,755	119,721	122,712	113,152		704,250
April	7,294	8,049	6,425	5,954	6,183	6,210	6,696	6,165	8,719	11,641	15,255	14,865	15,617	15,981	3,460	27,021	25,895	23,801		215,231
May	11,994	11,230	9,368	8,595	7,335	8,074	9,461	11,113	15,390	18,711	22,047	23,315	25,265	27,806	18,644	43,132	38,658	39,144		349,282
June	23,442	24,611	25,426	22,248	21,491	20,728	25,352	33,681	37,000	42,541	50,323	55,034	58,523	87,224	92,394	147,239	145,130	142,028		1,054,415
July	47,654	54,276	47,052	42,408	48,747	49,843	54,214	62,187	65,335	71,296	82,520	88,713	102,486	102,472	105,196	140,826	150,998	141,774		1,457,997
August	44,024	52,948	41,089	32,480	39,398	44,505	48,919	57,546	64,959	63,598	71,300	81,215	89,143	89,369	99,323	123,848	132,577	110,103		1,286,344
September	26,973	26,073	23,600	25,826	20,258	27,603	33,029	35,605	35,959	49,346	53,966	57,591	84,328	82,112	118,823	134,036	143,595	149,427		1,128,150
<b>Total Dollars Received</b>	<b>258,263</b>	<b>280,937</b>	<b>266,627</b>	<b>230,991</b>	<b>218,844</b>	<b>238,849</b>	<b>260,743</b>	<b>306,775</b>	<b>333,218</b>	<b>383,658</b>	<b>449,132</b>	<b>487,686</b>	<b>563,306</b>	<b>650,744</b>	<b>696,690</b>	<b>1,020,542</b>	<b>1,079,859</b>	<b>1,054,214</b>	<b>72,995</b>	<b>8,781,077</b>
Difference compared to prior year		22,674	(14,310)	(35,635)	(12,148)	20,005	21,894	46,032	26,443	50,440	65,474	38,554	75,620	87,438	45,946	323,852	59,317	(25,645)	(981,219)	795,951
Percent of change		9%	-5%	-13%	-5%	9%	9%	18%	9%	15%	17%	9%	16%	16%	7%	46%	6%	-2%		
Budgeted Dollars	237,858	255,550	309,125	300,000	225,000	175,000	227,500	240,440	255,859	279,620	349,520	400,710	509,131	515,000	712,249	650,866	766,000	1,200,000	1,277,500	7,609,428
Contingent Budgeted dollars						52,500	62,543	11,920	50,000	61,315	77,500	45,000	27,090	161,706	327,290	256,790	227,791	360,000	150,000	1,721,445
2nd Contingent Budgeted Dollars								38,600	43,000											81,600
<b>Total Budgeted</b>	<b>237,858</b>	<b>255,550</b>	<b>309,125</b>	<b>300,000</b>	<b>225,000</b>	<b>227,500</b>	<b>290,043</b>	<b>290,960</b>	<b>348,859</b>	<b>340,935</b>	<b>427,020</b>	<b>445,710</b>	<b>536,221</b>	<b>676,706</b>	<b>1,039,539</b>	<b>907,656</b>	<b>993,791</b>	<b>1,262,461</b>	<b>1,427,500</b>	<b>9,114,934</b>

## Local Option Tax Commission Guidance

### **Public Purpose Definition**

When reviewing each application and during the applicants' presentation, the Commission will determine if the project meets the "public purpose" requirement. If the commission determines that the application does not meet a "public purpose" then that application will not be considered for funding.

What is "public purpose"? A governmental action or direction that purports to benefit the populace as a whole. *Cited from Webster's New World Law Dictionary Copyright © 2010 by Wiley Publishing, Inc., Hoboken, New Jersey.*

Public purpose can be defined as an action or direction, that is taken up by the government so that the entire population can be benefited. *Cited from Chegg Study.*

Does this application meet the "public purpose" requirement?

Yes       No

### **State Law Governing LOT**

Review state and local laws to assist you with determining which LOT applications are eligible for funding.

McCall City Code §4.12.5, derived from Idaho Code §50-1044

The local option non-property tax revenue derived from and collected under this chapter shall be used for direct costs to collect and enforce the tax and only for the following public purposes:

- (A) Streets, sidewalks and pathways, public transit, pedestrian crosswalks, and public transportation;
- (B) Construction and maintenance of cultural and recreational facilities;
- (C) Services for community recreational and cultural activities;
- (D) Public parks maintenance, development, and beautification;
- (E) Shelter and/or spay and/or neuter of stray animals found in the City;
- (F) Local housing program as recommended in the McCall Housing Strategy;
- (G) Services for McCall marketing, advertising, tourism development, and event promotion;
- (H) Mitigate the effects of tourism on the City that the General Fund cannot accommodate. (Ord. 965, 3-8-2018, eff. 1-1-2019)

## Local Option Tax Commission Guidance

### Evaluation Criteria

Score each application with the following scoring matrix.

