

## SPECIAL CITY COUNCIL MEETING

January 16, 2018

4:00 p.m.

*Please turn off cell phones or set to vibrate during meetings.*

*Reasonable accommodations for persons with disabilities who wish to participate in this public meeting shall be made upon request to the City Administrator, City of Douglas, at 307-358-3462.*

1. Pledge Of Allegiance & Call To Order

- **Mayor Jones**
- **Councilmember Kingery**
- **Councilmember Bartling**
- **Councilmember Kemper**
- **Councilmember Gilbreath**

2. Consent Agenda

**All agenda items listed under the Consent Agenda are considered to be routine items by the governing body and will be enacted by one motion unless a Councilmember or member of the public requests that an individual item be taken up under consideration separately, in which case the item will be placed under Council Action Items**

2.I. Corrections, Additions, And Approval Of Agenda For January 16, 2018

2.II. Consideration Of Resolution(S)/Ordinance(S) By Title Only

2.III. Letter, Joint Appropriations Committee

In Support of Continued Direct Distribution Funding, FY19-20 Biennium

Documents:

[JAC LETTER IN SUPPORT OF 105 M DIRECT DIST.PDF](#)

3. Public Comments

**This section of the Agenda is reserved for comments from the General Public on matters relating to Douglas Municipal Government. In order to be heard, please approach the podium, speak into the microphone, state your name and affiliation and sign in. Council Meetings are broadcast live on TV (Cable Channel 61). If you have handouts to present to Council, please also provide a copy to the City Clerk.**

4. Council Action Items

4.I. Resolution 1948

Requesting One City-Council Appointed Position on the Wyoming State Fair Board

Documents:

[RES 1948 WY STATE FAIR BOARD APPOINTMENT.PDF](#)  
[DRAFT BILL 18LSO-0310 SF45.PDF](#)

5. Executive Session

5.1. Personnel, As Authorized Per W.S. 16-4-405 (A)(ii)

6. Adjourn

# CITY OF DOUGLAS WYOMING

HOME OF THE JACKALOPE.  
WE KNOW JACK.

**TO:** Honorable members of the Joint Appropriations Committee: Co-chairmen Burns and Nicholas; Senators Dockstader, Driskill, Hastert, and Landen; and Representatives Burkhart, Larsen, Schwartz, Sommers, Walters, Wilson

**DATE:** January 15, 2018

**RE:** Local Government Direct Distributions

Honorable Members of the Joint Appropriations Committee,

On behalf of the incorporated cities and towns in Wyoming, and in conjunction with the Wyoming Association of Municipalities (WAM), the Douglas City Council respectfully requests that the Joint Appropriations Committee (JAC) renew the Local Government Direct Distribution of \$105 million for the FY 19-20 biennium. This annual Direct Distribution of \$34 Million to municipalities and \$18 million to counties are critical funding sources for various municipal needs, including but not limited to general operations; essential services such as public safety; streets/sidewalks, water, sanitary sewer, solid waste management, and cemeteries; matching funds for state and federal grant and loan programs; and critical capital projects ensuring public services are not interrupted and/or decreased. Two-thirds of Wyoming's limited population live within a city or town, and the entire population of Wyoming relies on many municipal services in one way or another due to jobs, healthcare, shopping, recreational and community activities, and community infrastructure.

As stated by WAM and identified in WAM's two Municipal Finance Reports, the primary source of revenue for Wyoming municipalities is state sales and use tax. Secondary revenue sources are statutory and discretionary allocations from Federal Mineral Royalties, Severance Tax, and competitive grant and loan programs. The State Legislature determines whether these programs receive appropriations, and various state agencies determine the rules that govern the use of the appropriated funds. Wyoming's existing tax and statutory framework does not allow the required local authority to increase the revenue capacity that is necessary to provide for a local community's critical needs. Although WAM's 2017 Municipal Finance Report recommended statute changes that would increase the revenue-generating capacity for larger cities, no significant bills are moving forward to effect this change. Until proven and certain statutory revenue sources are in place, it is imperative that the \$105 million in Direct Distribution be legislatively renewed.

Wyoming's municipalities, regardless of the population, depend on this funding to sustain required municipal operations that ensure public safety, health, and welfare services are not compromised. Much like the state agencies, all of Wyoming's cities and towns share budget concerns and are adjusting the way services are provided. Douglas operates conservatively, and we continually review our budget and expenses; have adjusted our rate schedules; apply for grants; find efficiencies; and have reduced positions in order to balance our budget and maintain essential services.

# CITY OF DOUGLAS WYOMING

HOME OF THE JACKALOPE.  
WE KNOW JACK.

Current funding to Local Government has been reduced by 29.5% on average in comparison to FY09-10; this does not include consensus or other state aid funding that has been removed in prior years. In Douglas, Direct Distribution was reduced by 62% from FY09-10 to FY17-18. Renewing the \$105 Million is merely maintaining a revenue source, not increasing one.

The governing body of the City of Douglas, along with WAM leadership, respectfully requests that legislation is passed to fund Wyoming cities, towns and counties at a minimum of \$105 Million for the next biennium. A new appropriation bill for Local Government should identify that the funding be secured from the General Fund, the Legislative Stabilization Reserve Account, or another certain source. State-aid should continue until other applicable own-source capacity options are fully in place granting local authority to generate needed revenue sources. It should also be understood that many Wyoming municipalities may not have the population or tax base to generate sufficient own-source revenues. Therefore, sustainable state-aid should be solidified for the long-term.

Thank you for your favorable consideration for the \$105 Million Direct Distribution in helping meet the needs of Wyoming local governments and Wyoming citizens.

Sincerely,  
Douglas City Council

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Bruce A. Jones, Mayor

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Leroy Kingery, Councilmember

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John Bartling, Councilmember

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Rene Kemper, Councilmember

ATTEST:

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Monty Gilbreath, Councilmember

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Karen Rimmer, City Clerk

**RESOLUTION NO. 1948**

**A RESOLUTION REQUESTING ONE CITY-COUNCIL APPOINTED POSITION ON THE WYOMING STATE FAIR BOARD.**

**WHEREAS**, the Wyoming State Fairgrounds are situated within the corporate city limits of the City of Douglas; and

**WHEREAS**, the Governing Body of the City of Douglas is desirous of inclusion as a voting member of the Wyoming State Fair Board; and

**WHEREAS**, the Governing Body feels that the City's involvement would further strengthen the Wyoming State Fair Board and future outcomes of the Wyoming State Fair by offering insight specific to Douglas, including an understanding of local regulations, planning and logistics, public safety, public and in-kind services, and local economic atmosphere; and

**WHEREAS**, the Governing Body finds it to be in the best interest of the Douglas community that an elected official from the City of Douglas be a voting member of the Wyoming State Fair and respectfully requests that the language below or some similar language be added to Senate File 45.

**NOW THEREFORE THE GOVERNING BODY OF DOUGLAS, WYOMING, RESOLVES:**

**Section 1.** That the foregoing recitals are incorporated in and made a part of this resolution by this reference.

**Section 2. Amendment One to Senate File 45, Draft House Bill 18-LSO-0310.**  
That Section 11-10-115 (a)(i) be amended to change the total number of board members from seven (7) to eight (8).

**Section 3. Amendment Two to Senate File 45, Draft House Bill 18-LSO-0310.**  
That Section 11-10-115 (a) be amended to include another subparagraph under (a) to read as follows: “ (xi) one voting member appointed by the Douglas City Council”.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2018.

**ATTEST:**

\_\_\_\_\_  
Bruce A. Jones, Mayor

\_\_\_\_\_  
Karen Rimmer, City Clerk

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

State fair board-2.

Sponsored by: Joint Agriculture, State and Public Lands &  
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to agriculture; amending provisions for the  
2 general supervision, operation and maintenance of the  
3 annual state fair and fairgrounds; amending the purpose of  
4 the state fair; reconstituting the state fair advisory  
5 board as the state fair board; specifying composition of  
6 the state fair board; specifying duties of the state fair  
7 board, the department of agriculture, the Wyoming tourism  
8 board and the state construction department; making  
9 conforming amendments; providing an appropriation; and  
10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2           **Section 1.** W.S. 11-10-101, 11-10-102, 11-10-104  
3 through 11-10-108 and 11-10-115 are amended to read:

4

5           **11-10-101. Annual state fair; where held; purpose.**

6

7 The state fair board, with the assistance of the department  
8 of agriculture, shall hold an annual state fair at Douglas,  
9 Wyoming, ~~where all important products of the state shall be~~  
10 ~~recognized according to merit by premiums or rewards for~~  
11 ~~excellence offered out of an appropriation provided by the~~  
12 ~~legislature. No person shall collect any award until he~~  
13 ~~furnishes to the department a complete history in writing~~  
14 ~~of how the exhibit was produced and all other information~~  
15 ~~concerning the entry that would be of interest or benefit~~  
16 ~~to the general public~~ dedicated to honoring Wyoming's  
17 agricultural heritage and culture by cultivating Wyoming's  
18 agricultural future through competitions, educational  
19 displays and experiential exhibits for youth producers and  
20 the general public.

