#### RESOLUTION NO. 89- 6

# RESOLUTION OF THE PORTER COUNTY COUNCIL AMENDING RESOLUTION 85-7 WHICH ESTABLISHED THE PORTER COUNTY INNKEEPER'S TAX

WHEREAS, Section 4(c) of the Uniform County Innkeeper's Tax Statute (1.C. 6-9-18-4(c)) provides that the monies contained in the Convention, Recreation and Visitor Promotion Fund may be expended only to promote and encourage conventions, trade shows, special events, recreation, and visitors, or industrial development, within the county; and

WHEREAS, the Porter County Board of Commissioners adopted Resolution 84-4 on the 21st day of May, 1984, and pursuant thereto established the Porter County Convention, Recreation and Visitor Commission and established as the purpose of said Commission the promotion and encouragement of "conventions, trade shows, special events, recreation, visitation, and industrial development within Porter County"; and

WHEREAS, the Porter County Council adopted Resolution 85-7 on the 23rd day of April, 1985, and pursuant thereto created the Porter County Innkeeper's Tax and further provided that "none of the monies collected from the adoption of the Porter County Innkeeper's Tax shall be currently used for Industrial development"; and

WHEREAS, the Porter County Council is now desirous of amending the aforementioned Resolution by modifying the prohibition against expenditure of innkeeper tax fund revenues for economic or industrial development purposes.

THEREFORE, BE IT RESOLVED by the Porter County Council that Porter County Council Resolution 85-7 should be and the same is hereby amended and modified to allow expenditure of Porter County Innkeeper Tax monies to promote and encourage conventions, trade shows, special events, recreation, and visitors or industrial development within Porter County, Indiana.

ALL OF WHICH HAVING BEEN RESOLVED by the Porter County Council this 25th day of July, 1989.  $\cdot$ 

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#### RESOLUTION NO. 89- 2

WHEREAS, the Porter County Board of Commissioners created a Convention, Recreation and Visitors Commission pursuant to the provisions of 1.C. 6-9-18-5 on the 21st day of May, 1984, by way of County Commissioner Resolution 84-4; and

WHEREAS, the Porter County Council levied a three percent (3%) innkeeper's tax pursuant to the provisions of <u>1.C.</u> 6-9-18-3 on the 23rd day of April, 1985, by way of County Council Resolution 85-7; and

WHEREAS, the provisions of 1.C. 6-9-18-3(c) allow the innkeeper's tax to be levied at a rate not in excess of five percent (5%) on the gross retail income derived from lodging income only and in addition to the state gross retail tax imposed under 1.C. 6-2.5; and

WHEREAS, it is the intent and desire of the Porter County Council to Increase the aforementioned innkeeper's tax levy from its current rate of three percent (3%) to the maximum statutorily allowed rate of five percent (5%).

THEREFORE, BE IT RESOLVED by the Porter County Council that the Porter County Innkeeper's Tax should be and the same is hereby Increased to the rate of five percent (5%).

BE IT FURTHER RESOLVED by the Porter County Council that the aforementioned increase of the innkeeper's tax levy to five percent (5%) shall take effect and be effective as of the first day of July, 1989.

BE IT FURTHER RESOLVED by the Porter County Council that except for the aforementioned change in the rate of levy of the innkeeper's tax, all other provisions of Porter County Council Resolution 85-7 shall remain in force and effect as originally adopted by the Porter County Council on the 23rd day of April, 1985.

ALL OF WHICH HAVING BEEN RESOLVED by the Porter County Council this 23rd day of May, 1989.

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# ORDINANCE NO. 89- /

# AN ORDINANCE ESTABLISHING LOCAL COLLECTION OF PORTER COUNTY INNKEEPERS' TAX

WHEREAS, the Indiana General Assembly has amended 1.C. 6-9-18-3 to provide that a County Council may adopt an Ordinance requiring that an innkeepers' tax be reported on forms approved by the County Treasurer and that the tax shall be paid monthly to the County Treasurer, and;

WHEREAS, the Porter County Convention, Recreation & Visitors Commission has advised the Porter County Council that it is the Commission's desire to have such an Ordinance implemented and that it believes the adoption of such an Ordinance will be of appreciable value to the Commission in its efforts at fulfillment of its statutory obligations, and;

WHEREAS, the Porter County Council is desirous of adopting such an Ordinance.

