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RESOLUTION NO. 2001-17

A RESOLUTION APPROVING THE PROPOSITION FOR THE CONTINUED IMPOSITION OF A ONE PERCENT (1%) SPECIFIC PURPOSE EXCISE TAX IN ALBANY COUNTY, WYOMING, SAID PROPOSITION TO BE PLACED ON THE BALLOT AT AN ELECTION TO BE HELD IN THE COUNTY ON TUESDAY, AUGUST 21, 2001.

WHEREAS, pursuant to Wyo. Stat. §§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, and upon sales and storage, use and consumption of tangible personal property, within the county, for specified purposes and in specified amounts as authorized by the qualified electors of the county (hereinafter the "Tax"); and

WHEREAS, Albany County, Wyoming (the "County") imposed the Tax at the rate of one percent (1%) effective July 1, 1997 for the purpose of collecting a total of \$15,983,636 (the "1997 Tax") to fund various projects for the County, the City of Laramie, Wyoming ("Laramie") and the Town of Rock River, Wyoming ("Rock River") and said 1997 Tax is being currently collected; and

WHEREAS, the County, Laramie and Rock River have agreed to terminate the 1997 Tax, pursuant to the provisions of Wyo. Stat. §§39-15-203(a)(iii)(G) and 39-16-203(a)(ii)(G); and

WHEREAS, the County, Laramie and Rock River (hereinafter sometimes referred to collectively as the "Sponsoring Entities"), have also agreed to make such source of funding available in the following specific amounts for the following specific purposes (the "Projects"):

1. **\$6,000,000** to the County: **\$110,000** of which will be used for Library roof replacement; **\$120,000** of which will be used for search and rescue equipment and ballistic vests for the Sheriff's Department; **\$200,000** of which will be used for patrol vehicles for the Sheriff's Department and vehicles for the Assessor's Office and for general County use; **\$300,000** of which will be used for fire protection equipment for the rural volunteer fire departments/zones within the County and enlargement of the fire station in Centennial; **\$491,750** of which will be used for construction of a multipurpose building at the Fairgrounds and roof replacement for the Activities Building; **\$1,700,500** of which will be used for equipment acquisition, construction of a vehicle maintenance facility and parking garage in Laramie and construction of a parking garage in Rock River for the County Road and Bridge Department; and **\$3,077,750** of which will be used for Courthouse additions, renovations and upgrades;
2. **\$25,886,888** to Laramie: **\$500,000** of which will be used for the acquisition and/or construction of an outdoor swimming pool; **\$410,000** of which will be used for boiler replacement in the Laramie Plains Civic Center; **\$750,000** of which will be used for the construction of the Historic Downtown Streetscape; **\$1,000,000** of which will be used for remodeling City Hall and boiler replacement; **\$1,200,000** of which will be used for the acquisition of an indoor ice rink and construction enhancements; **\$4,500,000** of which will be used for street and water line reconstruction; **\$5,595,000** of which will be used for the East Side water tank project; **\$9,931,888** of which will be used for construction, furnishings and equipment for a Community Recreation Center; and **\$2,000,000** of which will be used to fund an operation and maintenance account for the Community Recreation Center;

used to fund an operation and maintenance account for the Community Recreation Center;

3. **\$1,250,000** to Rock River: **\$114,195** of which will be used for remodeling, furnishing and equipping Town Hall; **\$409,195** of which will be used for an addition, furnishings and equipment for the Town's Fire Hall; and **\$726,610** of which will be used for sewer system improvements; and

4. **\$8,464,293** to the Sponsoring Entities for the payment of debt service and/or lease payments for any financing that might be necessary with respect to the Projects; and

WHEREAS, the Sponsoring Entities have determined that in order to fund the Projects, and, to the extent necessary and allowed by law, pay debt service and/or lease payments relating to the Projects, the Tax should be imposed at the rate of one percent (1%) (the "2001 Tax"); and

WHEREAS, the 2001 Tax would commence upon October 1, 2001 or on the first day of any subsequent month whereupon the County has collected \$15,032,305 of the 1997 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 Wyo. Stat. §§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;

WHEREAS, the County Commissioners have approved said proposition by adoption of their Resolution dated May 15, 2001 (the "Authorizing Resolution");

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LARAMIE, WYOMING, THAT:

Section 1. The Authorizing Resolution, a copy of which is attached hereto as EXHIBIT A and by this specific reference made a part hereof, is hereby approved.