#### Scoring Matrix

0 = Definitely **does not** meet the criteria

3 = Definitely **does** meet the criteria

1. The project engages the community and/or visitors in a way that meets the objectives of the LOT Ordinance.

- 0    - 1    - 2    - 3

2. The project promotes greater public participation in public and/or private programs and activities.

- 0    - 1    - 2    - 3

3. The project provides responsible planning and management of public resources.

- 0    - 1    - 2    - 3

4. The principal purpose of the project is to support the City's objective to provide opportunities for people living in and traveling to the city by providing a service that the City would not otherwise be able to provide.

- 0    - 1    - 2    - 3

5. The citizens receive the direct or indirect benefit of the completed project.

- 0    - 1    - 2    - 3

6. The project mitigates burdens placed on taxpayers due to a tourism economy.

- 0    - 1    - 2    - 3

**Total Score:** \_\_\_\_\_

### Priority Consideration Guidance

Once the Commission has chosen the projects to be funded, you will use the following to assist with the priority order of funding for the projects.

1. What percentage of the populace does this project benefit? \_\_\_\_\_

2. Accessible to all without regard for the ability to pay?       **Yes**                       **No**

3. Is the project leveraged with other funds?       **Yes**                       **No**



## **Local Option Tax Commission Meeting Agenda**

Tuesday, November 28, 2023 ~ 5:00pm

McCall Transit Center

210 E Park St.

McCall, ID 83638

or call in at 1-208-634-8900 conference ID 338 395 120#

- **Call to Order** – 5:11pm In attendance: Commissioners McKenna, petty, Sanders, Curtis, Martineau, Hill, Vroom, staff liaison Amanda Payne
  
- **Approve Last Year’s Meeting Minutes** – Commissioner Martineau made motion to approve meeting minutes from 5/18/2023. Commissioner Vroom 2<sup>nd</sup> motion. All in favor and motion passed.
  
- **Review LOT Funding Process and Possible Changes/Improvements – discussed possible changes and questions/concerns to guidance page**
  - Want to move scale from 0 – 3 to 0 – 4 and add a line for personal use, would they like to not fund, contingent fund, partial fund or fully fund.
  - Consider a cap on how much money could be asked for per application.
  - Criterion 4 is confusing (*the principal purpose of the project is to support the City’s objective to provide opportunities for people living in and traveling to the city by providing a service that the city would not otherwise be able to provide*). City applications could be services provided by the city, and all other applications obviously don’t meet that criterion. Consider getting rid of the last half of the question, ending it at *traveling to the city*.
  - Question about criterion 6 (*the project mitigates burdens placed on taxpayers due to a tourism economy*), don’t understand how it applies to their decision. It applies to very few applications.

- Find priority consideration guidance 1 hard to answer (*what percentage of the populace does this project benefit?*). Hard to come up with percentage. Would prefer yes/no question “Does the project benefit the populace?”
  - Would like additional priority consideration of “Is this project trying to make the community a better place?”
  - Were wondering about the housing authority employee that was funded for FY23. When was the job going to be posted?
  - Large concern around funding priorities. Discussed frustration on not knowing what priorities of the council for LOT funds were, which results in spending a lot of time 2<sup>nd</sup> guessing the priorities they set forth. Could the monies be divided into a percentage, with a certain percentage set aside for city projects and the remainder for other projects. Commissioners suggest 30% for city projects.
- **Adjournment** – Commissioner Petty moved to adjourn the meeting at 6:08pm. Commissioner McKenna 2<sup>nd</sup> motion. All in favor and meeting adjourned.

## ORDINANCE NO. 965

AN ORDINANCE OF THE CITY OF MCCALL, VALLEY COUNTY, IDAHO, FINDING THAT SAID CITY HAS SIGNIFICANT ECONOMIC DEPENDENCE ON VISITORS AND TRAVELERS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE IMPOSITION OF CERTAIN NON-PROPERTY TAXES, TO-WIT: AN ADDITIONAL THREE PERCENT (3%) OCCUPANCY TAX ON HOTEL-MOTEL RENTALS AND SHORT TERM RENTALS; PROVIDING FOR A TEN (10) YEAR DURATION OF SAID NON-PROPERTY TAXES; ESTABLISHING THE PURPOSES FOR WHICH THE REVENUES DERIVED FROM SAID NON-PROPERTY TAXES SHALL BE USED; CREATION OF A LOCAL OPTION TAX COMMISSION TO MAKE SPECIFIC RECOMMENDATIONS FOR THE FUNDING; AUTHORIZING THE CITY CLERK TO ADMINISTER, REGULATE, AND COLLECT SAID NON-PROPERTY TAXES; CREATING A PROPERTY TAX RELIEF FUND; PROVIDING FOR PERMITS AND ISSUANCE; PROVIDING METHOD FOR PAYMENT OF TAXES, AUDITS, DEFICIENCY DETERMINATIONS; RE-DETERMINATIONS OF DEFICIENCY, APPEALS, INTEREST ON DEFICIENCY, COLLECTIONS AND ENFORCEMENT; REFUNDS, LIMITATIONS AND INTEREST; PROVIDING FOR RESPONSIBILITY FOR PAYMENT OF TAXES; PROVIDING PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION; ESTABLISHING SUCCESSOR'S LIABILITY; PROVIDING FOR GENERAL ADMINISTRATION BY CITY CLERK; PROVIDING PENALTIES AND PENALTY CHARGES; PROVIDING EXEMPTIONS; PROVIDING CONFIDENTIALITY OF INFORMATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCCALL, IDAHO:

### SECTION 1.

Title 4 Chapter 12 of the McCall City Code is hereby repealed in its entirety and replaced with the following:

### SECTION 2.

#### 4.12.1: FINDINGS:

The City Council of the City of McCall hereby finds: a) that said city has a population not in excess of ten thousand (10,000) according to the most recent census and is a city that derives the major portion of its economic wellbeing from businesses catering to recreational needs and meeting needs of people traveling to said destination city for an extended period of time; b) that said city has a significant economic dependence upon visitors and travelers passing through or staying in the community and said city; and c) that said visitors and travelers require services of said city which place an undue burden upon the taxpayers of said city.

### SECTION 3.

#### 4.12.2: DEFINITIONS:



For the purposes of this Chapter, the following terms, phases, words, and derivations shall have the meanings given herein:

**HOTEL-MOTEL OCCUPANCY CHARGE:** Means and includes the total sales price for the rental use or temporary occupancy of a hotel-motel rental.

**HOTEL-MOTEL RENTAL:** Means and includes the rental or leasing of lodging to members of the public for a fee of any hotel room, motel room, condominium, home, room, or any other residential unit, except where a residence is maintained continuously under terms of a lease or similar agreement for a period in excess of thirty (30) days.

**IN THE CITY OF MCCALL:** Within the municipal boundaries of the City of McCall, Valley County, Idaho.

**PERSON:** Includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, limited liability company, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, or any other group or combination acting as a unit.

**TAXPAYER:** Any person subject to or liable for any taxes imposed by this Chapter.

#### SECTION 4.

##### 4.12.3: IMPOSITION AND RATE OF CERTAIN NONPROPERTY TAXES:

The City of McCall hereby imposes and shall collect certain local option nonproperty taxes, as follows:

- (A) An additional three percent (3%) occupancy tax on the hotel, motel, and short term rental occupancy charge from all hotel-motel rentals and short term rentals; and
- (B) When the sales price involves a fraction of a dollar, said local option nonproperty taxes shall be collected on that fractional portion of the price by adding thereto the tax based upon a bracket system. The bracket system for the collection of the three percent (3%) occupancy tax shall be as set forth in Exhibit A, attached hereto and made a part hereof. The retailer shall calculate the tax upon the entire amount of purchases of the consumer made at a particular time subject to this Chapter, and not separately upon each item purchased. The retailer may retain any amount collected under said bracket system which is in excess of the amount of tax for which they are liable to the City during the period as compensation for the work of collecting said tax.
- (C) All monies collected and/or retained under the provisions of this Chapter shall be held in trust for the City of McCall and for payment thereof to the City Clerk in the manner and at the times provided in this Chapter.

#### SECTION 5.

##### 4.12.4: DURATION OF TAXES:

The nonproperty taxes authorized and collected under this Chapter are hereby imposed for a duration of ten (10) years from the effective date hereof.

#### SECTION 6.

##### 4.12.5: PURPOSES FOR USE OF REVENUES DERIVED FROM TAXES:

The local option non-property tax revenue derived from and collected under this Chapter shall be used for direct costs to collect and enforce the tax and only for the following public purposes:

- (A) Streets, sidewalks and pathways, public transit, pedestrian crosswalks, and public transportation
- (B) Construction and maintenance of cultural and recreational facilities
- (C) Services for community recreational and cultural activities
- (D) Public parks maintenance, development, and beautification
- (E) Shelter and or spay and/or neuter of stray animals found in the City
- (F) Local housing program as recommended in the McCall Housing Strategy
- (G) Services for McCall marketing, advertising, tourism development, and event promotion.
- (H) Mitigate the effects of tourism on the city that the general fund cannot accommodate

#### SECTION 7.

##### 4.12.6: LOCAL OPTION TAX COMMISSION APPOINTMENT – TERM OF OFFICE – RESPONSIBILITIES:

- (A) There shall be a Local Option Tax Commission (“LOT Commission”) whose members shall be appointed by the City Council.
- (B) The LOT Commission shall be comprised of two (2) members of different City advisory committees, one senior citizen representative, two (2) representatives from businesses in McCall, and two (2) at large residents of the city. The initial appointment of one (1) City advisory committee, one (1) business and one (1) at large resident commissioner shall be for terms of two (2) years and the initial appointment of other one (1) City advisory committee, the other one (1) business and the other one (1) at large resident commissioner and the senior citizen representative shall be for terms of four (4) years. Subsequent appointments shall be made for four (4) years from the date of appointment, and until their successors are appointed.
- (C) Members of the LOT Commission shall serve without salary, but may receive their actual and necessary budgeted expenses while engaged in authorized business of the LOT Commission.

- (D) The members of the LOT Commission shall have the responsibility to make specific recommendations for the funding of written requests for the use of the local option non-property tax revenues derived from the taxes assessed pursuant to this Chapter, in accordance with the uses specified in Section 4.12.5 of this Chapter.
- (E) The LOT Commission will annually:
1. On or before March 15<sup>th</sup> review the City Clerk's estimates of non-property taxes anticipated to be collected in the next fiscal year; and estimate of the amount of the direct costs to enforce and collect the non-property taxes; and
  2. Set a deadline on or before April 30<sup>th</sup> for the filing of written requests with the City Clerk [using a form approved by the City Council] for the use of non-property taxes. The City Clerk shall publish notice of the deadline for the filing of written requests at least twice with the first publication not less than 21 days prior to the deadline
  3. Set a date, time, and location for the conduct of at least one public meeting to be held on or before May 31<sup>st</sup> to hear presentations and to review written requests. The City Clerk shall publish notice of the public meeting at least two weeks in advance of the first public meeting.
  4. On or before June 30<sup>th</sup> formalize its recommendations to the City Council for the appropriation of non-property taxes for funding written requests, which in the judgment of the LOT Commission are the best use of those funds [subject to a total amount as estimated by the City Clerk], in accordance with the purposes for the permitted use of those funds as set forth in Section 5 of this Chapter.
  5. The chairperson of the LOT commission shall attend the city's staff level budget meetings in a capacity equivalent to that of a department head when the annual budget is developed.

## SECTION 8.

### 4.12.7: CITY CLERK TO ADMINISTER, REGULATE, AND COLLECT TAXES:

The City Clerk of the City of McCall is hereby authorized and empowered to administer, regulate, and collect payment of all nonproperty taxes adopted and imposed by this Chapter. Said Clerk shall have all of the powers set forth in this Chapter together with those additional powers necessary and proper to carry out the provisions of this Chapter.

## SECTION 9.

### 4.12.8: CREATION OF PROPERTY TAX RELIEF FUND:

Pursuant to Idaho Code Section 50-1045, there is hereby created in the office of the City Clerk a fund to be designated as the "municipal property tax relief fund." Any revenues collected under this Chapter in excess of the amount budgeted by the City Council for the use of said revenues shall be placed by the City Clerk into the municipal property tax relief fund. Such excess revenues shall be used to replace city property taxes in the ensuing fiscal year by the amount of all excess revenues placed in said municipal property tax relief fund.

## SECTION 10.

### 4.12.9: PERMITS REQUIRED AND ISSUANCE OF PERMITS:

- (A) Every person desiring to engage in or conduct the business of a hotel-motel rental or short term rental within this city shall file with the City Clerk an application for a City of McCall local option nonproperty tax permit for each place of business. A separate permit is required for each place of business within the city. Every application for said permit shall be made upon a form prescribed by the City Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of the business or places of businesses, and such other information as the City may require. The application shall be signed by the owner, if they are a natural person; or in the case of an association or partnership, by a partner; in the case of a limited liability company, by a member; in the case of a corporation, by an executive officer or other person authorized by the corporation to sign the application.
- (B) Upon filing an application meeting the requirements set out in subsection (A) of this section, the City Clerk shall issue to each applicant a permit for each place of business. A permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the location for which it was issued. Issuance of a permit may be subject to additional requirements as set forth in this Chapter.
- (C) On the face of the permit shall be affixed a municipal nonproperty tax number which shall be used by the applicant as an identifying number on all filing, payment and correspondence with regard to the nonproperty tax imposed under this Chapter.

## SECTION 11.

### 4.12.10: METHOD FOR PAYMENT OF TAXES:

- (A) The taxes imposed by this Chapter shall be computed and paid for each calendar month or quarterly, based on state requirement for submission. Said taxes are due and payable to the City Clerk on or before the twentieth day of the succeeding month. The amount of tax paid shall be computed on all sales subject to taxation under this Chapter. Each person required to hold a City of McCall local option nonproperty tax permit and number shall file a City of McCall local option nonproperty tax return and a copy of their Idaho state sales tax return for the month at the same time said taxes are paid to the City Clerk, unless said person has been permitted in writing by the Idaho state tax commission to file quarterly sales or use tax returns. Persons who have been permitted to file other than monthly returns shall notify the City Clerk in writing and the City Clerk thereupon may require reporting of state tax returns over some other period.
- (B) For monthly taxpayers the first payment of taxes under this Chapter shall be due and payable together on February 20, 2019, for payments for that period beginning January 1, 2019, and ending January 31, 2019. For quarterly taxpayers, the first payment of taxes under this chapter shall be due and payable together on April 20, 2019, for that period

beginning January 1, 2019 and ending March 31, 2019. Thereafter all payments shall be made monthly or quarterly, based on state requirement for submission.

- (C) A City of McCall local option nonproperty tax return shall be filed each and every month or quarter, based on state requirement for submission, by every person engaging in sales subject to taxation under this Chapter regardless of whether or not any tax is due. Returns shall be signed by the person required to file the return or by a duly authorized agent.
- (D) A valid sales tax exemption certificate issued by the Idaho state tax commission upon filing a copy thereof with the City Clerk shall have the same effect to exempt the sale from the taxes imposed hereunder as in the Idaho Sales Tax Act.