THEREFORE, BE IT ORDAINED by the Porter County Council as follows, to-wit:

SECTION 1. Pursuant to the provisions of I.C. 5-9-18-3(d) (as amended), the Porter County Council does hereby ordain that the Porter County Innkeepers' Tax shall be reported on forms approved by the Porter County Treasurer and that the Porter County Innkeepers' Tax shall be paid monthly to the Porter County Treasurer. The Porter County Innkeepers' Tax shall be paid to the Porter County Treasurer not more than twenty (20) days after the end of the month in which the Innkeepers' tax is collected.

SECTION II. The Treasurer of Porter County Is hereby authorized, Instructed, and empowered to prepare the necessary documents, establish the necessary and appropriate procedures, and do any and all other things necessary to implement the establishment of procedure for local collection of the Porter County Innkeepers' Tax.

SECTION III. The effective date of this Ordinance shall be July 1, 1989.

ALL OF WHICH HAVING BEEN ORDAINED by the Porter County Council this 25th day of April, 1989.

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Jacquely/ Sterling County Auditor	

#### RESOLUTION NO. 85- 12

WHEREAS, the Porter County Council Implemented a three percent (3%) innkeeper's tax pursuant to Resolution 85-7 on the 23rd day of April, 1985; and

WHEREAS, the effective dated of the levying of the aforementioned innkeeper's tax was June 1, 1985; and

WHEREAS, the Porter County Auditor has now advised the Porter County Council that the first monles collected in connection with the aforementioned innkeeper's tax have now been transmitted by the Indiana Department of Revenue and have been deposited by the Porter County Treasurer in the Porter County Convention, Recreation, and Visitor Promotion Fund; and

WHEREAS, I.C. 6-9-18-4(b) provides that the Porter County Auditor shall issue a warrant directing the Porter County Treasurer to transfer money from the Convention, Recreation, and Visitor Promotion Fund to the Treasurer of the Porter County Convention, Recreation and Visitor Commission upon the Commission's submission of a written request for said transfer; and

WHEREAS, the Porter County Auditor is desirous of the Porter County Council acquiescence in the aforementioned statutory procedure and the Porter County Council is desirous of so acquiescing to the extent that the transfer should be limited to the extent that monies are actually available and present in the fund and should further be limited by the annual budgets submitted by the Commission and approved by the Porter County Council in that the County Auditor should not issue a warrant in an amount that would result in transfers during any budgetary period which would exceed the amount of the budget submitted by the Commission and approved by the Porter County Council.

NOW, THEREFORE, BE IT RESOLVED by the Porter County Council as follows:

- 1) That the Porter County Council acquiesces and approves of the Porter County Auditor's compliance with the provisions of I.C. 6-9-18-4(b) in that the Porter County Auditor shall issue a warrant directing the Porter County Treasurer to transfer monies from the Convention, Recreation, and Visitor Promotion Fund to the Treasurer of the Porter County Convention, Recreation, and Visitor Commission upon receipt of written request for such transfer all of which to be done in compliance with the aforementioned statutory provision.
- 2) That said transfers are to be limited to the extent that the Porter County Auditor shall not issue a warrant for transfer of funds which would exceed

the amount of money actually contained in the aforementioned fund and furthermore shall not issue a warrant for transfer of money from the fund if such transfer when added to previous transfers during a budgetary period would result in total transfers during that budgetary period exceeding the total appropriations approved in the budget submitted by the Commission and approved by the Porter County Council for any budgetary period.

ALL OF WHICH HAVING BEEN RESOLVED AND ADOPTED by the Porter County Council this 24th day of September, 1985.

