

Fremont MOVE

(Making Opportunity for a Viable Economy)

½ % Economic Development Tax

(Amended 1/2/2024)

PROGRAM OBJECTIVES

The goal of Fremont County's ½ % Program is to reinvest one-half percent sales tax funds back into the Fremont County economy, by providing funding programs to its businesses. Fremont County's businesses are its lifeblood, and it is vital that the economic development sales tax is reinvested to continue growth and prosperity.

The actual ballot initiative language reads:

"Shall the Board of County Commissioners of the County of Fremont, State of Wyoming, be authorized to impose an excise tax for economic development of one-half percent (½ %) upon retail sales of tangible personal property, admissions and services made within the county as defined by Wyoming state statutes, the purpose of which is for economic development. Economic Development shall be defined as any project that retains or increased (sic) employment, and/or results in a net gain of money into the community. Thirty percent (30%) of the net proceeds of the tax shall be used to support transportation infrastructure such as commercial air service and ground transportation: (sic) the remaining seventy percent (70%) will be allocated to the County and 6 Municipalities based on population to manage and invest in economic development projects of their choosing. Economic Development projects on the Wind River Indian Reservation are eligible for county allocation. If passed, the tax shall become effective March 1st, 2021 (which is per state statute April 1st, 2021), (sic) and as provided by W.S. 39-15-203(a)(v)(C) the same proposition shall be submitted at the general election in 2024."

1. ELIGIBILITY

Any Fremont County business and/or organization are eligible to apply. Applicants must be incorporated in Wyoming, have a physical and primary business addresses in Fremont County. Submitted applications will be reviewed for thoroughness and completeness. An incomplete application will be sent back to the applicant and will be ineligible for that quarter's awards. Applications are the way to explain the economic development merit of the project and how it will benefit Fremont County.

Individuals, business entities, joint ventures, joint enterprises and other common or related schemes that have previously received any one-half percent (1/2 %) economic development tax funding, from any source, are ineligible to apply for future funding. The terms joint venture, joint enterprise and common or related scheme are meant to include any two or more individuals or business entities with a legal, property or business connection. The Board of Fremont County Commissioners retains full discretion to decide what constitutes a joint venture, joint enterprise or a common or related scheme. The Board of Fremont County commissioners also retains discretion to waive this prohibition for good cause, as determined by the Board. Applicants may have concurrent applications pending before MOVE and another source of ½% tax funds, but applicants who accept an award from another source will be ineligible for MOVE awards.

2. APPLICATION PROCESS

The ½ % Program applications can be submitted quarterly and are eligible for only one award per fiscal year.

Application due dates will be set by the committee on an annual basis.

- Q1 Awards (likely in August)
- Q2 Awards (likely in November)
- Q3 Awards (likely in February)
- Q4 Awards (likely in May)

Funds must be expended within 12 months of award. A one-time six-month extension can be requested for approval by the Board of Fremont County Commissioners. Requests for extension must be submitted at least 30 days prior to the project deadline. Failure to do so may result in forfeit of funding and the requirement that funds allocated previously on the project may be required to be repaid to the ½ % Program. Any awards that are not utilized within twelve months (or eighteen months if previously approved for a six-month extension), will be surrendered back to the ½ % Program account.

Applicant must complete and submit an application, an “Affidavit of M.O.V.E. Applicant”, cost estimates and multiple bids, and a balance sheet and profit and loss statement or a projection of profits and losses.

The application will be vetted by the ½ % Committee for completeness and economic development merit. The ½ % Committee will make a recommendation for funding approval or denial to the Board of Fremont County Commissioners, who shall have the final determination regarding funding distribution. Applicants will be notified of the Board’s decision following the Board meeting via e-mail or phone call.

Construction projects are expected to show multiple bids for the project. Local bids receive preference. If local bids cannot be received, the applicant must prove that local bids were sought.

Examples of economic development include, but are not limited to:

- Employment retention
- Increases employment
- Net gain of money into community

3. APPLICATION REVIEW

The Fremont County ½ % Committee will evaluate and recommend an amount of funding, if any, and suggest priorities for projects to be funded. The Board of Fremont County Commissioners will make the final determination of funding and prioritization.

- A fifty percent (50%) match of the total project cost is preferred
- Project may receive less funding than amount requested in application
- All documents presented are subject to the Wyoming Public Records Act
- Applications may be reviewed quarterly, subject to fund availability. Projects not funded in a quarter can be carried over to the next funding cycle, using the same paperwork if nothing has changed, unless determined by the Board of Fremont County Commissioners that the project is not a fundable project.
- The Board of Fremont County Commissioners reserves the right to make final determination on all funding.

4. SUCCESSFUL APPLICANTS

To ensure accountability of taxpayer generated funds, all awardees must enter into an agreement with Fremont County that will govern the use of funding, require reporting and may contain other conditions as the Board may require.

5. DISTRIBUTION OF FUNDING

To ensure that funding is used as intended, the following shall govern the distribution of funding:

- Awardees shall provide, to the County, an itemized purchase order for goods or an executed contract for the services that are described in the awardee's application. The County may, for good cause, relieve an awardee of this requirement.
- Purchase orders and contracts will be reviewed by a MOVE committee designee for consistency with the awardee's application. If consistent, the MOVE designee will submit a voucher, in an amount equal to the purchase order or contract, to the Board of Commissioners for approval and payment.
- The awardee, within 30 days of completing its purchase, shall provide the County with a copy of an itemized receipt from the vendor or an invoice from the vendor and proof of payment to the vendor. If property that is purchased or improved has specific identifying information, such as a serial number or legal description, such information must be provided along with proof of payment.
- The awardee, within 30 days of completing any purchase of physical property (including equipment, vehicles, inventory, tools, or other tangible items) with awarded funds, shall provide authorization for the County to file a UCC-1 Financing Statements concerning said property.

6. CLAW BACK

To guard against unjust misuse or waste of taxpayer funds, funds awarded by the County may be subject to recovery, in full or in part, by the County for the following reasons:

- Significant change from details provided in the application;
- Misrepresentation in the application;
- Failure to purchase items or services as specified in the purchase order or contract;
- Selling items purchased with awarded funds;
- Selling real property that is improved with awarded funds;
- Awardee's business ceases to trade or relocates; or
- Awardee breaches the terms of the award agreement.

7. INSPECTION AND POST-AWARD REPORTING

The County retains the right to inspect any premises or any property that is improved with or purchased with awarded funds.

Awardees shall submit quarterly reports for the four quarters (six quarters if granted a six-month extension) subsequent to date of the award notice. In addition to quarterly reporting required during the first 12 or 16 months after the award notice, awardees shall submit an annual report, every year for four years for a total of four reports, the first of which is due on the one-year anniversary of the due date for the final quarterly report. Annual reports shall provide the information described above for quarterly reporting.