

**LODGING TAX CAPITAL CONSTRUCTION FUND**  
**MEMORANDUM OF UNDERSTANDING**

**THIS AGREEMENT** is entered into by and between Campbell County (hereinafter referred to as "County") and the City of Gillette (hereinafter referred to as "City"), the Town of Wright (hereinafter referred to as "Town") and the Campbell County Lodging Tax Joint Powers Board d/b/a the Campbell County Convention and Visitor's Bureau (hereinafter referred to as "Board"). The County, City, Town and Board may hereafter be collectively referred to as "the Parties".

**1. Purpose.**

This agreement is to set forth the terms and understanding between the Parties for the establishment of a capital fund for the purpose of the construction of a visitor's center and continued use of ten percent (10%) of the lodging tax revenues collected in Campbell County pursuant to Wyoming Statute 39-15-204(a)(ii) .

**2. Background.**

At the primary election in August of 2008, the voters of Campbell County approved a proposition to establish a two percent (2%) excise tax upon the sales price paid for lodging services within Campbell County. Wyoming law requires that a joint powers board be established to oversee the spending of the lodging tax revenues when the imposition of the tax is county wide. A joint powers agreement was approved by the County, City, Town and Wyoming Attorney General on December 5, 2008. The seven member Board was established under the agreement, a majority of whom are from the travel and tourism industry as required by law.

**3. Establishment of Fund**

For a county wide lodging tax and pursuant to Wyoming Statute Section 39-15-211(a)(ii)(B)(II), an amount not to exceed ten percent (10%) of the total amount of lodging tax collected is to be distributed by the Board to the County, City and Town in the proportionate amount of the total amount collected to be used for general revenue purposes.

The Parties agree that it is for the mutual benefit of the County, City, Town and Board that a facility be built in a mutually agreeable location for the purpose of fostering travel and tourism within the county but that Wyoming law prohibits the use of lodging tax revenue for capital construction. The Parties agree that rather than distribute the ten percent (10%) to the County, City and Town in their proportionate share, ten percent (10%) of all lodging tax collected in Campbell County shall be withheld and held by the Board in a separately maintained fund and/or account for purposes of establishing a capital building fund for the purpose of construction of a facility in a mutually agreeable location to foster travel and tourism in Campbell County.

The Parties further agree that ten percent (10%) of all lodging tax collected in Campbell County following accumulation of an amount sufficient to build a facility shall continue to be withheld by the Board rather than distributed to City, County and Town for use by the Board to operate and maintain the facility and for such other use as it deems necessary until such time as

this agreement is terminated by the Parties or until any one Party notifies the Board that it no longer wants its proportionate share to be withheld. Upon such notice, the Board shall distribute to that Party its proportionate share.

4. Contingency.

In the event the lodging tax is defeated by the voters of Campbell County prior to the collection of the amount necessary to construct the facility or the ability to use the funds for such purpose is determined to violate state law or construction of the facility is otherwise rendered an impossibility, then this agreement shall terminate and the tax accumulated shall be returned to the Parties in their proportionate share or upon the consent of the County, City or Town, the Board may keep the proportionate share of the County, City or Town for use by the Board for continued operations of promoting travel and tourism within Campbell County.

CAMPBELL COUNTY *Garry G. Becker*

CITY OF GILLETTE

*G. Matthew Avery*  
G. Matthew Avery, Chairman

Louise Carter King, Mayor

Dated: 1-5-16

Dated: \_\_\_\_\_

TOWN OF WRIGHT

CAMPBELL COUNTY JOINT LODGING TAX  
BOARD

Ralph Kingan, Mayor

Debby Zolnoski, Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_