## SECTION 12.

### 4.12.11: AUDITS; DEFICIENCY DETERMINATIONS:

- (A) The City Clerk may order an audit of any taxpayer under this Chapter for the purpose of ascertaining the correctness or completeness of any return or payment.
- (B) If any error or omission is discovered in such audits or in any other way, the City Clerk may compute and determine the amount of tax due upon the basis of facts obtained and assert a deficiency. One or more deficiency determinations may be made for the amount due for one or for more than one period. In making such a determination, the City Clerk may offset overpayments against amounts due. Further, said determinations shall be made for the period or periods in respect to which the person fails to make a return and shall be based upon any information which is in the City Clerk's possession.
- (C) The City Clerk shall give written notice of the determination and the amount of the deficiency, including interest, at the rate of twelve percent (12%) per annum from the date due, to the person from whom such deficiency amount is due. Such notice may be given personally or mailed to the person at the address furnished to the City Clerk in the nonproperty tax permit application.

## SECTION 13.

### 4.12.12: REDETERMINATION OF DEFICIENCY:

- (A) Any person against whom a deficiency determination is made under this Chapter, or any person directly interested, may petition in writing for a redetermination within thirty (30) days after service upon the person of notice thereof. If the petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.
- (B) If a petition for redetermination is filed within the thirty (30) day period, the City Clerk shall reconsider the determination and, if the person so requests in the petition, grant the person an oral hearing and give said person ten (10) days' notice of the time and place of

the hearing personally or by mail addressed to the person at the address furnished to the City Clerk in said person's application for a nonproperty tax permit.

#### SECTION 14.

##### 4.12.13: APPEALS, INTEREST ON DEFICIENCY:

- (A) When a re-determination is made, the City Clerk shall give notice to the taxpayer. Within thirty (30) days of the date upon which such notice of re-determination is mailed or served, the taxpayer may file an appeal with the City Council or may file a complaint with the district court for review of the City Clerk's re-determination. There shall be no right of review by the City Council nor by the district court on the determination of taxes due made by the City Clerk unless a petition for re-determination has been timely filed. No assessment of a deficiency in respect to the tax imposed by this Chapter or proceeding to collect for its collection shall be made, begun or prosecuted until such notice of re-determination has been mailed to the taxpayer and expiration of such thirty (30) day period after notice of re-determination, nor, if an appeal is filed, until a decision on the appeal becomes final. If the taxpayer does not appeal to the City Council or file an action in district court within the time prescribed in this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the City Clerk.
- (B) Interest upon any deficiency shall be assessed at the same time as the deficiency and shall become due and payable upon notice and demand from the City Clerk and shall be collected as part of the tax at the rate of twelve percent (12%) per annum from the date prescribed for payment of the tax.

#### SECTION 15.

##### 4.12.14: COLLECTIONS AND ENFORCEMENT:

As soon as practical after each monthly or quarterly (based on state requirement for submission) City of McCall local option nonproperty tax return and payment is filed, the City Clerk shall examine the same and determine the correct amount of the tax. For the purpose of ascertaining the correctness of any payment determining the amount of tax due where none has been made, determining liability of any person for any tax payable under this Chapter, or the liability at law or in equity of any person in respect to any tax provided by this Chapter or collecting any such liability, the City Clerk, or duly authorized deputy, is authorized: a) to examine the books, papers, records, or other data which may be relevant or material to the inquiry; b) to summon the person liable for the tax or any officer, agent or employee of such person, or any person having possession, custody or care of books of accounting containing entries relating to the business of the person liable for the tax, to appear before the City Clerk, or deputy, at a time and place named in its summons to produce such books, papers, records or other data and/or give such testimony under oath as may be relevant or material to such inquiry.

#### SECTION 16.

##### 4.12.15: REFUNDS, LIMITATIONS, AND INTEREST:

- (A) If the City Clerk determines that any amount due under this Chapter has been paid more than once or has been erroneously or illegally collected or computed, the City Clerk shall set forth that fact in the records and the excess amount paid or collected may be credited on any amount due or payable to the City Clerk for nonproperty taxes from that person, and any balance refunded to the person by whom it was paid or to his successors, administrators or executors.
- (B) No such credit or refund shall be allowed or made after one year from the time the payment was made unless, before the expiration of such period, a claim therefore is filed by the taxpayer.
- (C) If the City does not issue a credit or refund within thirty (30) days after the error is discovered by the City or a written request for credit or refund is made by the taxpayer, then interest shall be allowed on the amount of such credits or refunds at the rate of twelve percent (12%) per annum from the date that such tax was paid.
- (D) Appeal from the City Clerk's decision denying in part or in whole a claim for refund shall be made in accordance with the laws of the State of Idaho with regard to claims against municipalities.

#### SECTION 17.

##### 4.12.16: RESPONSIBILITY FOR PAYMENT OF TAXES:

Every person with a duty to account for or pay over any tax imposed by this Chapter on behalf of a corporation, as an officer employee of the corporation, or on behalf of a partnership, as a partner or employee of the partnership, or on behalf of a limited liability company, as a member or employee of the same, shall be personally liable for payment of such tax, plus penalties and interest.

