



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 17, 2023

John D. Brady, Esq.
Attorney, Columbus-Lowndes Convention and Visitors Bureau
Post Office Box 1366
Columbus, Mississippi 39703-1366

Re: Columbus-Lowndes Convention and Visitors Bureau's Funding of
Columbus Cultural Heritage Foundation

Dear Mr. Brady:

The Office of the Attorney General has received your request for an official opinion.

Background

The Columbus-Lowndes Convention and Visitors Bureau was created by 2011 Mississippi House Bill No. 1552 ("H.B. 1552"). According to your request, the Columbus Cultural Heritage Foundation, a 501(c)(3) nonprofit corporate entity, owns the Tennessee Williams Welcome Center in Columbus. You state that the Columbus Cultural Heritage Foundation "is tasked with, among other things, the duty and obligation to maintain, repair, and restore the center. In addition, and consistent with its Articles of Incorporation, the Columbus Cultural Heritage Foundation is 'to foster, promote, encourage and advertise tourism in the Columbus, Mississippi trade area.'" (internal citation omitted). We understand that you are seeking this opinion at the direction of the Mississippi Ethics Commission.

Question Presented

Does the Columbus-Lowndes Convention and Visitors Bureau have the authority to provide funding to the Columbus Cultural Heritage Foundation, a nonprofit 501(c)(3) historic foundation?

Brief Response

The Columbus-Lowndes Convention and Visitors Bureau ("CVB") may provide funding to the Columbus Cultural Heritage Foundation ("CCHF") for the operation of the Tennessee Williams Welcome Center in Columbus in accordance with H.B. 1552.

Applicable Law and Discussion

“Public boards created by legislative act have only such powers and authority as are expressly conferred by law, or as arise by necessary implication.” *Golding v. Salter*, 107 So. 2d 348, 354 (Miss. 1958). Section 2(1)(f) of H.B. 1552 grants the CVB the power “[t]o contribute funds for the operation of any visitor information center in the designated area for the repair, restoration, and maintenance of buildings and grounds owned by governmental entities and nonprofit corporations which would tend to promote tourism, conventions and special events in the city and county” It is the opinion of this office that H.B. 1552 allows the CVB to provide funding to the CCHF for the operation of the Tennessee Williams Welcome Center in Columbus.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION