

WAM RESOLUTION NO. 19-01

**A RESOLUTION OF THE WYOMING ASSOCIATION
OF MUNICIPALITIES RELATING TO THE 64th
ANNUAL CONVENTION IN SHERIDAN, WYOMING,
JUNE 2019**

WHEREAS, the 2019 Annual Convention of the Wyoming Association of Municipalities (WAM) on June 12-14, in Sheridan, Wyoming, has proven to be an outstanding session focusing on the education of elected officials and municipal staff members and enhancing the tools available to them in order to provide the best service to their communities; and

WHEREAS, the success of this Convention is due in large measure to the generous contribution of time, effort and resources on the part of the staff and elected officials from the City of Sheridan, Town of Clearmont, Town of Ranchester, and the Town of Dayton and sponsors who hosted, planned, and arranged logistics and activities of the 2019 WAM Annual Convention.

NOW, THEREFORE, BE IT RESOLVED by the Wyoming Association of Municipalities on this 13th day of June 2019 in Sheridan, Wyoming, that the Association gratefully extends its appreciation to every person and organization in Sheridan and with the City of Sheridan who devoted time, effort and resources in the planning, arranging, providing and presenting of the programs and activities of the 64th Annual WAM Convention.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-02

A RESOLUTION TO CREATE UTILITY AND OTHER MUNICIPAL SERVICES LIEN AUTHORITY FOR MUNICIPALITIES AND JOINT POWERS BOARDS

WHEREAS, municipalities in Wyoming have become aware of problems relating to the ability of the municipalities and joint powers boards to collect past due utility and other municipal service bills; and

WHEREAS, the current law of the State of Wyoming allows irrigation districts, water and other improvement districts to create liens under the right circumstances or have statutorily been granted automatic and perpetual liens under certain circumstances; and

WHEREAS, there is nothing similar to the creation of a lien found in zoning regulations or any other powers granted to a municipality or joint powers board in current state laws of the State of Wyoming; and

WHEREAS, the Wyoming Association of Municipalities advocates for statutory authority to enunciate authority for municipalities to place liens and to provide sufficient clarity to the process by which municipal liens are recovered.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities supports such legislation as may be necessary to provide authority to a municipality or joint powers board to create a lien arising from past due bills for public utilities and other municipal services necessary to correct hazardous conditions.

PASSED, APPROVED AND ADOPTED this 13TH day of June, 2019.

President

WAM RESOLUTION NO. 19-03

**A RESOLUTION SUPPORTING LOCAL AIR SERVICE AS
ESSENTIAL TO WYOMING'S PROSPERITY**

WHEREAS, local air service that provides connections to major cities is a critical component of a thriving economy; and

WHEREAS, Wyoming's rural nature makes traditional private air service very difficult to sustain; and

WHEREAS, during the 2019 Legislative Session, a bill was passed which provides money to aid airports across Wyoming in sustaining its air service, but essentially excludes Essential Air Service (EAS) airports; and

WHEREAS, the continued funding of air enhancement programs, including providing funding for EAS airports is critical to the future of Wyoming cities and towns,

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities supports continued funding for Wyoming airports and development of air enhancement opportunities for EAS eligible airports.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-04

A RESOLUTION SUPPORTING STATEWIDE ANTI-DISCRIMINATION LEGISLATION IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS

WHEREAS, diversity is necessary for any thriving city or town; and

WHEREAS, discrimination still occurs on the basis of race, color, religion, national origin, sex, pregnancy, gender identity, age, sexual orientation, family status, veteran status, marital status, and disability; and

WHEREAS, a commitment to diversity and the creation of a community welcoming to all which will enhance our local economies, encourage a positive forward-thinking environment that will help attract and retain businesses.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities should encourage and support statewide equality for all of its citizens and pass anti-discrimination legislation, prohibiting discrimination based on race, color, religion, national origin, sex, pregnancy, gender identity, age, sexual orientation, family status, veterans status, marital status, and disability in housing, employment and public accommodations.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-05

A RESOLUTION SUPPORTING GREATER FINANCIAL INDEPENDENCE AND AUTHORITY FOR WYOMING CITIES AND TOWNS

WHEREAS, Wyoming's ninety-nine (99) cities and towns are responsible to provide basic and essential services like safe streets, police protection and fire suppression for sixty-nine percent (69%) of all Wyoming residents who reside in those communities; and

WHEREAS, the State of Wyoming does not grant local taxation authority to municipal governing bodies sufficient to empower these elected officials to provide consistent services required by city and town residents; and

WHEREAS, numerous reports at the national, state and local level substantiate that Wyoming municipalities have the *least* local fiscal authority and the absolute *lowest* local revenue generating capacity of any of the 50 States; and

WHEREAS, the taxation system established by States directly affects the overall economic vitality of the State and can either drive, or suppress, economic prosperity; and

WHEREAS, because municipalities are not allowed local taxation authority, State government has directly appropriated funding to cities and towns but, this historical practice is not sustainable for Wyoming's long-term future; and

WHEREAS, to ensure a sustainable financial future with economic prosperity generated locally and throughout Wyoming for both current and future generations of Wyomingites, Wyoming must consider implementing the *Principles of High-Quality State Revenue Systems* as they pertain to State-to-local government relationships and as recommended by the National Conference of State Legislatures, among other national and state agencies.

