

**FREMONT COUNTY LODGING TAX COUNCIL  
BY-LAWS**

**ARTICLE I**

**NAME**

The name of the organization shall be the Fremont County Tourism Council, hereinafter referred to as the "Council".

**ARTICLE II**

**PURPOSES**

The purposes for which the Council is formed are set forth in Colorado Revised Statutes, Title 30, Article II §107.5 and Resolution 67-2001, adopted by the Fremont County Board of Commissioners on November 26, 2001. The Council shall be responsible for developing and implementing a plan to market and promote tourism for Fremont County.

**ARTICLE III**

**MEMBERSHIP AND TERMS**

- A. The panel shall be comprised of seven (7) members and all must be residents of Fremont County.
- B. The Council Members shall serve for a term of three (3) years. There are no term limits for Council members, but they must be re-appointed by the Board of Commissioners at the end of each term.
- C. Only one (1) person from any particular business may retain a seat on the Council at one time. If a person already on the Council with another company changes to a company already represented on the Council, they may retain their seat until their term has expired, but they will not be eligible for reappointment.
- D. The Council Board Members will be comprised of seven residents of Fremont County who are in tourism related businesses as defined by the Colorado Tourism Office. Efforts will be made to secure participation from the following industry categories: Hotels/Motels, Campgrounds, Attractions, Recreation, Retail, and Restaurants.
- E. Ex-officio (non-voting) Council Members will be one member from each Chamber of Commerce in Fremont County, one member from the Fremont County Board of Commissioners, one member from Fremont Economic Development Corp., one member from Canon City Main

Street USA, one member from the Florence Merchants' Association and one member from each, the City of Canon City and City of Florence. Ex-officio members shall be allowed to serve and participate if the agency represented chooses to send a representative member. However, there shall be no obligation on the part of the Council to ensure that ex-officio agency representatives are selected by the respective agencies.

F. Once annually, the Council shall notify, in writing, all ex-officio member agencies of their right to have an ex-officio member serve on the Council.

G. Notices will be posted for vacancies on the Board that will arise from the expiration of terms of existing members by November 1<sup>st</sup> annually. The notice shall request letters of interest and a statement of qualifications from citizens who are interested in serving on the Board. The letters of interest and statements of qualifications shall be submitted to the Council by November 30<sup>th</sup> and shall be reviewed and discussed by the Council at the December meeting. The Council shall make recommendations to the Fremont County Board of Commissioners for appointment of a member to fill any vacancies. Existing Board members shall be entitled to serve until a new member is appointed to the Board position.

H. Should a vacancy arise, other than by natural expiration of a Board member's term, the Council shall post notice of the vacancy within a reasonable time after the vacancy occurs. The notice shall request letters of interest and a statement of qualifications from citizens who are interested in serving on the Board. The Board shall review and discuss the letters of interest and statements of qualifications received and shall make recommendations to the Fremont County Board of Commissioners for appointment of a member to fill the vacancy. The Council shall make every effort to fill any such vacancies within three months after the vacancy occurs.

## **ARTICLE IV**

### **OFFICERS**

The officers of the Council shall consist of the Chairman, Vice Chairman, Secretary and Treasurer.

A. Officers shall be elected at the January meeting of the Council by its members.

B. The terms of the officers shall be for one (1) year. There are no term limits for officers, but they must be re-elected at the end of each term by the Council.

C. Vacancies occurring in any office shall be filled for the un-expired term by a person elected by a majority vote of the remaining Council Members.

## **ARTICLE V**

### **DUTIES OF OFFICERS**

- A. The Chairman shall preside at all of the meetings of the Council at which he/she may be present; shall perform such other duties as may be presented or assigned by the Council; and shall coordinate the work of the Council in order that its purposes may be promoted. The Chairman shall make all official media statements, unless a vote of the Council establishes another person to make such statements.
- B. The Vice Chairman shall perform the duties of the Chairman in the absence or disability of that office and shall perform other duties as assigned by the Chairman or the Council.
- C. The Secretary shall record the minutes of all meetings of the Council and shall perform such other duties as assigned by the Chairman or the Council.
- D. The Treasurer shall keep financial records of expenditures and keep track of the budget and shall perform such duties as assigned by the Chairman or the Council.

## **ARTICLE VI**

### **MEETINGS**

- A. Meetings of the Council shall be held at such times and locations fixed by the members at its first meeting of each year. Every effort shall be made to hold these meetings on the first Tuesday of each month.
- B. At the first meeting of each year, the Council shall establish two (2) posting places in public buildings where notices of the meetings of the Council shall be posted, at least 24 hours in advance of the meeting, as required by the Colorado Open Meetings Act, §24-6-402, C.R.S. The notice shall state the location, date, time and general agenda for the meeting. Any action taken by the Council at a meeting where public notice was not posted at least 24 hours in advance of the meeting shall be deemed to be invalid and of no effect.
- C. In the event a regular meeting date or time is changed, three (3) days written notice shall be given to each member of the Council, and at least 24 hours' notice to the public. E-mail notification to Council members may be used, but shall constitute written notice only when receipt of the e-mail communication is acknowledged by the recipient.
- D. Special meetings may be called by the Chairman or a majority of the Council members upon three (3) days written notice to each Council member and at least 24 hours' notice to the public. E-mail notification to Council members may be used, but shall constitute written notice only when receipt of the e-mail communication is acknowledged by the recipient.
- E. A quorum shall consist of a majority of the members of the Council. Council may not take any official action, including the expenditure of funds, without a quorum present. If a quorum is present, official action may occur by majority vote.

F. All meetings of the Council shall be open to the public. Every effort shall be made to notify the public of meeting dates, times, and locations. No meeting shall be held unless at least 24 hours' notice of the meeting is provided to the public in advance of the meeting.

G. Meetings may be held and attended virtually.

H. Voting shall be in-person or by electronic means. The format and timeliness of electronic voting may be determined by the board at any time. The Secretary shall maintain a record of all votes, including electronic votes, as part of the formal minutes of action by the Council.

## **ARTICLE VII**

### **ADMINISTERING LODGING TAX REVENUES**

A. The Council shall advertise and market tourism for the benefit of Fremont County.

B. The revenues generated by the lodging tax shall be used only to advertise and market tourism in Fremont County, Colorado and to reimburse Fremont County for the cost of the election on issues involving the lodging tax. No revenue collected from the lodging tax shall be used for any capital expenditures, with the exception of tourist information centers.

C. All lodging tax revenues collected from such lodging tax, except amounts retained by the Colorado Department of Revenue for collection and enforcement, shall be credited to a separate "Fremont County Tourism Council Lodging Tax Fund". Such lodging tax revenues shall be disbursed by the Fremont County Finance Department in accordance with Fremont County's normal operating procedures for approval of warrants and payment of bills.

D. Annually, the Council shall adopt a budget for expenditure of lodging tax revenues, which shall be part of the Fremont County Budget approved by the Commissioners. In the third calendar quarter of each year, the Council shall provide the Commissioners with a written report detailing for the prior calendar year how lodging tax revenues were spent.

E. The Board of County Commissioners of Fremont County may adopt such uniform rules, regulations and guidelines as may be necessary for the administration and enforcement of the lodging tax including distribution of the funds, and the Board of County Commissioners of Fremont County or its representatives are hereby empowered to enter into and execute on behalf of Fremont County any agreements or contracts necessary for the administration and enforcement of the Resolution 67-2001 and the lodging tax.

F. The fiscal year for the Council shall commence on January 1 and terminate December 31 of the same year.

G. The lodging tax will take effect January 1, 2002 and funds collected for 2002 will be available for disbursement for advertising and marketing for 2002. Funds collected thereafter shall be available for disbursement in the year collected and subsequent years.