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#### RESOLUTION NO. 85-7

WHEREAS, the provisions of I.C. 6-9-18-1 through 8 empower the Porter County Council to adopt an inn-keeper's tax not to exceed the rate of five percent (5%) on the gross retail income derived from lodging income as such is limited and defined by the provisions of I.C. 6-9-18-3; and

WHEREAS, the monies generated by the aforementioned innkeeper's tax can be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors, or industrial development, within Porter County pursuant to the provisions of <u>I.C.</u> 6-9-18-4; and

WHEREAS, the Porter County Commissioners have created a convention, recreation and visitor's commission pursuant to the provisions of 1.C. 6-9-18-5; and

WHEREAS, it is the intent and desire of the Porter County Council to levy an innkeeper's tax pursuant to the aforementioned statute.

THEREFORE, BE IT RESOLVED by the Porter County Council that there should be and there is hereby levied a Porter County innkeeper's tax in the amount of three percent (3%) for the purpose of funding the activities of the convention, recreation, and visitor commission in the promoting of development and growth of the convention, recreation, and visitor industries in Porter County.

BE IT FURTHER RESOLVED by the Porter County Council that the three percent (3%) innkeeper's tax as levied and established by this Resolution shall be implemented as soon after the adoption of this Resolution as is possible.

BE IT FURTHER RESOLVED by the Porter County Council that the Porter County Treasurer is instructed to establish a convention, recreation, and visitor promotion fund for purposes of receipt of the monies collected pursuant to the levying of a three percent (3%) Porter County innkeeper's tax.

BE IT FURTHER RESOLVED by the Porter County Council that the monies collected by the adoption and levying of a three percent (3%) Porter County innkeeper's tax shall be used solely and exclusively by the convention, recreation and visitor commission for purposes of promoting the development and growth of the convention, recreation, and visitor industries in Porter County and that it is further the intent of the Porter County Council that none of the monies collected from the adoption of the three percent (3%) Porter County innkeeper's tax shall be currently used for industry development.

IT IS FURTHER RESOLVED by the Porter County Council that the Council's attorney shall immediately contact the Indiana State Department of Revenue and advise that state agency of the implementation of the Porter County innkeeper's tax and that he should further do all things necessary to comply with the request of the Indiana Department of Revenue for implementation of the innkeeper's tax.

IT IS FURTHER RESOLVED by the Porter County Council that any and all expenditures of monies collected as the result of the levying of the Porter County innkeeper's tax shall be made and done by the convention, recreation, and visitor commission in a manner and fashion required by law and that specifically the commission shall comply with the provisions of I.C. 6-9-18-6 regarding the expenditure of funds by the commission and the commission submission of an annual budget to the County Council as required by law.

ALL OF WHICH HAVING BEEN RESOLVED by the Porter County Council this 23rd day of April, 1985.

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Attest:

Alorotty Kandur Dorothy Zenburg County Auditor

#### EXCERPT FROM MINUTES OF A MEETING

#### OF THE PORTER COUNTY COUNCIL

A duly called meeting of the Porter County Council was held in Room 205, Porter County Courthouse, Valparaiso, Indiana, on April 23, 1985, at the hour of 7:30 p.m.

The meeting was called to order by Christian Anderson, President of the Porter County Council, and the minutes of the meeting were recorded by Rebecca Brazys, Secretary, Porter County Council.

On call of the roll, the members of the Council were shown to be present or absent as follows:

Present: Christian Anderson
Larry Jarrett
Karen Hughes
John Lundahl
Ruth Ann McWhorter
Jack Clem
Thomas Keene

Absent: None

(Among other proceedings had and actions taken were the following:) The President of the County Council reviewed the fact that the Council had a public input hearing on adoption of a proposed innkeeper's tax on Wednesday, April 17, 1985 and that all interested parties had been given an opportunity to present to the Council the arguments for and against adoption of the tax. The Council's attorney reviewed the status of the law and the options available to the Council in connection with adoption of the innkeeper's tax.

After an additional brief period of public input, on motion duly made, seconded, and adopted by a six to one vote, the following Resolution was adopted.

