

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
SPECIAL MEETING  
Friday, July 31, 2009  
County Courthouse  
Rawlins, Wyoming**

A special meeting of the Board of Carbon County Commissioners commenced Friday, July 31, 2009 at the County Courthouse in Rawlins, Wyoming to discuss bonds available to finance capital projects under the American Recovery and Reinvestment Tax Act of 2009. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Charles C. Young; County Treasurer Cindy Baldwin; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 1:19 p.m.

Also present were Mary Keating-Scott from George K. Baum & Company and Irene Archibald, Chairperson of the Carbon County 2009 Specific Purpose Tax Joint Powers Board (JPB).

Ms. Keating-Scott stated the JPB is preparing to issue debt to finance the improvements that were approved at the 2008 General Election. She stated the American Recovery and Reinvestment Tax Act (ARRTA), signed February 17, 2009, contains specific provisions designed to benefit states and local governmental entities in financing capital projects. Ms. Keating-Scott stated the Build America Bonds (BA bonds) do not have a volume cap allocation and permitted issuers are all types of state and local governmental entities including joint powers boards. She explained that eligible projects are any governmental purpose that otherwise qualify for tax-exempt financing, new construction and in some instances refunding and working capital. These are taxable bonds and the market has been expanded to investors. The US Treasury reimburses the issuer 35% of the interest payment due to the bondholder which is lower than the tax rate. Ms. Keating-Scott stated this program is not subject to Davis-Bacon wage standards.

Ms. Keating-Scott stated that Carbon County and the JPB are eligible for Recovery Zone Economic Development Bonds (RZ bonds). She stated BA bonds and RZ bonds have to be issued in 2009 and 2010 and BA bonds are a form of RZ bonds. She stated allocations were made by the US Treasury and are based on changes in employment between 2007 and 2008 therefore Carbon County's allocation is \$24,323,000.00.

Ms. Keating-Scott stated that her purpose today is to ask the BOCC to assign their allocation of \$24,323,000.00 of RZ bonds to the JPB for authorization to issue bonds at a lower interest rate. Chairman Weickum clarified that by allowing these funds to go to the JPB, each municipality and the County would expend less money on interest on the bond issue and Ms. Keating-Scott explained that RZ bonds have a 45% of the interest payment subsidy and the BA bonds have a 35% of the interest payment subsidy.

Commissioner Paxton asked if all the specific purpose tax projects were eligible for the RZ bonds and Ms. Keating-Scott replied that after conversations with Barbara Bonds of Freudenthal & Bonds, P.C., they do think all of the projects are eligible. Ms. Keating-Scott stated the BOCC would have to approve a resolution to give their allocation to the JPB and advised Ms. Bonds would prepare the resolution if requested. Ms. Keating-Scott advised that Davis-Bacon wages do apply to this program.

Ms. Keating-Scott explained Recovery Zone Facility Bonds (RZF bonds) are for private entities. She stated Carbon County's allocation is \$36,484,000 for this program and the County could issue a bond on behalf of a private entity on a tax exempt interest rate. The County could charge an administrative fee of 1/8 of 1% of the principal amount outstanding each year, a bank or bond attorney would have to be involved to issue the bonds and the funds would go through a Trustee bank. She stated that if the entity does not pay the money back, the County would not be held liable for the amount due. Ms. Keating-Scott stated RZF bonds are not subject to Davis-Bacon wage standards. Commissioner Paxton stated Geo Syn Fuels may be interested in this type of bond.

Chairman Weickum stated he would like to proceed with helping the JPB with the specific purpose tax projects. Chairman Paxton asked if the County allocated the \$24,323,000 to the JPB

would that help speed up the initial bonding process. Ms. Keating-Scott stated the current proposed bond issue would issue \$10,080,000 in tax exempt bonds in years 2010 – 2014 and the balance of \$24,275,000 is proposed to be issued in 2015 – 2018. Annual payments would be reduced by approximately \$250,000.00.

There was discussion that some vendors in the County may not be charging the additional 1% tax.

Treasurer Baldwin discussed the Davis-Bacon requirements. Ms. Keating-Scott stated the contractors should be responsible for complying with Davis-Bacon. Treasurer Baldwin asked who is liable if the contractor does not comply and Ms. Keating-Scott and Ms. Archibald stated they would investigate this.

### **ADJOURNMENT**

Chairman Weickum adjourned the meeting at 2:31 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 18<sup>th</sup> day of August 2009.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman