

RESOLUTION NO. 02-14

A RESOLUTION APPROVING THE PROPOSITION FOR THE CONTINUED IMPOSITION OF A 1% SPECIFIC PURPOSE EXCISE TAX IN NIOBRARA COUNTY, WYOMING, AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR NIOBRARA COUNTY, FOR THE EXCLUSIVE PURPOSE OF FUNDING SPECIFIC PURPOSES IN SPECIFIC AMOUNTS, SAID PROPOSITION TO BE PLACED ON THE BALLOT AT A GENERAL ELECTION TO BE HELD IN NIOBRARA COUNTY ON TUESDAY, NOVEMBER 5, 2002.

WHEREAS, pursuant to W.S. §§ 39-15-203(a)(iii), 39-15-204(a)(iii), 39-16-203(a)(ii) and 39-16-204(a)(ii), counties may impose an excise tax not to exceed one percent (1%) upon retail sales of tangible personal property, admissions and services made within the county, for specific purposes and in specific amounts as authorized by the qualified electors of the county (hereinafter the "Tax"); and

WHEREAS, Niobrara County, Wyoming (the "County") imposed the Tax at the rate of one percent (1%) effective September 26, 1995, for the purpose of collecting \$1,900,000 (the "1995 Tax") to fund various projects for the County, and said 1995 Tax is being currently collected; and

WHEREAS, the Board of County Commissioners (the "Commissioners") of Niobrara County, Wyoming (the "County" or "Niobrara County"), the Towns of Lusk, Wyoming ("Lusk"), Manville, Wyoming ("Manville"), and Van Tassell, Wyoming ("Van Tassell") (hereinafter the County, Lusk, Manville and Van Tassell being sometimes individually referred to as "Sponsoring Entity" and collectively referred to as "Sponsoring Entities"), have determined to continue to make such source of funding available in the following specific amount for the following specific purpose (the "Project"):

1. \$2,250,000 to the County for the construction and equipping of the Niobrara County Hospital and to fund an operation and maintenance account therefor.

WHEREAS, the Sponsoring Entities have determined that in order to fund the Project, and, to the extent necessary and allowed by law, pay debt service and/or lease payments relating to the Project, the Tax should continue to be imposed at the rate of one percent (1%) (the "2002 Tax"); and

WHEREAS, General Obligation Bonds pursuant to the provisions of W.S. § 18-8-102(b) (the "Bonds") are being issued for the purpose of paying the cost of constructing and equipping the Niobrara County Hospital, with a portion of the proceeds of the 2002 Tax to be used to repay the Bonds.

WHEREAS, the 2002 Tax would commence upon the first day of the third month whereupon the County has collected \$1,900,000 of the 1995 Tax; and

WHEREAS, the Sponsoring Entities have determined that it is necessary to approve the proposition for the continued imposition of the Tax by submitting one (1) ballot question to the qualified registered electors of the County; and

WHEREAS, pursuant to the provisions of W.S. §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A), before any proposition to impose or continue the imposition of the Tax shall be placed before the electors of the County, the County Commissioners and the governing bodies of at least two-thirds (2/3) of the incorporated municipalities within the County shall adopt a resolution approving the proposition, setting forth a procedure for qualification of the ballot question for placement on the ballot and specifying how excess funds shall be expended; and

WHEREAS, absentee voting on the proposition is permitted as hereinafter provided in the *Proclamation and Notice of Election*; and

WHEREAS, pursuant to the provisions of W.S. §§ 39-15-203(a)(iii)(A) and 39-16-204(a)(ii)(A), before any proposition to impose the Tax shall be placed before the electors of the County, the Commissioners and the governing bodies of at least two thirds (2/3) of the incorporated municipalities within the County shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended; and

WHEREAS, the Commissioners have determined that it is necessary to submit to the qualified registered electors of the County the proposition for imposition of the Tax;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NIOBRARA COUNTY, WYOMING, THAT:

Section 1. At a special election to be held in Niobrara County, Wyoming, on Tuesday, November 5, 2002, between the hours of 7:00 a.m. and 7:00 p.m., there will be submitted to the qualified registered electors of the County the proposition of imposing a 1% specific purpose excise tax for the exclusive purpose of funding specific projects, as more particularly set forth in the *Proclamation and Notice of Election*.