# RESOLUTION NO. 7

WHEREAS, the provisions of I.C. 6-9-8-1 through 8 empower the Porter County Council to adopt an inn-keeper's tax not to exceed the rate of five percent (5%) on the gross retail income derived from lodging income as such is limited and defined by the provisions of I.C. 6-9-18-3; and

WHEREAS, the monies generated by the aforementioned innkeeper's tax can be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors, or industrial development,

within Porter County pursuant to the provisions of I.C. 6-9-18-4; and

WHEREAS, the Porter County Commissioners have created a convention, recreation and visitor's commission pursuant to the provisions of  $\underline{1.C.}$  6-9-18-5; and

WHEREAS, it is the intent and desire of the Porter County Council to levy an innkeeper's tax pursuant to the aforementioned statute.

THEREFORE, BE IT RESOLVED by the Porter County Council that there should be and there is hereby levied a Porter County innkeeper's tax in the amount of three percent (3%) for the purpose of funding the activities of the convention, recreation, and visitor commission in the promoting of development and growth of the convention, recreation, and visitor industries in Porter County.

BE IT FURTHER RESOLVED by the Porter County Council that the three percent (3%) innkeeper's tax as levied and established by this Resolution shall be implemented as soon after the adoption of this Resolution as is possible.

BE IT FURTHER RESOLVED by the Porter County Council that the Porter County Treasurer is instructed to establish a convention, recreation, and visitor promotion fund for purposes of receipt of the monies collected pursuant to the levying of a three percent (3%) Porter County innkeeper's tax.

BE IT FURTHER RESOLVED by the Porter County Council that the monies collected by the adoption and levying of a three percent (3%) Porter County innkeeper's tax shall be used solely and exclusively by the convention, recreation and visitor commission for purposes of promoting the development and growth of the convention, recreation, and visitor industries in Porter County and that it is further the intent of the Porter County Council that none of the monies collected from the adoption of the three percent (3%) Porter County innkeeper's tax shall be currently used for industry development.

IT IS FURTHER RESOLVED by the Porter County Council that the Council's attorney shall immediately contact the Indiana State Department of Revenue and advise that state agency of the implementation of the Porter County innkeeper's tax and that he should further do all things necessary to comply with the request of the Indiana Department of Revenue for implementation of the innkeeper's tax.

IT IS FURTHER RESOLVED by the Porter County Council that any and all expenditures of monies collected as the result of the levying of the Porter County inn-keeper's tax shall be made and done by the convention, recreation, and visitor commission in a manner and fashion required by law and that specifically the commission shall comply with the provisions of I.C. 6-9-18-6 regarding the expenditure of funds by the commission and the commission submission of an annual budget to the County Council as required by law.

ALL OF WHICH HAVING BEEN RESOLVED by the Porter County Council this 23rd day of April, 1984.

## VOTING FOR THE RESOLUTION

## VOTING AGAINST THE RESOLUTION

John Lundahl

Christian Anderson Larry Jarrett Karen Hughes

Ruth Ann McWhorter Jack Clem

Thomas Keene

There being no further business to come before the meeting, on motion duly made, seconded and unanimously carried, the meeting thereupon adjourned.

Rebecca Brazys

Secretary, Porter County Council

ATTEST:

Dorothy Lenburg County Auditor

I, Dorothy Lenburg, the duly elected Auditor of Porter County, do hereby certify that the excerpted minutes of the April 23, 1985 meeting of the Porter County Council accurately and correctly contain the Resolution adopted by the Porter County Council wherein they levied a Porter County innkeeper's tax.

Dorothy Lenburg County Auditor

#### RESOLUTION NO. 8

WHEREAS, the Porter County Council adopted Resolution No. 85-7 on the 23rd day of April, 1985 establishing a three percent Porter County innkeeper's tax; and

WHEREAS, pursuant to said Resolution, the Indiana State Department of Revenue was advised of the adoption of same and request to implement the innkeeper's tax as expeditiously as was consistent with its procedure; and

WHEREAS, representatives of the Indiana State Department of Revenue have contacted the Porter County Council and have advised that the implementation date for the Porter County innkeeper's tax should be June 1, 1985 and that the Indiana State Department of Revenue is desirous of the Porter County Council adopting an amendatory ordinance establishing its intent to implement the Porter County innkeeper's tax as of June 1, 1985; and

WHEREAS, it is the desire and intent of the Porter County Council to implement the three percent innkeeper's tax as of June 1, 1985.