#### SECTION 18.

##### 4.12.17: PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION:

- (A) The amount of taxes imposed under this Chapter shall be assessed within three (3) years of the time the return upon which the tax asserted to be due was or should have been filed, whichever is later; provided, however, if a deficiency determination or assessment has been made within the prescribed time, such tax may be collected within a period of six (6) years after assessment. The running of limitations provided by this section shall be suspended for the period during which the City Clerk is prohibited from making the assessment or from collecting or proceeding in court due to a petition for re-determination or an appeal therefrom, and for thirty (30) days thereafter.
- (B) In the case of taxes due during the lifetime of a decedent, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within six (6) months after written request therefore (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent unless the assessment is stayed by a petition for redetermination or any appeal therefrom.

- (C) In the case of a false or fraudulent return with intent to evade tax, or of a failure to file a return, the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within three (3) years after the date of the discovery of the facts constituting the fraud.

#### SECTION 19.

##### 4.12.18: SUCCESSORS' LIABILITY:

- (A) If a vendor liable for any amount of tax under this Chapter sells out his business, the vendee shall make an inquiry to the City Clerk and withhold from the purchase price any amount of tax that may be due under this Chapter until such time as the vendor produces receipt stating that no amount is due.
- (B) If the purchaser of a business fails to withhold from the purchase price as above required, the purchaser is personally liable for the payment of the amount required to be withheld by them.

#### SECTION 20.

##### 4.12.19: GENERAL ADMINISTRATION BY CITY CLERK:

- (A) The City Clerk shall enforce the provisions of this Chapter and may prescribe, adopt and enforce rules and regulations relating to its administration and enforcement. The City Clerk may employ qualified auditors for examination of taxpayers' books and records, and shall also employ such accountants, investigators, assistants, clerks, and other personnel as are necessary for the efficient administration of this Chapter, and may delegate authority to other representatives to conduct hearings, or perform other duties imposed by this Chapter.
- (B) Taxpayers in the City of McCall shall keep such records, receipts, invoices, and other pertinent papers as the City Clerk may require. Each such taxpayer who files tax payments required under this Chapter shall keep all such records for not less than four (4) years after making such payments unless the City Clerk in writing authorizes their destruction.
- (C) The City Clerk, or any person authorized in writing by the clerk, may examine the books, papers, records, and equipment of any taxpayer or any person liable for any tax, and may investigate the character of the business of the person in order to verify the accuracy of any return made, or if no return is made by the person, to ascertain and determine the amount required to be paid. Any taxpayer whose pertinent records are kept outside of the city must bring the records to the city for examination by the City Clerk upon request of the latter, or by agreement with the City Clerk permit an auditor designated by the City Clerk to visit the place where the records are kept, and there audit such records.

#### SECTION 21.



#### 4.12.20: PENALTIES:

- (A) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, punishable by up to one year in the county jail, and/or three hundred dollar (\$300.00) fine, or both. Furthermore, each month in which a person fails to report, or intentionally fails to compute accurately, or intentionally fails to disclose accurately the total amount of sales or rentals or the amount of tax to be paid, as imposed under this Chapter, shall be considered a separate offense.
- (B) Any person who violates any provision of this Chapter shall have his City of McCall local option nonproperty tax permit and tax number revoked. The City Clerk shall send written notice of revocation of said permit and tax number to the permit holder by mailing the same by certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date said notice is mailed to file a written request of appeal with the City Council, challenging said revocation. If no appeal is timely made, said revocation becomes final. Whenever a person subject to this Chapter has had said permit and tax number revoked, the City Clerk shall not reissue said permit nor issue a new permit to said person until said person places with the City Clerk a bond or other sufficient security in the amount equal to three (3) times the actual, determined, or estimated average monthly amount of tax payable by such person pursuant to this Chapter. If such person continues to do business after the City permit is revoked, the City may apply to the District Court for the Fourth Judicial District for a temporary restraining order and/or injunction seeking to restrict the business of such person until that person complies with the provisions of this ordinance.
- (C) The City Clerk, whenever it is deemed necessary to ensure compliance with this Chapter, may require any person subject to this Chapter to place with her such security as she may determine. The amount of said security shall not be greater than three (3) times the estimated average monthly amount payable by such persons pursuant to this Chapter. The amount of the security may be increased or decreased by the City Clerk at any time, subject to the limitations set forth above.
- (D) Any amount of tax due under this Chapter for which a person fails to report or accurately compute shall become a lien upon the property of said taxpayer on the date that the same becomes due, and the City may seek to enforce said lien and collect all taxes and interest due, together with the reasonable costs of collection, including attorney fees, in a court of competent jurisdiction.
- (E) For the purposes of proper administration of this Chapter, and to prevent evasion of said local option nonproperty taxes, the burden of proving that an alleged rental is not a rental under this Chapter is upon the person who operates the rental in question.

