

From: Clint Smith <clint@custercountygov.com>

Sent: Wednesday, March 7, 2018 7:42 PM

To: billrcanda@gmail.com

Subject: Re: Tourism Board Resolution

Hi Bill,

Not only is the language about three members of the Tourism Board being from the tourism industry clearly in the Resolution submitted to the voters for approval, it is also a statutory mandate.

Section 30-11-107.5 (4)(b) says: "Upon approval of a lodging tax by the electors pursuant to this section, the county commissioners shall select a panel of no less than three citizens to administer the tourism fund. Members of the panel shall be appointed from the tourism industry within the municipalities or unincorporated areas from which the lodging tax is collected."

The term "tourism industry" is not further defined in the statute, so I supposed it could be construed to

1

include motel owners, restaurant owners, gift shop owners, bar owners, and other business people who cater to tourists in one capacity or another.

The way I read the statutory language quoted above, the panel appointed by the BOCC has to be composed of at least three citizens, but if the panel is larger than that (and ours is five) *then all the panel members have to be from the tourism industry*. That's probably not what was intended by the legislature, but that's how it would be interpreted by a court, in my opinion.

Clint