

2010 Optional One Cent (5th penny) Sales Tax Election

While council member Jack Spiker says he is reluctant to withhold the \$1 million annual payment that voters approved in 1982 to help reduce the risk of water rate increases because he fears voters might now hold it against the next Fifth Penny Sales Tax election, he doesn't really believe that will happen. He's posturing.

Every four year cycle, regardless of the mess city government has made of things, how poor of a condition the streets that are supposed to be maintained with those millions and millions of dollars coming from the 5th penny are in, or how much or little money is in the city's reserves, voters generously approve four more years collection of that one cent sales tax.

Is that likely to change? No. There is no way voters will withhold the extra \$40 million (give or take depending on how the State treats the missing sales tax on food), provided for city operations in every four year cycle. It won't happen. It just won't happen. And, those on the governing body know it. They have no real fear.

Those referendums are not even close.

Looking around at how bad so many things are now - the streets, downtown, employee layoffs, budget, etc. - voters are not going to take \$10 million a year out of their greedy clutches. It won't happen.

I Own That Mountain (conclusion)

How much more positive can folks be than fighting against the bankruptcy of the country, the takeover of huge chunks of the economy, referred to as fascism in Europe, and standing up to corrupt politicians bribing their way to dishonest results, all the while making statements like, "You will find out what's in the bill after it passes?" The folks the leftist protested are more worried about the future of their kids, of the continued denial and disregard for the Constitution, and the total failure of the governmental expenditures designed for stimulating the economy. There should be tens of thousands objecting to what's going on in Washington at each tour stop. Where are you?

I left the Tea Party Express III '10 tour at Denver and returned home. I wished I could have continued on, but as usual, dollars dictate outcomes. The horses are ready, my new knee is working great and my faith in the American people's love of freedom hasn't waned. I haven't thrown in the towel just yet, but I may have tossed a few wash cloths with each passing day. Ask me May 1st how I feel.

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And the only time any city council member even remembers the voters get a crack at this issue is during the months immediately preceding the election. Do you seriously think Jack would take the same stand about paying the \$1 million if there were no 5th penny vote staring him in the face? He favored withholding the million when he was still mayor and the same withholding was contemplated.

What happens at election time is that those who will benefit most by the sales tax will donate to a PAC whose purpose will be to convince voters to keep approving the additional one cent of sales tax. They will donate thousands of dollars in support of the tax. The WTE will give reduced ad rates. There will be a hundred dollars in opposition. Contractors become the strongest supporters of this added sales tax. It behooves them to give to get.

Government depends on voter apathy to continue to provide them funds - no matter what they've done with those same funds in the past or whether they've used them for the promised purposes. It is a safe bet that voters practice the "ignorance, apathy" rule of voting: Don't know, don't care. And there will be another \$40 million over the following four years for the city of Cheyenne elected officials to use as they see fit - notwithstanding the promises made to get the votes required.

Editor notes: I respect Skip's right to take whatever stand he wants to about losses of any constitutional rights he may believe he has experienced. But, for someone who has an opportunity to have his words, however prescient or preposterous, printed and read by as many as 10,000 people locally and uncensored worldwide over the internet, without fear of arrest or incarceration, his rights and privileges seem well in tact. Most of the other people he referred to on this Tea Party "tour" are people who have been afforded the fruits of other's fight for their rights - not just Tea Party folks. Joe the Plumber would be an unknown and unemployed plumber were it not for his undeserved publicity. Others there have written books that were published and bought by some who the author might even consider unpatriotic. Sarah Palin has come out of nowhere to become a millionaire with her own television show in a little over a year. Joe and Sarah haven't lost any rights.

I have never imagined I had any "right" to denigrate those who did not serve in the military just because I did. I would never ask, "Where were you?" For all its warts, the USA is the greatest country on earth and it wasn't made so by a few thousand people who gathered in Harry Reid's hometown for some sort of patriotism litmus test.

Dave Featherly

Always being right means never having to say you're sorry

There they go again. In addition to spending down the future landfill funds, the City looks to postpone payment of \$1,000,000 that is supposed to go toward payment of a \$40,000,000 loan from the Wyoming Farm Loan Board. With all the independence of a teenager about to be grounded, the Board of Public Utilities "agreed" to the City's demand that this payment be "deferred." Based on the facts in the article below (which appeared in the May 27, 2009 Cheyenne Herald), there is not a provision for the City to postpone those annual payments. This year of budgetary crises is not the best time to defy the voters. Pay the million and borrow it back from BOPU if they've got it.

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-part Special Election was held. Only 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 this 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 by resolution which cannot be challenged. Oh, for the good old days!

The ballot for question No. 2 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 been. 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 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 of Cheyenne to withhold payment if the BOPU doesn't need the money or the City's budget can't afford the payment.

What is the Cheyenne Herald? It is a bi-weekly publication that I hesitate to refer to as a "newspaper" but calling it only an "Opinion/Commentary" publication does not adequately describe it either. While much of what appears on these pages is opinion, commentary, and/or essay, much of it is breaking news. When we disclosed that former Cheyenne Police Chief Bob Fecht had purchased, with public money, a master's degree in criminal justice from an unaccredited diploma mill in Mississippi that was never authorized to issue degrees, that was not opinion. That was not commentary. That was fact. That was news. On the other side of the coin, when I opine that the latest city attorney isn't up to the job yet, that is my opinion. Because I write virtually everything presented on these pages, bylines are not used. They're not necessary. An article written by someone else will have a byline. The Herald is not a member of the Wyoming Press Association. What is presented here is original. Space is not filled with wire service fodder, comics or crossword puzzles. The Cheyenne Herald is Wyoming's only investigative publication and that distinction is taken seriously.

Dave Featherly