

The \$1,000,000 must be paid

It is déjà vu all over again.

A dozen years ago, when reserves were diminished to a dangerously low level (based on the policy of that time), it was planned to withhold a \$1,000,000 payment through BOPU for the Stage II water project.

It was a different daily newspaper at the time and they pointed out that doing so would be a violation of the people's will. Possibly of the law also, but what the hell, breaking the law has never slowed down city government. Then or now.

Leo Pando said much the same as city officials are saying now. We can do it. Elections, be damned.

Except I don't think this mayor is aware of that election and what voters approved.

So, I'll remind him.

On April 13, 1982, a two question Special Election was held. Qualified voters of the City of Cheyenne could vote - not non-city voters. On the ballot were two questions: The first was entitled "GENERAL OBLIGATION WATER BOND QUESTION," and the second "USE OF SEVERANCE TAX QUESTION."

You should note that there was a time when city officials did put questions like these to a vote. In recent years, they dodged a vote by claiming that projects could be paid for by "user fees" and approved the action (downtown parking garage) by resolution which cannot be challenged. Oh, for the good old days!

Question No. 2 on that 1982 ballot read:

"Shall the City Council of the City of Cheyenne be authorized to obligate severance tax revenues received by the City pursuant to W.S. 39-6-305(k) or other City revenues to the extent of \$1,000,000 per year for 30 years (in addition to revenues derived from the Water System and general ad valorem taxes) for the purpose of assisting in repaying the \$40,000,000 loan from the State of Wyoming ..."

Question No. 1 was approved by a vote of 5,407 to 4,292 and Question No. 2 was approved by a vote of 5,331 to 3,963.

Based on the ballot wording, a mayor might think he can avoid making that payment. It does say "be authorized to obligate" - mealy-mouthed words - instead of "shall obligate" as it should have read. However, the subsequent Agreement (#2629) between the State of Wyoming, City of Cheyenne and Board of Public Utilities is more specific.

The \$40,000,000 loan, by the way, was made from what the WT-E believes is forever inviolate - the Permanent Wyoming Mineral Trust Fund.

Agreement 2629 reads, in part: **"Said loan is secured by the pledge and assignment of the CITY OF CHEYENNE, Laramie County, Wyoming, and the CHEYENNE BOARD OF PUBLIC UTILITIES, Cheyenne, Laramie County, Wyoming to the WYOMING FARM LOAN BOARD of the following:"**

First, the Agreement spells out that the revenues "from the operation of the Project" are pledged. Then, No. 2 reads:

"All of its right, title and interest in and to One Million Dollars and no cents (\$1,000,000) of severance tax revenues received annually by the CITY OF CHEYENNE pursuant to W.S. 39-6-505(K), which pledge was approved by the voters of Cheyenne on April 13, 1982. The assignment and pledge of said revenues will be a primary source of repayment of this loan. ... It is the intent of the CITY OF CHEYENNE and the CHEYENNE BOARD OF PUBLIC UTILITIES that the pledge made herein shall create a lien which is senior to any other liens"

I find nothing in the Agreement (signed September 15, 1982 by Cheyenne Mayor Don Erickson, BOPU Chairman Fred Baggs and Wyoming Governor Ed Herschler) that allows the City to withhold payment if the BOPU doesn't need the money or if the City's budget can't afford the payment.

Maybe Dave doesn't want a third term after all

There are several ways to turn voters against you. One would be to say how dumb they are into an open mic. Another might be, might, not necessarily, be, to get entangled with a member of the opposite sex less than half your age.

Still another, if you're already in office, would be to nominate your wife to fill an available judgeship.

Dave Freudenthal is too smart to commit the first mistake, too righteous to commit the second sin, but apparently not too cautious to avoid nepotism.

Maybe this writer just doesn't rub elbows with the right attorneys but he's never heard any member of the legal profession in Wyoming refer to Nancy Freudenthal as one of the state's best attorneys. In fact, her name has never come up in any discussion about even the state's "good" attorneys, let alone our best. Maybe I just missed it.

So, other than where she gets her mail, what qualifies her to be a federal district court judge?

Shouldn't that nominee be a highly regarded, well-respected barrister? It's obvious that such a litmus test hasn't been applied for circuit or district court judges but shouldn't it be when a federal judgeship is involved? It's for life.

The "honor" of presenting three names to a president usually goes to the congressional delegation but because Wyoming has Republicans in those seats and it's pretty obvious that a Democratic President and Congress isn't interested in another conservative Republican (Honaker) being nominated for that seat, it makes sense to submit a liberal Democrat's name for the seat, and the only place in Wyoming with a Democrat holding office is in the governor's office. Ergo, Dave was allowed to submit names of three of his friends, including his wife.

In addition to proving his ego is as big as the Wyoming sky, Dave may be signaling Wyoming voters that he doesn't want no stinkin' third term. A reliable source had told the Cheyenne Herald Dave was greasing the legal skids to be able to run for a third term. Would an officeholder think it would ingratiate him with voters to try to name his wife to the choice judicial seat now available in Wyoming?

Naming his own counsel to be U.S. Attorney is small potatoes compared to naming his wife to the federal court.

Will she prevail over two more competent, more experienced and more independent attorneys? Well, don't forget that Dave endorsed Barack Obama early and flew to Pennsylvania to persuade those voters to also support his O-Man.

Now, here's a vacation for you!

Vacation destination spots in Mexico are having a rough go of it. Victims of the inflated scare involving N1H1 (swine flu) felt damage far more debilitating than was done to apples, cranberries, Tylenol and other products when exaggerated claims of problems were made in earlier times. Mexican resort cities have been hit hard.

Cancun is really suffering. Reports out of there allege that tourism is off by 80% and that pools and water sports have few, when any, visitors.

One thing resort destinations learn is creativity. They will always try to find a way - in good times to make them better, in bad times, to survive.

If people don't visit you because they fear a disease, what do you do? Guarantee them that they won't get that disease, or IF THEY DO, you will make it right.

One hotel in Cancun made this guarantee: If you visit their hotel and then, anytime within two weeks after your stay ends, are diagnosed with swine flu, they will give you three annual vacations back to their hotel. Three more trips.

Interesting offer. First, people have died from this disease. Would that offer be transferable to next of kin? If not, it's not much of an offer. If you are diagnosed with swine flu and suffer but do not expire, would you want to go back to the scene of the affliction? Might that not be one hotel you'd never care to visit again?

Another Cancun vacation offer was forwarded the Cheyenne Herald the other night. That one doesn't guarantee you anything about the swine flu but the offer is terrific. This one - for \$299.00 per person - offered airfare, lodging, all meals, drinks, resort taxes and tips, daily activities, nightly entertainment, roundtrip airport transfers, etc. Roundtrip airfare (nonstop) applies to seven airports (not including Denver) but, if you could get to one of them, what a deal!

There is a deal from Denver to another Cancun Hotel. Airfare, 3 nights stay, meals, drinks (including alcohol), tips, transfers to and from the hotel, etc. Again, \$299.00 per person. This hotel has 4 restaurants and 3 bars **INCLUDING A SWIM-UP POOL BAR!** YESSS!

From Denver, July 5 - August 7 departures qualify (TRAVEL BY JEN). Other charges apply and they can be significant. Remember, you need a passport.

You can hardly sleep at a Cheyenne motels for that - let alone eat, drink and be merry for three nights for \$299.00.

What they should offer is if you **DON'T** come down with swine flu, you get bonus vacations. If you do, you don't need further vacations. Mrs. Herald and the publisher here are deciding whether to vacation this summer in the heat, humidity and bugs of northern Wisconsin or chance Cancun. If they sweeten the pot just a bit more, it's Hable Español!

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