Section 2. The election on the proposition shall be held at the Election Districts, Precincts and Polling Places as more particularly set forth in the *Proclamation and Notice of Election*.

Section 3. Any qualified registered elector in the County shall be entitled to vote on the proposition in person or by absentee ballot, in the precinct in which he or she is registered. A qualified registered elector includes every citizen of the United States who is a bona fide resident of Wyoming and Niobrara County, has registered to vote not less than thirty (30) days before the date of the election or at his or her polling place at a primary or general election or as an absentee voter pursuant to W.S. § 22-3-117, and who will be at least eighteen (18) years of age on the day of the election.

Section 4. The votes for and against the proposition shall be registered on punchcards. The official ballot, which shall be printed on white cardstock, shall set forth the following proposition:

OFFICIAL BALLOT
Niobrara County, Wyoming
General Election – Tuesday, November 5, 2002

“Shall Niobrara County, Wyoming (the “County”), be authorized to adopt and cause to be imposed the renewal of a one percent (1%) specific purpose excise tax to be effective on the date of the expiration of the current tax, and collect the following sum, the proceeds from which and the interest earned thereon shall be used and applied in the manner determined by the County for the following specified Project:

\$2,250,000 to the County for funding the planning, reengineering, improving, upgrading, remodeling, construction or reconstruction, equipping, furnishing and repairs to the Niobrara County Hospital and, to the extent necessary and allowed by law, the pledge to or payment of debt service and/or lease payments thereon (the “Project”), for the funding and establishment of an operation and maintenance account for the Project in an amount to be determined by the County and, for the purpose of funding a part of the cost of the Project, shall Niobrara County, State of Wyoming, be authorized to issue general obligation bonds of the County, in the maximum principal amount of \$750,000, maturing within 12 years of their date, and bearing a maximum rate or rates of interest not to exceed 6.0% per annum, with all or a portion of the principal of and interest thereon to be paid with the proceeds from the tax?”

The elector will indicate his or her vote on the punchcard by punching the hole opposite the words “FOR THE COUNTY SPECIFIC PURPOSE EXCISE TAX AND THE ISSUANCE OF THE GENERAL OBLIGATION BONDS” or “AGAINST THE COUNTY SPECIFIC PURPOSE EXCISE TAX AND THE ISSUANCE OF THE GENERAL OBLIGATION BONDS.”

Section 5. The County Clerk shall cause the *Proclamation and Notice of Election* to be published at least once in the Lusk Herald, in Lusk, Wyoming, a newspaper of general circulation in the County, not less than thirty (30) days nor more than forty (40) days before the date of election. The *Proclamation and Notice of Election* shall specify the name of the County, the date, time and place of election, the question to be submitted and the fact that only qualified registered electors of the County will be permitted to vote thereon. In addition, there shall be published a *Notice of Registration*, which shall set forth the last day for registration in the event that a qualified elector is not presently registered. The notices shall be in substantially the following form:

PROCLAMATION AND NOTICE OF ELECTION
 GENERAL ELECTION – 1% SPECIFIC PURPOSE SALES AND USE TAX AND
 ISSUANCE OF GENERAL OBLIGATION BONDS FOR NIOBRARA COUNTY
 NIOBRARA COUNTY, WYOMING
 TUESDAY, NOVEMBER 5, 2002

PUBLIC NOTICE IS HEREBY GIVEN that at the general election to be held in Niobrara County, Wyoming, on Tuesday, November 5, 2002, there shall be submitted to the qualified registered electors of the County the following proposition:

“Shall Niobrara County, Wyoming (the “County”), be authorized to adopt and cause to be imposed the renewal of a one percent (1%) specific purpose excise tax to be effective on the date of the expiration of the current tax, and collect the following sum, the proceeds from which and the interest earned thereon shall be used and applied in the manner determined by the County for the following specified Project:

