

Wyoming Administrative Rules

Lands and Investments, Office of

Loan and Investment Board

Chapter 32: Capital Improvement Projects - Countywide Consensus List Awards
(Block Allocations)

Effective Date: 09/26/2014 to Current

Rule Type: Current Rules & Regulations

Reference Number: 060.0003.32.09262014



**RULES AND REGULATIONS
STATE LOAN AND INVESTMENT BOARD**

Chapter 32

**Capital Improvement Projects – Countywide Consensus List Awards
(Block Allocations)**

Section 1. Authority.

This chapter is adopted pursuant to Session Laws of Wyoming 2011, Chapter 88, Section 342, Session Laws of Wyoming 2012, Chapter 26, Section 324 and Session Laws of Wyoming 2014, Chapter 26, Section 316.

Section 2. Definitions.

As used in this chapter:

- (a) "Board" means the State Loan and Investment Board.
- (b) "Capital Project" means the construction, replacement, or improvement of a fixed asset or public service facility and major building and facility repair and replacement. Routine maintenance and repair does not constitute a capital project
- (c) "Consensus List" means a county-wide priority ranking of capital improvement projects from highest to lowest within available grant funding. This list must be certified as agreed to by the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the incorporated population.
- (d) "Director" means the Director of the Office of State Lands and Investments.
- (e) "Eligible Applicant" means a county and its incorporated cities and towns, special districts and joint powers boards. The county must certify to the Board that the county board of commissioners and the councils of the cities and towns that comprise seventy (70%) of the incorporated population within that county have reached agreement on the project(s) for which the grants will be used.
- (f) "Eligible Project Costs" means total project cost, less ineligible

project costs.

(g) "Office" means the Office of State Lands and Investments.

(h) "Public Service Facility" means a facility owned by the applicant and available for use by the general public including: water and sewer projects, storm drainage projects, street and road projects, solid waste disposal projects, acquisition of emergency vehicles, public administration buildings, health care facilities, senior citizens centers, jail and detention facilities, facilities needed to provide services to the disabled, costs to purchase medical equipment that generates revenue sufficient to service a Joint Powers Act Loan, as determined by the Board, and similar facilities as authorized by the Board.

(i) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use, including for compliance with the Americans with Disabilities Act, and including installing fire suppression systems and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;

(j) "Routine maintenance and repair" means activities necessary to keep a building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically accomplished by ownership personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance.

Section 3. General Policy.

The Board shall award grants for projects under the provisions of this chapter based on certified county-wide consensus lists and funding availability for the benefit of the citizens of the state.

Section 4. Grant Eligibility.

(a) Applicants. Incorporated cities and towns, counties, special districts and joint powers boards shall be eligible to apply for grants under this chapter provided the applicant is an "eligible applicant" as defined in Section 2(e). If the applicant is a special district or joint powers board, it must be legally formed and approved and

otherwise in compliance with statutory requirements of the Wyoming Department of Revenue prior to receiving a grant award under this chapter. An applicant must be in compliance with all applicable reporting requirements with the Wyoming Department of Audit prior to its application being considered by the Board.

(b) Ineligible Project Costs. The following project costs shall be ineligible for reimbursement from grant.

(i) Costs for any asset that is owned or maintained by a private property owner;

(ii) Costs for tap fees, sewer and water fees, and plant investment fees;

(iii) Engineering fees, including design, inspection and contract administration costs, over twenty percent (20%) of project cost;

(iv) All non-cash costs except land, labor, materials, equipment, and services provided by the applicant, and used for project purposes based on actual, appraised or market value;

(v) Costs for preparation or presentation of grant or loan applications for any source of funding;

(vi) Costs of tools and furnishings for capital projects, including but not limited to, capital equipment, hammers, furniture, drapes and blinds not integral to and necessary for the project;

(vii) Legal fees;

(viii) Costs related to issuance of bonds;

(ix) Costs for real property in excess of current fair market value and/or costs for an amount of real property in excess of that needed for project purposes;

(x) Costs to establish and form special districts or joint powers boards;

(xi) Costs incurred prior to grant award, except costs for architectural and engineering design or in emergency situations;

Section 5. Application and Consensus List Procedures.

(a) Applications, Consensus Lists and Timing. Applications from eligible applicants for consideration for project funding are initially submitted locally into the county consensus list process in the county where the project is situated. For projects involving more than one county, applications are initially submitted into the county consensus list process in each of the project-affected counties. In reviewing applications the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the incorporated population shall certify to the Board that they have reached agreement on the projects for which the funds will be used. Certified county consensus lists and supporting documentation must be submitted to the Office at least thirty-five (35) calendar days prior to any regular or special meeting of the Board. Applicants must cure any deficiencies in their application(s) (incomplete application) no later than twenty-one (21) calendar days before any scheduled meeting of the Board.

The certified consensus list that the board of county commissioners submits to the Office for Board action shall consist of the following:

(i) A joint resolution, on a form provided by the Office, certifying that the county commission and at least seventy percent (70%) of the incorporated population of the respective county have reached agreement on the project(s) to be funded under this chapter (priority list). The resolution shall list each project individually to be funded under this chapter. The resolution must also indicate the grant amount requested for each project and the percentage of the total project to be funded with a grant under this chapter. The resolution must not exceed the total amount allocated for the county.

(ii) The resolution shall include a list of other eligible project(s) that have been certified and can be substituted in the event that a project on the approved priority list project(s) cannot proceed (substitution list).

(1) Changes to the priority list or substitution list must be submitted on a new joint resolution, on a form provided by the office and signed by all the representatives that signed the original resolution. This includes moving funding from a priority list project to a substitution list project. The prior approved project(s) must be listed on the priority list showing the awarded grant number, showing a decrease in the amount of grant funds requested for each project. The substitution list project (or new project) must include all of the information requested under Section 6(a)(i).

(iii) For each individual project, the applicant shall submit an “Application Cover Page” on a form provided by the Office.

(iv) For each individual project, the applicant shall submit a “Project Summary” form provided by the Office.

(b) Incomplete Applications. Incomplete applications shall not be presented to the Board for consideration.

Section 6. Board Consideration.

The Board shall consider each eligible county’s consensus list, allow for comments from the owner of the project and from the Director. The Board will establish the maximum award for each eligible county for each project on each eligible county’s consensus list.

Section 7. Grant Disbursement and Administration.

(a) Grant Disbursement. Each individual project is subject to the requirements of this section. Grant funds for eligible project costs shall be disbursed to the applicant only as needed to discharge obligations. Requests for disbursements shall be made on a form supplied by the Office and supported by adequate proof that such obligations have been incurred for project purposes and are due and owing.

(b) The minimum grant disbursement shall be One Thousand dollars (\$1,000.00) unless it is the final disbursement of grant funds for the project.

(c) Fund Reversion.

(i) If the Director determines that the project is complete, but the full amount of the grant has not been expended, the Office shall notify the grantee of this determination. Thirty (30) days following the notification, the unused portion of the grant shall be reallocated to the countywide consensus process for that county.

Section 8. Audits and Inspections.

Each individual project is subject to the requirements of this section. The Board may, at its expense, conduct an audit of the records of the applicant and inspect the construction and operation of the project.