Section 2. Passage of this resolution by the governing body of Laramie shall constitute approval as required by Wyo. Stat. §39-15-203(a)(iii)(A).

Section 3. 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 or provision of this resolution is severable.

ADOPTED AND APPROVED as of the 15th day of May, 2001.

(S E A L)

CITY OF LARAMIE, WYOMING



Mayor

ATTESTED:



City Clerk

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PROPOSITION FOR THE CONTINUED IMPOSITION OF A ONE PERCENT (1%) SPECIFIC PURPOSE EXCISE TAX IN ALBANY COUNTY, WYOMING, SAID PROPOSITION TO BE PLACED ON THE BALLOT AT AN ELECTION TO BE HELD IN THE COUNTY ON TUESDAY, AUGUST 21, 2001.

WHEREAS, pursuant to Wyo. Stat. §§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, and upon sales and storage, use and consumption of tangible personal property, within the county, for specified purposes and in specified amounts as authorized by the qualified electors of the county (hereinafter the "Tax"); and

WHEREAS, Albany County, Wyoming (the "County") imposed the Tax at the rate of one percent (1%) effective July 1, 1997 for the purpose of collecting a total of \$15,983,636 (the "1997 Tax") to fund various projects for the County, the City of Laramie, Wyoming ("Laramie") and the Town of Rock River, Wyoming ("Rock River") and said 1997 Tax is being currently collected; and

WHEREAS, the County, Laramie and Rock River have agreed to terminate the 1997 Tax, pursuant to the provisions of Wyo. Stat. §§39-15-203(a)(iii)(G) and 39-16-203(a)(ii)(G); and

WHEREAS, the County, Laramie and Rock River (hereinafter sometimes referred to collectively as the "Sponsoring Entities"), have also agreed to make such source of funding available in the following specific amounts for the following specific purposes (the "Projects"):

1. **\$6,000,000** to the County: **\$110,000** of which will be used for Library roof replacement; **\$120,000** of which will be used for search and rescue equipment and ballistic vests for the Sheriff's Department; **\$200,000** of which will be used for patrol vehicles for the Sheriff's Department and vehicles for the Assessor's Office and for general County use; **\$300,000** of which will be used for fire protection equipment for the rural volunteer fire departments/zones within the County and enlargement of the fire station in Centennial; **\$491,750** of which will be used for construction of a multipurpose building at the Fairgrounds and roof replacement for the Activities Building; **\$1,700,500** of which will be used for equipment acquisition, construction of a vehicle maintenance facility and parking garage in Laramie and construction of a parking garage in Rock River for the County Road and Bridge Department; and **\$3,077,750** of which will be used for Courthouse additions, renovations and upgrades;

2. **\$25,886,888** to Laramie: **\$500,000** of which will be used for the acquisition and/or construction of an outdoor swimming pool; **\$410,000** of which will be used for boiler replacement in the Laramie Plains Civic Center; **\$750,000** of which will be used for the construction of the Historic Downtown Streetscape; **\$1,000,000** of which will be used for remodeling City Hall and boiler replacement; **\$1,200,000** of which will be used for the acquisition of an indoor ice rink and construction enhancements; **\$4,500,000** of which will be used for street and water line reconstruction; **\$5,595,000** of which will be used for the East Side water tank project; **\$9,931,888** of which will be used for construction, furnishings and equipment for a Community Recreation Center; and **\$2,000,000** of which will be

used to fund an operation and maintenance account for the Community Recreation Center;