\$2,250,000 to the County for funding the planning, reengineering, improving, upgrading, remodeling, construction or reconstruction, equipping, furnishing and repairs to the Niobrara County Hospital and, to the extent necessary and allowed by law, the pledge to or payment of debt service and/or lease payments thereon (the “Project”), for the funding and establishment of an operation and maintenance account for the Project in an amount to be determined by the County and, for the purpose of funding a part of the cost of the Project, shall Niobrara County, State of Wyoming, be authorized to issue general obligation bonds of the County, in the maximum principal amount of \$750,000, maturing within 12 years of their date, and bearing a maximum rate or rates of interest not to exceed 6.0% per annum, with all or a portion of the principal of and interest thereon to be paid with the proceeds from the tax?”

The Election Districts, Precincts and Polling Places shall be as follows:

District	Precinct	Precinct Name	Polling Place
1	2	Warren	Rennard’s Building
3	2	Hat Creek	Hat Creek Clubhouse
4	1	Lance Creek	Lance Creek School
6	1	North Lusk	Baptist Church
6	2	South Lusk	St. George Episcopal Church
7	1	Manville	Manville Town Hall

The polls will open at 7:00 a.m. and will close at 7:00 p.m. on the day of the election. Any registered elector of the County shall be entitled to vote on the proposition in person or by absentee ballot in the precinct in which he or she is registered. A qualified registered elector includes every citizen of the United States who is a bona fide resident of Wyoming and Niobrara County, has registered to vote not less than thirty (30) days before the election, and who will be at least eighteen (18) years of age the day of the election.

At the polling places indicated above, the votes cast, including absentee votes, shall be cast on punchcard ballots. The ballots shall contain the same proposition as stated above and the elector will indicate his or her vote on the ballot by punching the hole opposite the words "FOR THE COUNTY SPECIFIC PURPOSE EXCISE TAX AND THE ISSUANCE OF THE GENERAL OBLIGATION BONDS" or "AGAINST THE COUNTY SPECIFIC PURPOSE EXCISE TAX AND THE ISSUANCE OF THE GENERAL OBLIGATION BONDS" expressing his or her choice. Instructions to the elector will be provided to assist the elector in casting his or her vote.

Any qualified registered elector may vote by absentee ballot. Only qualified registered electors may apply for an absentee ballot in writing, in person, or by telephone (334-2211), by furnishing the information required by law; applications should be made to Suzanne R. Sturman, Niobrara County Clerk, Niobrara County Courthouse, Lusk, Wyoming, 82225. Such application should be made not later than the close of business on the last business day prior to the election.

IN WITNESS WHEREOF, the Board of County Commissioners of Niobrara County, Wyoming, has caused this Notice to be given by the County Clerk of Niobrara County, as required by law, as of the _____ day of _____, 2002.

(SEAL)

/s/ Suzanne R. Sturman
Suzanne R. Sturman, County Clerk
Niobrara County, Wyoming

Publish in: Lusk Herald
Publish on: _____, _____, 2002

NOTICE OF REGISTRATION

NOTICE IS HEREBY GIVEN that the proposition for the continued imposition of a 1% specific purpose excise tax in Niobrara County, Wyoming, will be submitted at the general election to be held on Tuesday, November 5, 2002.

In order to vote at this election, an elector must be a qualified elector who has registered to vote not less than thirty (30) days before the date of the election or at his or her polling place at a primary or general election or as an absentee voter pursuant to W.S. § 22-3-117. Persons who are otherwise qualified to vote, but who are not presently registered, may register at their general election polling place.

A *Proclamation and Notice of Election* giving more detailed information concerning the election will be published as required by law on [a date between September 21 through October 1, 2002].

IN WITNESS THEREOF, the Niobrara County Clerk has caused this Notice to be given as of the ____ day of _____, 2002.