NOW THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities requests that the State of Wyoming authorize municipalities to raise sufficient revenues to meet the needs of residents by granting to its governing bodies all of the three key elements of local taxation authority including:

- a) authority to directly levy taxes,
- b) control of the local rate of taxation, and
- c) authority to allocate local tax revenue to municipal purposes and services.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-06

A RESOLUTION SUPPORTING MUNICIPAL STORM WATER ENTERPRISE FUNDS

WHEREAS, the majority of Wyoming residents live in cities and towns and rely upon their municipal governments for essential surface water drainage and utility infrastructure that keeps the public safe and protects both public and private properties from damage from storm water run-off; and

WHEREAS, Wyoming statutes do not authorize cities and towns to create storm water enterprise funds for operation of storm water drainage systems and, consequently, there are millions of dollars of unmet financing needs for surface water drainage.

NOW THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities requests that the State of Wyoming authorize cities and towns to establish and operate surface water drainage systems as public utility services and make available by statute similar financing options as are provided for potable water and sanitary sewer utilities; and that the State of Wyoming allow municipal governing bodies to establish user fees to support financial operations of surface water drainage systems.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-07

A RESOLUTION SUPPORTING A REVISION TO THE WYOMING STATE STATUTES PROVIDING THE OPTION FOR MUNICIPALITIES TO PARTICIPATE IN THE STATE OF WYOMING INSURANCE PROGRAMS

WHEREAS, in order for municipal governments in the State of Wyoming to be competitive, municipal employers strive to offer their employees the best health insurance options; and

WHEREAS, cities and towns commonly pay a percentage of health insurance premiums as a benefit to the employee; and

WHEREAS, Wyoming State Statutes 9-3-201 through 9-3-218 currently allow employees of the State of Wyoming, its political subdivision, and school districts to obtain group health insurance; and

WHEREAS, cities and towns recognize the potential value of the health insurance programs offered by the State of Wyoming as provided to other political subdivisions and school districts;

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities supports changes to Title 9, Chapter 3, Article 2 of Wyoming State Statutes to include the option for municipalities to elect insurances as otherwise provided to other entities included in Article 2, Chapter 3 of Title 9 for health, dental, vision, life, accident, and/or hospitalization through the State's health insurance program.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-08

A RESOLUTION REQUIRING VENDORS AND WYOMING DEPARTMENT OF REVENUE TO SHARE RESPONSIBILITY WITH MUNICIPALITIES AND COUNTIES FOR SALES TAX COLLECTION ERRORS

WHEREAS, vendors collect and remit sales tax monthly to the Wyoming Department of Revenue; and

WHEREAS, vendors can receive a credit thereby reducing their sales tax payment if payment is remitted on or before the fifteenth of every month and vendors are penalized for late remittance or payment shortage; and

WHEREAS, the Wyoming Department of Revenue is charged with overseeing sales tax collection and remitting correct amounts to cities, towns, and counties; and

WHEREAS, cities, towns, and counties rely on revenue from sales taxes to provide services to citizens; and

WHEREAS, cities, towns, and counties are dependent on vendors and the Wyoming Department of Revenue for correct sales tax remittance.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities supports and advocates to the Wyoming Legislature to require vendors and the Wyoming Department of Revenue to bear part of the responsibility for acts and omissions that negatively impact a city, town, or county and pay for part of the remedy for those mistakes that negatively impact a city, town, or county.

PASSED, APPROVED AND ADOPTED this 13TH day of June, 2019.

President

WAM RESOLUTION NO. 19-09

A RESOLUTION OPPOSING PROPOSED LEGISLATION TO CREATE A STATEWIDE, COST-BASED, INCREMENTAL MODEL OF FRANCHISE FEES FOR TELECOMMUNICATIONS AND CABLE PROVIDERS IN MUNICIPAL RIGHTS-OF-WAY

WHEREAS, the Wyoming Association of Municipalities represents the interests of the State of Wyoming's ninety-nine (99) incorporated cities and towns; and

WHEREAS, local governments throughout the State of Wyoming successfully negotiate franchise fees for the use of municipal rights-of-way with telecommunications and cable companies in their own jurisdictions; and

WHEREAS, local rights-of-way and franchise issues properly belong in the jurisdiction and control of local governments whose land, infrastructure, streets and utilities are impacted, and who are closest to, and accountable to their citizenry; and

WHEREAS, the use of local, public rights-of-way provides a tremendous benefit to the cable and telecommunications industry because it costs them significantly less than it would to do the same at fair market value across private land; and

WHEREAS, franchise fees paid for the use of the public rights-of-way provide important, sustainable revenue to local governments; and

WHEREAS, the federal Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and as further amended by the Telecommunications Act of 1996, specifically 47 United States Code, Section 542(b), provides in part, "For any twelve-month period, the franchise fees paid by a cable operator with respect to any cable system

shall not exceed 5 percent of such cable operator's gross revenues derived in such period from the operation of the cable system to provide cable services"; and