3. \$1,250,000 to Rock River: \$114,195 of which will be used for remodeling, furnishing and equipping Town Hall; \$409,195 of which will be used for an addition, furnishings and equipment for the Town's Fire Hall; and \$726,610 of which will be used for sewer system improvements; and

4. \$8,464,293 to the Sponsoring Entities for the payment of debt service and/or lease payments for any financing that might be necessary with respect to the Projects; and

WHEREAS, the Sponsoring Entities have determined that in order to fund the Projects, and, to the extent necessary and allowed by law, pay debt service and/or lease payments relating to the Projects, the Tax should be imposed at the rate of one percent (1%) (the "2001 Tax"); and

WHEREAS, the 2001 Tax would commence upon October 1, 2001 or on the first day of any subsequent month whereupon the County has collected \$15,032,305 of the 1997 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 Wyo. Stat. §§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;

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

Section 1. At an election to be held in Albany County, Wyoming, on Tuesday, August 21, 2001, 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 for the continued imposition of a one percent (1%) specific purpose excise tax for the exclusive purpose of funding the acquisition of real property, the planning, design, engineering, constructing, remodeling, furnishing and equipping, and, to the extent necessary and allowed by law, the pledge to or payment of debt service and/or lease payments for the 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 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 Albany County, has registered to vote not less than 30 days before the election and who will be at least eighteen (18) years of age on the day of the election.

Absentee voting on the proposition is permitted as hereinafter provided in the Proclamation and Notice of Election.

Section 4. The votes for and against the proposition, including absentee votes, shall be registered on OPTECH Electronic Voting System ballots. The ballots shall set forth the following question:

"Shall Albany County, Wyoming, be authorized to continue to impose a one percent (1%) specific purpose sales and use tax and collect a total of \$41,601,181, the proceeds from which and the interest earned thereon to be used and applied for funding the acquisition of land (if necessary), the planning, engineering, constructing, remodeling, furnishing, equipping and supplying, and, to the extent necessary and allowed by law, the pledge to or payment of operation and maintenance, debt service and/or lease payments thereon, for the Sponsoring Entities in the following specified principal amounts for the following specified Projects:

ALBANY COUNTY - \$6,000,000

- \$ 110,000 - Library roof replacement
- \$ 120,000 - Search and rescue equipment and ballistic vests for the Sheriff's Department
- \$ 200,000 - Patrol vehicles for the Sheriff's Department and vehicles for the Assessor's Office and for general County use
- \$ 300,000 - Fire protection equipment for the rural volunteer fire departments/zones within the County and enlargement of the fire station in Centennial
- \$ 491,750 - Multipurpose building construction at the Fairgrounds and Activities Building roof replacement
- \$1,700,500 - Equipment acquisition, vehicle maintenance facility and parking garage in Laramie and parking garage in Rock River for the Road and Bridge Department
- \$3,077,750 - Courthouse additions, renovations and upgrades

CITY OF LARAMIE - \$25,886,888

- \$ 500,000 - Outdoor swimming pool acquisition and/or construction
- \$ 410,000 - Laramie Plains Civic Center boiler replacement
- \$ 750,000 - Historic Downtown Streetscape construction
- \$1,000,000 - City Hall remodel and boiler replacement
- \$1,200,000 - Indoor ice rink acquisition and construction enhancements
- \$4,500,000 - Street and water line reconstruction
- \$5,595,000 - East Side water tank project
- \$9,931,888 - Community Recreation Center construction, furnishings and equipment
- \$2,000,000 - Community Recreation Center operation and maintenance account

TOWN OF ROCK RIVER - \$1,250,000

- \$ 114,195 - Town Hall remodeling, furnishings and equipment
- \$ 409,195 - Town Fire Hall addition, furnishings and equipment
- \$ 726,610 - Sewer system improvements

ALBANY COUNTY/CITY OF LARAMIE/TOWN OF ROCK RIVER - \$8,464,293

- Payment of debt service and/or lease payments for any financing that might be necessary with respect to the Projects?"

