

**INTERGOVERNMENTAL AGREEMENT  
FOR THE ESTES PARK LOCAL MARKETING DISTRICT**  
Third Amendment

This Intergovernmental Agreement for the Estes Park Local Marketing District, Third Amendment ("Third Amendment") is effective January 1, 2023 ("Effective Date"), and made between the Town of Estes Park, Colorado ("Town") and the Board of County Commissioners of Larimer County, Colorado ("County").

WHEREAS, the Town and County signed an Intergovernmental Agreement for the formation and function of the Estes Park Local Marketing District ("District") in August, 2008, and such agreement was amended by the Parties via written agreements dated September 19, 2017 and January 1, 2019 (collectively the "IGA"); and

WHEREAS, at the November 8, 2022, general election, the voters of the District approved an additional 3.5% marketing and promotion tax to be used in furtherance of affordable workforce housing and childcare services, with such additional tax revenue to be administered by the Town; and

WHEREAS, by this Third Amendment the Town and County desire to amend the IGA to incorporate provisions applicable to the newly authorized 3.5% marketing and promotion tax, and otherwise update the terms of the IGA.

NOW, THEREFORE, for good and valuable consideration received and to be received, the Town and County agree to amend the IGA as follows:

1. The following section titled "Workforce Housing and Childcare Funding Plan" is added as Section 7 of the IGA, and the existing Section 7 and all Sections that follow are re-numbered accordingly:

**7. Workforce Housing and Childcare Funding Plan**

7.1 The Town shall file with the County no later than November 1 of each year a Workforce Housing and Childcare Funding Plan ("Plan," for the purposes of this section 7) that references the estimated lodging tax revenues expected to be received from the District in the following year for the purposes of workforce housing and childcare, as outlined in the District's proposed Operating Plan, and how the Town plans to use the funds to address workforce housing and childcare issues in the Estes Valley. The Plan is expected to be a brief and broad overview of funding allocations and priorities and need not detail each property expected to be served nor each action expected to be taken.

7.2 The County shall approve or request changes to the Plan no later than December 1 of the year in which such documents are filed. If changes are requested, a joint meeting of the Town Board and Board of County Commissioners will be held to come to agreement on the contents of the Plan by January 31 of the year following the year in which such documents are filed. In the event that changes are requested and a Plan has not been approved by December 31 of the year the documents are filed, a prior-approved Plan shall be extended on

an interim basis into the following year until approval is reached.

7.3 The services and financial arrangements related to the lodging tax revenue received by the Town from the District shall conform so far as practical to the approved Plan.

7.4 The Town of Estes Park will have budgetary authority and responsibility for the funds within the scope of activities identified in the Plan.

2. Section "5.9 Bylaws" is amended to read as follows:

5.9 Bylaws. The Board of Directors for the District shall adopt bylaws that are consistent with the terms of this Agreement and any amendments. Following adoption by the District Board, such bylaws, including any amendments, shall become effective upon approval by the Town and County.

3. All other provisions of the IGA shall remain unchanged and in full force and effect.

**TOWN OF ESTES PARK, COLORADO**

By: Wendy Keeney

ATTEST:

[Signature]  
Clerk to the Town Board

APPROVED AS TO FORM:

[Signature]  
Town Attorney

**BOARD OF COUNTY COMMISSIONERS  
OF LARIMER COUNTY, COLORADO**

By: Jody Shadduck-McNally  
Jody Shadduck-McNally, Chair

ATTEST:

[Signature]  
Deputy Clerk

APPROVED AS TO FORM:

[Signature]  
County Attorney