21

22           **11-10-102. Duties and responsibilities with respect**  
23 **to the annual state fair and fairgrounds.**

1

2       (a) The general charge and supervision of the state  
3 fair is under the ~~director of~~ state fair board with the  
4 assistance of the department of agriculture. ~~The director~~  
5 ~~may employ a competent manager and other employees~~  
6 ~~necessary for the proper conduct and management of the fair~~  
7 ~~and fairgrounds.~~

8

9       (b) The department shall prepare budget requests on  
10 behalf of and subject to the approval of the state fair  
11 board for the conduct and management of the annual state  
12 fair and for the operation and maintenance of the state  
13 fairgrounds, including building and facility needs for  
14 major maintenance and repair. The director is responsible  
15 for the proper disbursement of all funds appropriated for  
16 the ~~operation and maintenance of the~~ annual state fair and  
17 fairgrounds.

18

19       (c) The state fair board shall:

20

21               (i) Select from among its voting members a  
22 chairman and a vice-chairman;

23



1           (ii) Hold at least four (4) regular meetings per  
2 year at such times and places as the chairman shall  
3 specify. Special meetings may be called by the chairman or  
4 upon request of a majority of the voting members. A  
5 majority of the voting members of the state fair board  
6 shall constitute a quorum for the transaction of business;

7  
8           (iii) Be administratively supported by the  
9 department;

10  
11           (iv) Provide for the year-round operation and  
12 maintenance of the state fairgrounds in a manner that:

13  
14                   (A) Maximizes revenues but does not disrupt  
15 the annual state fair;

16  
17                   (B) Ensures the facilities are maintained  
18 in good working order.

19  
20           (v) Monitor any state fairgrounds facility needs  
21 assessment conducted by the state construction department  
22 and, subject to available funding, implement

1 recommendations received under subsection (d) of this  
2 section to prioritize and remediate the identified needs;

3  
4 (vi) To the extent the employment of a state  
5 fair manager would aid in accomplishing the duties required  
6 by this chapter, appoint a state fair manager to conduct  
7 and supervise the annual state fair and to manage the year-  
8 round operation and maintenance of the state fairgrounds.  
9 Any appointment shall be made with the approval of the  
10 governor and shall be subject to removal authority provided  
11 by W.S. 9-1-202. The state fair board may hire and provide  
12 for the supervision of other employees necessary to  
13 accomplish the duties required by this chapter and may  
14 contract for services to advertise and promote the annual  
15 state fair and the fairgrounds;

16  
17 (vii) To the extent establishing a subcommittee  
18 would aid in executing the annual state fair, appoint a  
19 subcommittee of state fair board members to plan, conduct  
20 or supervise the annual state fair. The director shall  
21 serve as chairman of any subcommittee appointed under this  
22 paragraph.

23

1        (d) The state construction department shall, in  
2 addition to the comprehensive needs assessment conducted  
3 pursuant to W.S. 9-5-107, and upon request of the state  
4 fair board:

5  
6        (i) Assess the state fairground buildings and  
7 facility needs; and

8  
9        (ii) Submit recommendations to the state fair  
10 board to prioritize and remediate the identified needs.

11  
12        (e) The Wyoming tourism board shall promote the  
13 annual state fair throughout the state of Wyoming and  
14 adjoining states.

15  
16        **11-10-104. Catalogues.**

17  
18        At least three (3) months before any annual fair, the  
19 ~~director of the department of agriculture~~ state fair board  
20 shall have a catalogue prepared and copies available for  
21 distribution to any person requesting it.

22  
23        **11-10-105. Entry fees.**

1

2 A fee may be charged for any in-state or out-of-state  
3 exhibit to be entered in the state fair at an amount set by  
4 ~~the director of the department of agriculture and~~ the state  
5 fair board.

