

Monday, Feb. 5, 2024

To the City of Lander,

The Wind River Visitors Council is requesting your assistance resolving a process that has become cumbersome over the past several years, the Wind River Visitors Council's annual budget approval process.

Preparing the annual budget is a time intensive effort for the Wind River Visitors Council. The Executive Director works with the Wind River Visitors Council's budget committee on a draft budget, which is then presented to the full Board of Directors for approval. It is then submitted to the Governing Bodies months in advance of the approval deadline. The approval process is long and time consuming, and last year, Fremont County lost significant money because of delays in the budget's approval.

Under Wyoming law, most lodging tax boards prepare their fiscal budget for the next fiscal year, receive Board approval and have a public hearing. At that point, they are finished. Fremont County's Joint Powers Agreement is unique and requires not only approval of the proposed budget from each of the Governing Bodies within the county, but unanimous approval.

Getting 100 percent approval from each of the Governing Bodies is challenging, and last year, despite submitting the budget early, by the time it was approved state co-op funds were exhausted and \$27,291.65 was lost. The Board of Directors and Executive Director have discussed this extensively and we have consulted with other lodging tax boards throughout Wyoming, as well as our attorney. We are requesting that the Governing Bodies consider amending the Joint Powers Agreement to change the *unanimous* approval by the Governing Bodies to a *majority* approval by the Governing Bodies, as well as clarify the process for revised budget approvals.

The Wind River Visitors Council has been working with the Fremont County Association of Governments (FCAG) on language for this revision, and attached to this letter you will find a DRAFT second amendment to the Wind River Visitors Council's Joint Powers Agreement. This was originally drafted by our attorney and further amended from feedback provided by FCAG.

The Wind River Visitors Council is requesting to be added to a Lander City Council Agenda.

Thank you in advance for your help.

A handwritten signature in black ink, appearing to read "Helen Wilson".

Helen Wilson

Executive Director, Wind River Visitors Council

hwilson@windriver.org, (307) 332-5546

**SECOND AMENDMENT TO THE WIND RIVER VISITORS
COUNCIL JOINT POWERS AGREEMENT**

This Second Amendment to the Wind River Visitors Council Joint Powers Agreement is made and entered into, by and between the Town of Shoshoni, the Town of Hudson, the Town of Dubois, the City of Riverton, the City of Lander and the County of Fremont, all as indicated by their respective letters of approval attached hereto.

WITNESSETH:

WHEREAS, on May 16, 1989 the above municipal and county entities entered into a Joint Powers Agreement to administer the proceeds of a county lodging tax; and

WHEREAS, paragraph 9 of the Agreement provided that the Board would submit an annual budget by May 10 of each year and shall obtain the approval thereof by all governing bodies not later than June 30 of each year; and

WHEREAS, the entities have determined that the requirement for approval by all governing bodies is stringent and not in accordance with municipal voting where a majority controls and has limiting effects upon the Board ; and

WHEREAS, the entities desire to alter paragraph 9 of the Agreement to require approval of a majority of the entities and to not require approval of budget amendments by the entities; and

NOW THEREFORE, it is hereby resolved by the Town of Shoshoni, the Town of Hudson, the Town of Dubois, the City of Riverton, the City of Lander and the County of Fremont as follows:

9. FINANCES, BUDGET AND OPERATING PLAN

The financial records, accounting system and budgetary process shall be carried out by the Board in accordance with the requirements of this AGREEMENT and of the Uniform Municipal Fiscal Procedures Act, § 16-4-101 to § 16-4-407 W.S., (1977), as amended. No payment for services rendered or materials or property purchased shall be made except in strict accordance with a budget and operating plan approved by the governing bodies and except upon approval of a sworn voucher in accordance with procedures governing counties, cities and towns. It is anticipated by the parties hereto that a significant portion of the total operating budget revenues will be derived from the Fremont County Lodging Tax with no obligation on the part of the parties hereto to provide additional funding for operations.

The fiscal year of the Board shall be July 1 to June 30 of each year. The Board shall prepare and submit its proposed budget, together with its proposed operating plan, to the governing bodies not later than May 10th each year, and shall obtain approval thereof by a majority of the governing bodies not later than June 30th each year. The operating plan shall be sufficiently detailed to eliminate ambiguities with regard to general target areas, capital equipment acquisitions and personnel hiring.

If budget amendments during the fiscal year due to unexpected expenditures or due to unexpected receipt of revenue are needed, then the Wind River Visitors Council will submit the budget amendment to the Fremont County Association of Governments (FCAG). FCAG will be given a two-week period from confirmation of receipt to approve the amended budget. If two weeks pass without communication from FCAG, then the Wind River Visitors Council may move forward with the budget amendment without additional approval.

IN WITNESS WHEREOF, the parties hereto have executed this adopting and agree to the amendment.

City of Lander

By: _____
Monte Richardson, Mayor

Attest: _____
City Clerk

City of Riverton

By: _____
Timothy Hancock, Mayor

Attest: _____
City Clerk

Board of Fremont County Commissioners

By: _____
Chairman

Attest: _____
County Clerk

Town of Dubois

By: _____
Patricia Neveaux, Mayor

Attest: _____
Town Clerk

Town of Hudson

By: _____
Sherry Oler, Mayor

Attest: _____
Town Clerk

Town of Shoshoni

By: _____
Joel Highsmith, Mayor

Attest: _____
Town Clerk

STATE OF WYOMING
OFFICE OF ATTORNEY GENERAL

In accordance with Wyoming Statute Section 16-1-10S(a)(ii), I hereby certify that the foregoing Second Amendment to the Wind River Tourist Association Joint Powers Agreement was received by this office and has been reviewed and is approved as to form and with respect to compliance with the Constitution and the Laws of the State of Wyoming. The approval of this Second Amendment to the October 25, 1989 Joint Powers Agreement is limited to the terms and conditions of the Agreement and Amendment themselves, and the approval does not extend to any activities, services, project or financing of any activities, services or project contemplated under the Agreement or Amendment.

Approved this ___ day of _____, 2023

ATTORNEY GENERAL

By: _____

Attorney General
State of Wyoming

STATE OF WYOMING
OFFICE OF THE ATTORNEY GENERAL

In accordance with Wyo. Stat. § 16-1-10S(a)(ii), the Wyoming Attorney General has reviewed the Wind River Tourist Association Joint Powers Agreement, now known as the Wind River Visitors Council Joint Powers Agreement, and determined that the agreement is compatible with the laws and constitution of the State of Wyoming. The approval of the agreement by the Attorney General is limited to the terms and conditions of the agreement itself and does not extend to any individual project or the financing of any individual project contemplated under the Agreement.

Approve this ____ day of _____, 2023

ATTORNEY GENERAL
