

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
March 9, 2009

The Hot Springs County Board of Commissioners met in special emergency session on Tuesday, March 9, 2009 at 10:00 a.m. in the Commissioners Room at the Courthouse.

Present were Commissioners Brad W. Basse, John P. Lumley (by phone) and Frank T. Manning. Also present was County Clerk, Hans Odde.

Approval of Agenda

Frank T. Manning made a motion to approve the agenda. John P. Lumley seconded. Motion carried.

Consider Letter of Credit and Contract with Sinclair Oil for Asphalt Cold Mix Project

County Clerk, Hans Odde explained that he and Deputy County Treasurer Julie Mortimore had been working with Pinnacle Bank of Thermopolis on securing a letter of credit for purchase of asphalt road oil from Sinclair Oil Company. The process needed to go through bank President Minnie Miller who was out of the office most of last week and Deputy Treasurer Mortimore had approached Bank of Wyoming too. To this point neither bank had been able to successfully execute the letter of credit. In dealing with either bank there are documents that will need to be signed when drawn up. Mr. Odde spoke with County and Prosecuting Attorney, Jerry Williams about the letter of credit and he recommended that the Commissioners give authority to the County Treasurer or her Deputy to sign said documents. Frank T. Manning then made a motion to give full authority to the Hot Springs County Treasurer or her Deputy to sign any documents relating to a letter of credit to Sinclair Oil Company. John P. Lumley seconded. Motion carried.

Mr. Odde then explained that the Commissioners needed to execute a contract for purchase of the asphalt road oil with Sinclair Oil Company too. County Attorney Williams reviewed the contract and suggested that the Commissioners approach Sinclair about removing paragraph 11 dealing with immunity. Attorney Williams does not want the County to give up its statutory right to governmental immunity which is what paragraph 11 would do. Mr. Odde then placed a conference call with Craig Meness with Sinclair and Chairman Basse explained the situation and asked for the deletion. Mr. Meness stated that he would have to approach his legal department with the issue but felt it wouldn't be a problem with them. Mr. Meness will call Mr. Odde as soon as he has an answer. Frank T. Manning then made a motion for the Chairman to sign the contract with Sinclair Oil Company for purchase of 1600 liquid tons of asphalt road oil after the issue with paragraph 11 is resolved. John P. Lumley seconded. Motion carried.

There being no further business before the Board at this time Frank T. Manning made a motion to adjourn at 10:38 a.m. John P. Lumley seconded. Motion carried.

Attest:

Brad W. Basse, Chairman

Hans Odde, Clerk to the Board