6

7 **11-10-106. Admission charges; other revenues.**

8

9 (a) There shall be charged at the gates of the  
10 fairground an admission fee to be set by the state fair  
11 board. An extra charge may be made for seats in the  
12 grandstand or other structure providing added comforts. The  
13 charge for vehicles driven or stock ridden into the grounds  
14 may be fixed by the state fair board. All fees collected  
15 shall be deposited in the Wyoming state fair account.

16

17 (b) The department of agriculture may receive any  
18 money or property of any kind or character donated, granted  
19 or bequeathed for any activities of the state fair. Monies  
20 shall be credited to the state fair account. The  
21 department, on behalf of the state fair board, shall  
22 include within its biennial budget request submitted under  
23 W.S. 9-2-1013 a report itemizing all gifts, income and

1 expenditures under this subsection for each of the  
2 immediately preceding two (2) fiscal years.

3

4 **11-10-107. Power of state fair board to acquire land;**  
5 **authority to make rules and regulations; renting and use of**  
6 **fairgrounds.**

7

8 ~~The~~ Consistent with W.S. 9-5-106(a) and (c), the state fair  
9 board may acquire by donation or lease in the name of the  
10 state any lands necessary for conducting the annual state  
11 fair, and may make all rules and regulations necessary for  
12 the conduct and government of the exhibitions, the sale of  
13 privileges, and the proper control, operation and conduct  
14 of the annual state fair and the state fairgrounds not  
15 inconsistent with the constitution and laws of this state.  
16 The state fair board may rent out or donate the use of the  
17 state fairgrounds for stabling and training stock and  
18 holding stock sales. The grounds may be used free of charge  
19 for encampment grounds for the state militia under the  
20 direction of the adjutant general of the state. The board  
21 ~~may~~ shall permit the grounds and facilities to be used for  
22 other purposes and ~~may~~ shall charge fees as it deems  
23 necessary to maximize revenues and pay the expenses of

1 maintaining the grounds and facilities. ~~The board shall not~~  
2 ~~permit any gambling device of any nature to be operated on~~  
3 ~~the grounds, or permit any unlawful betting, or permit any~~  
4 ~~intoxicating liquors to be sold thereon except as provided~~  
5 ~~by W.S. 12-4-505.~~

6

7 **11-10-108. Rodeos; generally.**

8

9 The ~~director of the department of agriculture and the~~ state  
10 fair board may provide a rodeo as part of the state fair  
11 program, provided there is no restriction on any Wyoming  
12 resident who desires to participate in the rodeo other than  
13 the prescribed entry fee, unless the restriction is  
14 required by a sanctioning body as part of the terms and  
15 conditions to sanction the rodeo. Any contract entered into  
16 with any person to provide entertainment under this section  
17 is void if it in any manner excludes a Wyoming resident  
18 from participation in the entertainment because of  
19 membership or nonmembership in any organization or group.

20

21 **11-10-115. State fair advisory board; membership;**  
22 **terms; compensation.**

23

1 (a) There is created the state fair ~~advisory~~ board  
2 ~~which shall serve as advisor to the board of agriculture on~~  
3 ~~the operation of the state fair and the operation and~~  
4 ~~maintenance of the state fairgrounds. The state fair~~  
5 ~~advisory board shall consist of ten (10)~~ consisting of the  
6 following members:7

7  
8 (i) One (1) voting member appointed by ~~each of~~  
9 ~~the seven (7) members of the board of agriculture appointed~~  
10 ~~pursuant to W.S. 11-2-102(b),~~ the governor from each of the  
11 seven (7) appointment districts under W.S. 9-1-218. Each  
12 of these members shall be engaged primarily in agricultural  
13 work and shall be selected to represent a cross section of  
14 the agriculture industry. Appointments shall rotate  
15 consecutively among all the counties of the appointment  
16 districts;

17  
18 (ii) One (1) voting member appointed by the  
19 Converse county board of commissioners;

20  
21 (iii) One (1) voting member appointed by the dean  
22 of the University of Wyoming college of agriculture from  
23 the Wyoming cooperative extension service;7 ~~and~~

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(iv) One (1) voting member selected by the Wyoming vocational agricultural teachers association from its membership~~;~~

(v) One (1) voting member appointed by the governor from the department of state parks and cultural resources;

(vi) One (1) voting member appointed by the governor from the Wyoming business council;