THEREFORE, BE IT RESOLVED by the Porter County Council that the Indiana State Department of Revenue implement the collection of the three percent Porter County innkeeper's tax on and after June 1, 1985.

ALL OF WHICH BEING RESOLVED by the Porter County Council this 28th day of May, 1985.

Voting Aby Argelution Voting Against Resolution

Attest:

Dorothy Lemburg
County Auditor

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# RULES OF THE PORTER COUNTY CONVENTION, RECREATION AND VISITOR COMMISSION

# Article I - Authority.

These rules are adopted by the Porter County Convention, Recreation and Visitor Commission ("Commission") pursuant to the authority contained in I.C. 6-9-18-6 (a) (4). The purpose of these rules is to provide for the conduct of the business of the Commission and the accomplishment of the purposes of the Commission.

#### Article II - Purpose of Commission.

The purpose of the Commission shall be to develop and maintain a climate to attract conventions and visitors into Porter County and to promote park and recreational facilities in Porter County.

# Article III - Membership.

- Section 1 The membership of the Commission shall consist of a total of nine members appointed in accordance with the resolution of the Porter County Commissioners creating this Commission.
- Section 2 All terms of office of Commission members shall begin on January 1. Initial appointments shall be for staggered terms with all subsequent appointments for two year terms.
- Section 3 A member of the Commission whose term expires may be reappointed to serve another term.
- Section 4 If a vacancy occurs, the Commission shall notify the appointing authority that had appointed such individual whose office is vacant and the appointing authority shall appoint a qualified person to serve for the remainder of the term.
- Section 5

  If an initial appointment is not made by the appointing authority by February 1 of any calendar year or if a vacancy is not filled within thirty (30) days after the Commission shall have notified the appointing authority of the existence of the vacancy, the Commission shall within thirty (30) days thereafter appoint a member to fill the remainder of such term. Such appointment shall be by a majority vote of all the members of the Commission.
- Section 6 A member of the Commission may be removed for cause by the appointing authority.
- Section 7 Each Commission member, before entering upon his duties, shall take an oath of office to be endorsed upon his certificate of appointment and fill with the Clerk of the Circuit Court of Porter County.

A member of the Commission may not receive a salary. However, Commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

# Article IV - Organization Meeting.

Ten days after the initial appointment of the Commission, the Commissioners shall meet for the purpose of organization. Therefore, the Commission shall meet on or before January 10 of each calendar year for the purpose of organization. At such organization meeting, the Commission shall elect one of its members President, another Vice President, another Secretary, and another Treasurer. The officers chosen shall serve from the date of their election until their successors are elected and qualified or until the expiration of the term of the officer as a member of the Commission.

# Article V - Duties of Officers.

- President The President shall preside at all meetings of the Commission, both regularly scheduled or special. He shall be a member ex-office, with right to vote, of all committees. He shall communicate to the Commission such matters and make such suggestions as may in his opinion tend to promote the prosperity and welfare and to increase the usefulness of the Commission. He shall appoint all committees. He shall be a full voting member at each and every meeting, regularly scheduled or special, of the Commission and shall perform such other duties as are necessarily incident to the office of President.
- Section 2 Vice President The Vice President shall serve as President in the case of the death or absence of the President, or of his inability to act for any reason.
- Section 3 Secretary - It shall be the duty of the Secretary to give notice of and attend all meetings of the Commissioners and keep a record of their doings; to carry into execution all orders, vote and resolutions not otherwise committed; to keep a list of the members of the Commissioners, to notify officers of the Commission of their election; to notify members of their appointment on committees; and generally to devote his best efforts to forwarding the business and advancing the interests of the Commission. In the case of the absence or disability of the Secretary for any reason, the President, or, in his absence, the Vice President, may appoint a Secretary pro tem. The Secretary shall be the keeper of the By-Laws of the Commissioners of the Commission.
- Section 4 Treasurer The Treasurer shall keep an account of all moneys received or expended by the Commission or by the Treasurer of Porter County for the use of

the Commission or disbursed by the Treasurer of Grant County to any Indiana not-for-profit corporation; shall make disbursements only upon vouchers in writing approved by a majority of the Commissioners. He shall deposit all sums received in financial institutions in Porter County approved by the majority of the Commission to be the named depository. He shall make at least a quarterly financial report and any additional report on request by a majority of the Commissioners.