FOR THE SPECIFIC PURPOSE EXCISE TAX



AGAINST THE SPECIFIC PURPOSE EXCISE TAX



Section 5. The County Clerk shall cause the Proclamation and Notice of Election to be published at least once in The Laramie Daily Boomerang, in Laramie, 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 proposition 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 Notice shall be in substantially the following form:

**PROCLAMATION AND NOTICE OF ELECTION
ALBANY COUNTY, WYOMING
TUESDAY, AUGUST 21, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that at an election to be held in Albany County, Wyoming, on Tuesday, August 21, 2001, there shall be submitted to the qualified registered electors of the County the following question:

"Shall Albany County, Wyoming, be authorized to continue to impose a one percent (1%) specific purpose sales and use tax and collect a total of \$41,601,181, the proceeds from which and the interest earned thereon to be used and applied for funding the acquisition of land (if necessary), the planning, engineering, constructing, remodeling, furnishing, equipping and supplying, and, to the extent necessary and allowed by law, the pledge to or payment of operation and maintenance, debt service and/or lease payments thereon, for the Sponsoring Entities in the following specified principal amounts for the following specified Projects:

ALBANY COUNTY - \$6,000,000

- \$ 110,000 - Library roof replacement
- \$ 120,000 - Search and rescue equipment and ballistic vests for the Sheriff's Department
- \$ 200,000 - Patrol vehicles for the Sheriff's Department and vehicles for the Assessor's Office and for general County use
- \$ 300,000 - Fire protection equipment for the rural volunteer fire departments/zones within the County and enlargement of the fire station in Centennial
- \$ 491,750 - Multipurpose building construction at the Fairgrounds and Activities Building roof replacement
- \$1,700,500 - Equipment acquisition, vehicle maintenance facility and parking garage in Laramie and parking garage in Rock River for the Road and Bridge Department
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CITY OF LARAMIE - \$25,886,888

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- \$9,931,888 - Community Recreation Center construction, furnishings and equipment
- \$2,000,000 - Community Recreation Center operation and maintenance account

TOWN OF ROCK RIVER - \$1,250,000

- \$ 114,195 - Town Hall remodeling, furnishings and equipment
- \$ 409,195 - Town Fire Hall addition, furnishings and equipment
- \$ 726,610 - Sewer system improvements

ALBANY COUNTY/CITY OF LARAMIE/TOWN OF ROCK RIVER - \$8,464,293

- Payment of debt service and/or lease payments for any financing that might be necessary with respect to the Projects?"

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

District	Precinct	Precinct Name	Polling Place
1	1-1	Sharon Walker's Home	Rock River Town Hall
1	1-2	Don Robbins' Home	Rock River Town Hall
1	1-3	Marshall Community Hall	Rock River Town Hall
1	4	Rock River Town Hall	Rock River Town Hall
1	1-5	North Albany Comm.Hall	Rock River Town Hall
1	3	Centennial School	Centennial School
1	1-6	Wyo. Tech. Institute	Linford School
5	2	Linford School	Linford School
1	2-2	Harmony School	Linford School
1	2-1	Albany Co. Fairgrounds	Albany Co. Fairgrounds
4	1	Laramie Jr. High School	National Guard Armory
4	2	National Guard Armory	National Guard Armory
6	1	Thayer School	National Guard Armory
6	2	Beitel School	National Guard Armory
3	1	Slade School	Albany County Library
3	2	Spring Creek School	Albany County Library
5	1	Albany County Library	Albany County Library

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 Albany County, has registered to vote not less than 30 days before the election and who will be at least eighteen (18) years of age the day of the election.