(vii) One (1) voting member appointed by the governor from the Wyoming tourism board or a representative of the Wyoming tourism board;

(viii) One (1) voting member appointed by the governor from the energy industry;

(ix) The director shall serve as a voting member;



1           (x) The governor and the dean of the University  
2 of Wyoming college of agriculture, or the dean's designee,  
3 shall serve as nonvoting ex officio members.  
4

5           (b) The members of the state fair ~~advisory~~ board  
6 ~~member appointed by the Converse county board of~~  
7 ~~commissioners, the state fair advisory board member~~  
8 ~~appointed by the dean of the University of Wyoming college~~  
9 ~~of agriculture and the state fair advisory board member~~  
10 ~~selected by the Wyoming vocational agriculture teachers~~  
11 ~~association shall serve a four (4) year term. All other~~  
12 ~~state fair advisory board members shall serve at the~~  
13 ~~pleasure of the person who appointed the state fair~~  
14 ~~advisory board member and in no event shall the term of any~~  
15 ~~state fair advisory member exceed the corresponding term of~~  
16 ~~the appointing board of agriculture member.~~ appointed under  
17 paragraph (a)(i) of this section shall serve for a term of  
18 six (6) years. The members of the state fair board  
19 appointed under paragraphs (a)(ii) through (viii) of this  
20 section shall serve for a term of four (4) years. Any  
21 state fair board member appointed by the governor is  
22 subject to removal as provided in W.S. 9-1-202.  
23

1        (c) Except as provided in this section, the state  
2 fair ~~advisory~~ board members shall ~~receive no salary in the~~  
3 ~~performance of their duties but~~ be paid a salary of one  
4 hundred dollars (\$100.00) per day for attending and  
5 traveling to and from official state fair board business  
6 and shall receive mileage and per diem the same as state  
7 employees as provided by W.S. 9-3-102. Members who are  
8 government employees or public officials appointed to the  
9 state fair board to represent an agency, department, board  
10 or institution of the state, including the University of  
11 Wyoming, shall receive no salary but shall be considered on  
12 official business when performing duties as members of the  
13 state fair board and shall receive mileage and per diem in  
14 the manner provided by the agency, department, board or  
15 institution they represent.

16

17        **Section 2.**

18

19        (a) Except as provided in subsection (b) of this  
20 section, the members of the state fair advisory board  
21 holding office on the effective date of this act shall  
22 serve as members of the state fair board for the remainder

1 of their respective terms and are eligible for  
2 reappointment.

3

4 (b) Members of the state fair advisory board holding  
5 office on the effective date of this act who were appointed  
6 to the state fair advisory board by the members of the  
7 board of agriculture shall serve as members of the state  
8 fair board for the remainder of their terms but in no event  
9 for more than three (3) years from the effective date of  
10 this act and, subject to W.S. 11-10-115(a)(i), are eligible  
11 for reappointment.

12

13 (c) There is appropriated from the general fund  
14 ninety-five thousand dollars (\$95,000.00) to the department  
15 of agriculture. This appropriation shall be for the period  
16 beginning with the effective date of this act and ending  
17 June 30, 2020. This appropriation shall only be expended  
18 for payment of salary, per diem and mileage for state fair  
19 board members authorized under W.S. 11-10-115(c).  
20 Notwithstanding any other provision of law, this  
21 appropriation shall not be transferred or expended for any  
22 other purpose and any unexpended, unobligated funds  
23 remaining from this appropriation shall revert as provided

1 by law on June 30, 2020. This appropriation shall be  
2 included in the 2021-2022 standard biennial budget request  
3 submitted on behalf of the state fair board by the  
4 department of agriculture.

5

6 \*\*\*\*\*  
7 \*\*\*\*\*

8 **STAFF COMMENT**

9 The appropriation of \$95,000.00 was calculated to provide  
10 the nine non-governmental members of the State Fair Board  
11 compensation and reimbursement for fourteen meeting days  
12 (or seven, two-day meetings) and eight state fair days.  
13 The calculation assumes a \$100.00 per day salary, \$144.00  
14 per diem (\$93.00 for lodging and \$51.00 for meals and  
15 incidental expenses) and mileage at a rate of \$0.535 per  
16 mile.

17 \*\*\*\*\*  
18 \*\*\*\*\*

19

20 **Section 3.** This act is effective September 1, 2018.

21

22 (END)