#### SECTION 22.

#### 4.12.21: PENALTY CHARGES:

- (A) Any person who is required to collect and pay over any tax imposed by this Chapter and fails or refuses to pay over to the City the same when due in accordance with Section 4.12.10 of this Chapter shall be liable and pay a penalty charge equal to five percent (5%) of the tax not paid, or a minimum of ten dollars (\$10.00) (whichever is greater). The City Clerk shall assess and collect said fee at the time any delinquent tax payment is tendered. The permit holder shall have ten (10) days from the date payment is made to file a written appeal with the City Council challenging said penalty determination. If no appeal is timely made as herein provided, said penalty determination shall be final. If payment and penalties are not paid within the ten (10) days then the permit holder will be in violation and the Clerk shall assess penalties pursuant to McCall City Code 4.1.3.
- (B) Any person who is required to collect, truthfully account for, and pay over any tax imposed by this Chapter and who willfully fails to collect such a tax or truthfully account for or pay over such a tax, or willfully attempts in any manner to evade or defeat such a tax or payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the amount of the tax evaded, or not collected, or not accounted for or paid over. The City Clerk shall determine and assess such penalties, and the same shall become due and payable upon notice and demand from the City Clerk. The City Clerk shall send written notice of such penalty charge to the permit holder by mailing the same by certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date said notice is mailed to file a written request of appeal with the City Council challenging said penalty charge determination. If no appeal is timely made as herein provided, said penalty charge determination shall be final.

#### SECTION 23.

##### 4.12.22: EXEMPTIONS:

Only those transactions which are exempted from the taxes imposed by the state of Idaho pursuant to the sales tax act, as that act may be amended, are also exempt from the provisions of this Chapter.

#### SECTION 24.

##### 4.12.23: CONFIDENTIALITY OF INFORMATION:

- (A) No City Clerk of the City of McCall, Valley County, Idaho, nor any duly authorized deputy City Clerk, agent or employee shall divulge or make known to any persons, in any manner, any information whatsoever submitted or obtained, directly or indirectly, pursuant to this Chapter, or to permit any nonproperty tax return or information supplied with regard thereto, or any copy thereof, or any paper or book so obtained, to be seen or examined by any person except as provided by law; provided, that in any action or proceeding brought for the collection, remission, cancellation, or refund of the whole or any part of a tax imposed under this Chapter, or for enforcing the penalties prescribed for making false or fraudulent returns, any and all information contained in or provided with said returns may be made accessible to the elected and appointed officials, officers, and representatives of said City charged with enforcing or defending the same, all such

returns, information, statements and correspondence relating thereto may be produced into evidence in any action, civil or criminal, directly pertaining to such returns or the tax imposed on the basis of such returns.

- (B) The McCall City Council, under such rules and provisions as it may prescribe, may permit, notwithstanding the provisions of this Chapter as to secrecy, the commission of internal revenue of the United States or its delegate or the proper officer of any state imposing a tax to inspect the nonproperty tax returns or information provided or obtained in connection therewith, or may furnish to such officer, or his authorized agent, copies or an abstract thereof.
- (C) Nothing in this Chapter shall prohibit a taxpayer, or authorized representative upon proper identification, from inspecting and copying his own nonproperty tax returns and information supplied therewith.

SECTION 25.

SEVERABILITY: It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this Ordinance shall be severable. Should any section, subsection, paragraph, clause or phrase of this Ordinance, or any particular application thereof, be declared invalid or unconstitutional for any reason by a Court of competent jurisdiction, such decision shall not affect the remaining portions of said section, subsection, paragraph, clause, or phrase of this Ordinance.

SECTION 26.

REPEALER CLAUSE: On the effective date hereof, all Ordinances or parts thereof in conflict herewith are hereby repealed.

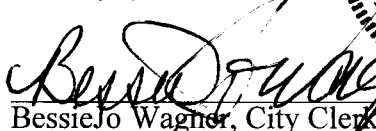
SECTION 27.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on January 1, 2019, after voter approval, passage by City Council and Mayor, and publication according to law prior to December 31, 2018.

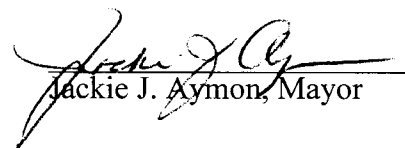
PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, IDAHO, THIS 8 DAY OF MARCH, 2018.

APPROVED:

ATTEST:

  
Bessie Jo Wagner, City Clerk



  
Jackie J. Aymon, Mayor

CITY OF McCALL  
 OCCUPANCY TAX SCHEDULE BRACKET SYSTEM 3% RATE

Effective Date January 1, 2019

sales price		tax due	sales price		tax due	sales price		tax due
0.01	- 0.16	0.00	19.50	- 19.83	0.59	39.17	- 39.49	1.18
0.17	- 0.49	0.01	19.84	- 20.16	0.60	39.50	- 39.83	1.19
0.50	- 0.83	0.02	20.17	- 20.49	0.61	39.84	- 40.16	1.20
0.84	- 1.16	0.03	20.50	- 20.83	0.62	40.17	- 40.49	1.21
1.17	- 1.49	0.04	20.84	- 21.16	0.63	40.50	- 40.83	1.22
1.50	- 1.83	0.05	21.17	- 21.49	0.64	40.84	- 41.16	1.23
1.84	- 2.16	0.06	21.50	- 21.83	0.65	41.17	- 41.49	1.24
2.17	- 2.50	0.07	21.84	- 22.16	0.66	41.50	- 41.83	1.25
2.51	- 2.83	0.08	22.17	- 22.49	0.67	41.84	- 42.16	1.26
2.84	- 3.16	0.09	22.50	- 22.83	0.68	42.17	- 42.49	1.27
3.17	- 3.50	0.10	22.84	- 23.16	0.69	42.50	- 42.83	1.28
3.51	- 3.83	0.11	23.17	- 23.49	0.70	42.84	- 43.16	1.29
3.84	- 4.16	0.12	23.50	- 23.83	0.71	43.17	- 43.49	1.30
4.17	- 4.50	0.13	23.84	- 24.16	0.72	43.50	- 43.83	1.31
4.51	- 4.83	0.14	24.17	- 24.49	0.73	43.84	- 44.16	1.32
4.84	- 5.16	0.15	24.50	- 24.83	0.74	44.17	- 44.50	1.33
5.17	- 5.50	0.16	24.84	- 25.16	0.75	44.51	- 44.83	1.34
5.51	- 5.83	0.17	25.17	- 25.49	0.76	44.84	- 45.16	1.35
5.84	- 6.16	0.18	25.50	- 25.83	0.77	45.17	- 45.50	1.36
6.17	- 6.50	0.19	25.84	- 26.16	0.78	45.51	- 45.83	1.37
6.51	- 6.83	0.20	26.17	- 26.49	0.79	45.84	- 46.16	1.38
6.84	- 7.16	0.21	26.50	- 26.83	0.80	46.17	- 46.50	1.39
7.17	- 7.50	0.22	26.84	- 27.16	0.81	46.51	- 46.83	1.40
7.51	- 7.83	0.23	27.17	- 27.49	0.82	46.84	- 47.16	1.41
7.84	- 8.16	0.24	27.50	- 27.83	0.83	47.17	- 47.50	1.42
8.17	- 8.50	0.25	27.84	- 28.16	0.84	47.51	- 47.83	1.43
8.51	- 8.83	0.26	28.17	- 28.49	0.85	47.84	- 48.16	1.44
8.84	- 9.16	0.27	28.50	- 28.83	0.86	48.17	- 48.50	1.45
9.17	- 9.50	0.28	28.84	- 29.16	0.87	48.51	- 48.83	1.46
9.51	- 9.83	0.29	29.17	- 29.49	0.88	48.84	- 49.16	1.47
9.84	- 10.16	0.30	29.50	- 29.83	0.89	49.17	- 49.50	1.48
10.17	- 10.50	0.31	29.84	- 30.16	0.90	49.51	- 49.83	1.49
10.51	- 10.83	0.32	30.17	- 30.49	0.91	49.84	- 50.16	1.50
10.84	- 11.16	0.33	30.50	- 30.83	0.92	50.17	- 50.50	1.51
11.17	- 11.50	0.34	30.84	- 31.16	0.93	50.51	- 50.83	1.52
11.51	- 11.83	0.35	31.17	- 31.49	0.94	50.84	- 51.16	1.53
11.84	- 12.16	0.36	31.50	- 31.83	0.95	51.17	- 51.50	1.54
12.17	- 12.50	0.37	31.84	- 32.16	0.96	51.51	- 51.83	1.55
12.51	- 12.83	0.38	32.17	- 32.49	0.97	51.84	- 52.16	1.56
12.84	- 13.16	0.39	32.50	- 32.83	0.98	52.17	- 52.50	1.57
13.17	- 13.50	0.40	32.84	- 33.16	0.99	52.51	- 52.83	1.58
13.51	- 13.83	0.41	33.17	- 33.49	1.00	52.84	- 53.16	1.59
13.84	- 14.16	0.42	33.50	- 33.83	1.01	53.17	- 53.50	1.60
14.17	- 14.50	0.43	33.84	- 34.16	1.02	53.51	- 53.83	1.61
14.51	- 14.83	0.44	34.17	- 34.49	1.03	53.84	- 54.16	1.62
14.84	- 15.16	0.45	34.50	- 34.83	1.04	54.17	- 54.50	1.63
15.17	- 15.50	0.46	34.84	- 35.16	1.05			
15.51	- 15.83	0.47	35.17	- 35.49	1.06			
15.84	- 16.16	0.48	35.50	- 35.83	1.07			
16.17	- 16.50	0.49	35.84	- 36.16	1.08			
16.51	- 16.83	0.50	36.17	- 36.49	1.09			
16.84	- 17.16	0.51	36.50	- 36.83	1.10			
17.17	- 17.50	0.52	36.84	- 37.16	1.11			
17.51	- 17.83	0.53	37.17	- 37.49	1.12			
17.84	- 18.16	0.54	37.50	- 37.83	1.13			
18.17	- 18.49	0.55	37.84	- 38.16	1.14			
18.50	- 18.83	0.56	38.17	- 38.49	1.15			
18.84	- 19.16	0.57	38.50	- 38.83	1.16			
19.17	- 19.49	0.58	38.84	- 39.16	1.17			

**Example:**

Sale	Tax Due
\$60.00	\$1.80
\$80.00	\$2.40
\$100.00	\$3.00
\$120.00	\$3.60

Sale is \$85.95  
 tax on 80.00 is 80 x .03 = 2.40  
 tax on 5.95 = 0.18 (from char  
 total tax is 2.40 + 0.18 = \$2.58