(SEAL)

/s/ Suzanne R. Sturman
Suzanne R. Sturman, County Clerk
Niobrara County, Wyoming

Publish in: Lusk Herald
Publish on: _____, _____, 2002

Section 6. If the majority of votes cast on the proposition at the election is in favor of the continuation of the Tax, such ballot question shall be approved and the Board of County Commissioners, in the manner provided by law, shall then proceed to declare the results of the election, and complete all steps necessary for the continuation of the Tax.

Section 7. The election on the proposition shall be held, conducted and the results canvassed as provided by the Wyoming Election Code of 1973, as amended, more particularly the Political Subdivision Bond Election Law (W.S. §§ 22-21-101 to 22-21-112, inclusive).

Section 8. In the event the proposition shall be approved by the qualified registered electors of Niobrara County, the 2002 Tax shall commence on the first day of the third month whereupon the County has collected \$1,900,000 of the 1995 Tax. Upon collection of the authorized 2002 Tax funds (or such lesser amount if the Sponsoring Entities have agreed to terminate the 2002 Tax pursuant to the provisions of W.S. §§ 39-15-203(a)(iii)(G) and 39-16-203(a)(ii)(G)), excess 2002 Tax funds shall be retained by the Niobrara County Treasurer for one (1) year for refund of overpayments. After one (1) year, the excess 2002 Tax funds (less any refunds), plus any interest earned thereon, shall be distributed to each Sponsoring Entity based upon the respective ratio which the principal amount of each Project approved bears to the total principal amount of all Projects approved. In addition, any 2002 Tax funds, plus any interest earned thereon, which remain upon payment of debt service and/or lease payments on the Project, shall be distributed on the same basis as excess 2002 Tax funds. All 2002 Tax funds, and interest thereon, shall be used construction, operation, equipment and maintenance of the specified Project.

Section 9. Before the proposition may be placed before the qualified registered electors of Niobrara County, the Commissioners and the governing bodies of at least two-thirds (2/3) of the incorporated municipalities within the County must adopt resolutions as required by W.S. §§ 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

Section 10. The passage of this resolution shall constitute written notification to the County Clerk, specifying the date of the election and the proposition, not later than [a date between September 21 through October 1, 2002], pursuant to the provisions of W.S. § 22-21-103, and shall further constitute approval as required by W.S. §§ 39-15-203(a)(iii)(A) and 39-16-204(a)(ii)(A).

Section 11. Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part of provision of this resolution is severable.

ADOPTED AND APPROVED as of the 6th day of August, 2002.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
NIOBRARA COUNTY, WYOMING

Donna I. Ruffing
Donna I. Ruffing, Chairperson

Richard L. James
Richard L. James, Commissioner

Richard A. Ladwig
Richard A. Ladwig, Commissioner

ATTESTED:

Suzanne S. Sturman
Suzanne Sturman, County Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner James. The question being upon the adoption of said resolution, the roll was called with the following results:

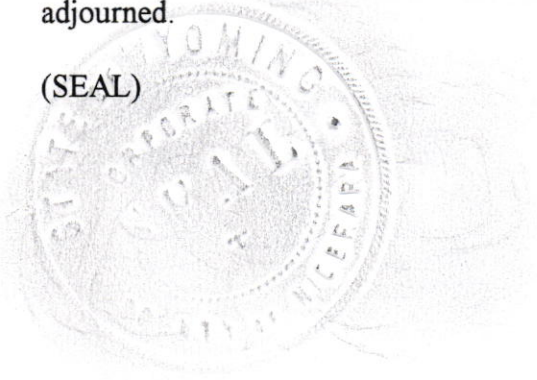
Those voting YES: James
Ruffing
Ladwig

Those voting NO:

A majority of the members elected to the Board of County Commissioners having voted for the passage and approval of the resolution, the Chairman declared the resolution duly passed and adopted. After consideration of other business to come before the Board, the meeting was adjourned.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
NIOBRARA COUNTY, WYOMING


Donna I. Ruffing

Donna I. Ruffing, Chairperson

ATTESTED:

Suzanne R. Sturman

Suzanne Sturman, County Clerk

(Attach Affidavit of Publication for Resolution and Minutes of Meeting)

(Attach Affidavit of Publication for Proclamation and Notice of Election)