The funds, books, and vouchers in his hands shall at all times be under the supervision of the President, Vice President, and Secretary of the Commission, and/or the State Board of Accounts, and subject to their inspection and audit. At the expiration of his term of office, he shall deliver over to his successor all books, and other property, or, in the absence of a Treasurer-elect, to the President. In the case of the absence or the disability of the Treasurer, the President may appoint a Treasurer pro tem.

# Article VI - Quorum.

A majority of the full Commission shall constitute a quorum. The concurrence of the majority of the Commission is necessary to authorize any action.

# Article VII - Meetings.

- There shall be one regularly scheduled meeting each month of the year. At the first meeting of the Commission each year, a majority of the Commission shall designate the time and place of each regular monthly meeting for the remainder of the year.
- Special meetings may be called by the President at his discretion. No business other than that specified in the notice of meeting shall be transacted at any special meeting. Notice of a special meeting shall be in writing and shall be mailed by regular United States Mail to the last recorded address of each member at least seventy-two (72) hours in advance of the time set for said meeting. Such notice shall state the time and place of such special meeting and the business to be transacted at such special meeting.
- Section 3 In order to vote on a proposal, a member must be physically present. There will be no proxy votes.
- Any person employed by the Commission may attend any such meeting and speak as a regular member yet he shall have no vote on any issue.
- Article VIII Powers of the Commission.

The Commssion may:

- (a) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the Commission considers necessary and desirable; sue and be sued;
- (b) enter into contracts and agreements;
- (c) receive and approve, alter or reject requests and proposals for funding by Indiana not-forprofit corporations;
- (d) after its approval of a proposal, transfer money quarterly or less frequently from the fund established pursuant to I.C. 6-9-18-4 to any Indiana not-for-profit corporation for the purpose of promoting and encouraging conventions, trade shows, visitors, or special events in Porter County;
- (e) require financial or other reports from any not-for-profit corporation that receives funds pursuant to the preceding two subparagraphs; and
- (f) direct the Treasurer of Porter County to pay expenses of the Commission authorized by statute or these rules, which expenses shall be paid from the fund established pursuant to I.C. 6-9-18-4.

# Article IX - Annual Budget.

The Commission shall annually prepare and approve a budget, taking into consideration the recommendations made by any corporation qualified under I.C. 6-9-18-4, and shall submit it to the Porter County Council on or before the 1st day of August of each calendar year. Such budget shall be for the next fiscal year of the Commission. No expediture may be made or authorized by the Commission unless it is in accordance with an appropriation made by the County Council in the manner provided by law.

# Article X - Receipt and Disbursement of Funds.

All money coming into the possession of the Commission shall be deposited by the Treasurer of the Commission (or, in his absence, the Secretary) held, secured, invested, and paid solely in accordance with statutes of the State of Indiana relating to the handling of public funds.

# Article XI - Reimbursement of Expenses of Members of the Commission.

Any member seeking recovery of expenses as authorized by law and Article III, Section 8 of these rules shall obtain from the Treasurer of the Commission a claim form and shall complete and sign said claim form and file it with the Treasurer of the Commission.

# Article XII - Advisory Assistance.

The Commission may elect to invite representatives from related visitor, convention, park or recreation boards and organizations active in Porter County to assist in certain desired accomplishments of the Commission. These representatives, when asked, shall serve exofficio and shall have no vote on the decisions of the Commission.

# Article Xiii - Staff and Administration.

The Commission shall study the staff and administration of other county convention, recreation and visitor commissions in the State of Indiana prior to determining the appropriate administration needs of this Commission. The Commission shall also meet with the appropriate representative of the Tourism Division of the Indiana Department of Commerce prior to outlining an annual program of work.