WHEREAS, 47 United States Code, Section 253(c) provides that, "Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government"; and

WHEREAS, franchise fees provide valuable benefits to citizens of localities who receive better government services as a result of franchise fee revenue; and

WHEREAS, the Federal Communications Commission in its Declaratory Ruling and Third Report and Order released September 27, 2018 ("Order") attempted to restrict the amount of compensation a local government could receive for small wireless facilities placed in public rights-of-way to a cost-based amount; and

WHEREAS, that Order is now being vigorously opposed by local governments in litigation in the United States Court of Appeals for the Ninth Circuit; and

WHEREAS, the telecommunications and cable industries are now making similar efforts at the state government level, including Wyoming; and

WHEREAS, an incremental, cost-based reimbursement model is flawed because it fails to fairly and appropriately compensate local governments for the use of its rights-of-way, and may transfer funding that should be spent for public benefit to subsidize private companies; and

WHEREAS, the June 4, 2018, report titled *Economic and Fiscal Diversification in Wyoming*, which was presented to the Wyoming State Legislature Revenue Committee, demonstrates that without tax policy change or serious budget

cuts, expenditures by the Wyoming Legislature will soon exceed its revenue collection, and lead to unsustainable shortfalls in revenue; and

WHEREAS, franchise fees for decades have provided a reasonably stable revenue source for local governments that the Wyoming Legislature does not have to fund; and

WHEREAS, when raising revenue, each local government makes choices about the most effective, fair way to accomplish that; and

WHEREAS, local government control and decision-making choices over revenue raising is appropriate for each locality, and a statewide, “one-size fits all” approach is unsound because of differing needs and interests across localities; and

WHEREAS, redistributing franchise fee revenue to private telecommunications or cable companies at the expense of local governments is an unconstitutional subsidy of private enterprise, and would also violate the local government’s fiduciary responsibility to its citizens to properly manage its rights-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming Association of Municipalities opposes legislation to create a statewide, cost-based, incremental model of franchise fees for telecommunications and cable providers in municipal rights-of-way.

PASSED, APPROVED AND ADOPTED this 13TH day of June, 2019.

President

WAM RESOLUTION No. 19-10

A RESOLUTION OPPOSING LEGISLATION ON FRANCHISE FEE FUNDING FOR MUNICIPALITIES

WHEREAS, it is critically important for the future of Wyoming that we have strong communities with dependable public services and sound infrastructure; and

WHEREAS, cities and towns play a major part in creating and maintaining strong communities; and

WHEREAS, the Wyoming Legislature is proposing to eliminate the power of cities and towns to negotiate compensation for the use of rights-of-way; and

WHEREAS, the cities and towns right to negotiate franchise fees with local utility companies is fair and reasonable compensation for the use of municipal rights-of-way; and

WHEREAS, loss of locally negotiated franchise fees will create substantial hardship for municipalities in their General Fund affecting loss of public services; and

WHEREAS, over the past several years the Wyoming Legislature has directed local governments to generate sufficient revenue and cut expenses to provide dependable public services and sound infrastructure for our citizens and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities calls on the Wyoming Legislature to demonstrate support for all Wyoming communities by allowing municipalities to legislate franchise fees; and

BE IT FUTHER RESOLVED that the Wyoming Association of Municipalities opposes any state legislation which would eliminate the authority of cities and towns to negotiate local franchise fee funding.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

WAM RESOLUTION NO. 19-11

A RESOLUTION SUPPORTING THE AUTHORITY OF CITIES AND TOWNS TO CREATE TAXING DISTRICTS

WHEREAS, Wyoming's ninety-nine (99) cities and towns are responsible to provide safe, reliable streets for sixty-nine percent (69%) of all Wyoming residents who reside in those communities, as well as numerous residents outside those communities who either transport their children to schools within these communities themselves or who rely on school district buses to do so, as well as the tourists and visitors who frequent these communities; and

WHEREAS, partnerships between two or more local governmental entities is a recognized method to better serve the citizens and visitors of Wyoming in particular regions of the state; and

WHEREAS, existing local taxation authority of municipal governing bodies does not provide sufficient revenues to provide funding for the projects which are necessary to serve residents of and visitors to cities and towns; and

WHEREAS, Wyoming cities, towns and other local governing bodies require a more sustainable and consistent way to fund projects which serve to improve the economic vitality, safety, and beauty of their communities.

NOW, THEREFORE, BE IT RESOLVED that the Wyoming Association of Municipalities requests that the State of Wyoming empower municipalities, alone and/or in partnership with other local governments, to raise revenues to fund projects necessary to meet the needs of local residents and visitors by allowing voters within the municipal limits and/or the combined political boundaries of the cooperating governmental bodies to enact a special purpose excise tax, commonly known as a 6th Penny tax, to use for those purposes allowed by W.S. § 39-15-203.

PASSED, APPROVED AND ADOPTED this 13TH day of June 2019.

President