The votes cast, including absentee votes, shall be by OPTECH Electronic Voting Systems at least one of which shall be at each polling place. The electronic ballot cards shall contain the same ballot question as stated above and a voting device will be provided to permit the elector to indicate his or her vote **"FOR THE SPECIFIC PURPOSE EXCISE TAX"** or **"AGAINST THE SPECIFIC PURPOSE EXCISE TAX"** 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. Electors may apply for an absentee ballot in writing, or by telephone (721-2546), by furnishing the information required by law; applications should be made to Jackie R. Gonzales, Albany County Clerk, Albany County Courthouse, Room 202, Laramie, Wyoming 82070. 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 Albany County, Wyoming, has caused this Notice to be given by the County Clerk of Albany County, as required by law, as of the 15th day of May, 2001.

(S E A L)

/s/ Jackie R. Gonzales
County Clerk
Albany County, Wyoming

Publish in: The Laramie Daily Boomerang
Publish on: July 12, 2001
July 15, 2001
July 18, 2001

NOTICE OF REGISTRATION

NOTICE IS HEREBY GIVEN that the proposition of continuing the imposition of a 1% specific purpose excise tax in Albany County, Wyoming will be submitted at an election to be held on Tuesday, August 21, 2001.

In order to vote at this election, an elector must be a qualified elector who has registered to vote not less than 30 days before the date of election. Persons who are otherwise qualified to vote, but who are not presently registered, may register at the Office of the Albany County Clerk, Room 202, Albany County Courthouse, in Laramie, Wyoming or at the office of the Town Clerk in Rock River, Wyoming, not later than the close of business on Friday, July 20, 2001.

A Proclamation and Notice of Election giving more detailed information concerning the election, will be published as required by law on July 12, July 15 and July 18, 2001.

IN WITNESS THEREOF, the Albany County Clerk has caused this Notice to be given as of the 12th day of July, 2001.

(S E A L)

/s/ Jackie R. Gonzales
County Clerk
Albany County, Wyoming

Publish in: The Laramie Daily Boomerang
Publish on: July 12, 2001
July 15, 2001
July 18, 2001

Section 6. The results disclosed by the canvass of votes shall be certified by the election officials to the County Clerk of Albany County, Wyoming. If the majority of votes cast on the ballot question 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 (Wyo. Stat. §§22-21-101 to 22-21-111, inclusive).

Section 8. In the event the proposition shall be approved by the qualified registered electors of Albany County, the 2001 Tax shall commence on October 1, 2001 or on the first day of any subsequent month whereupon the County has collected \$15,032,305 of the \$15,983,636 1997 Tax. Upon collection of the authorized 2001 Tax funds [or such lesser amount if the Sponsoring Entities have agreed to terminate the 2001 Tax pursuant to the provisions of Wyo., Stat. §§39-15-203(a)(iii)(G) and 39-16-203(a)(ii)(G)], excess 2001 Tax funds shall be retained by the Albany County Treasurer for one (1) year for refund of overpayments. After one (1) year, the excess 2001 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 2001 Tax funds, plus any interest earned thereon, which remain upon payment of debt service and/or lease payments on the Projects, shall be distributed on the same basis as excess 2001 Tax funds. All 2001 Tax funds, and interest thereon, shall be used for construction, operation, equipment and maintenance of the specified Projects.

Section 9. Before the proposition may be placed before the qualified electors of the County, the Commissioners and the governing bodies of at least two-thirds (2/3) of the incorporated municipalities in the County must adopt resolutions as required by Wyo. Stat. §§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 ballot question, not later than Friday, June 1, 2001, as required by Wyo. Stat. §22-21-103, and shall further constitute approval as required by Wyo. Stat. §§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 or provision of this resolution is severable.

ADOPTED AND APPROVED as of the 15th day of May, 2001.

(S E A L)

**BOARD OF COUNTY COMMISSIONERS
ALBANY COUNTY, WYOMING**

Pat Cabral

Chairman

Gregory J. Kennedy

Commissioner

Tami Cheek

Commissioner

ATTESTED:

Jackie R. Longman
County Clerk

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

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