

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.