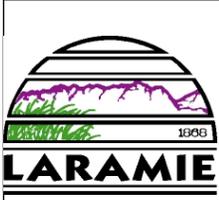


CITY OF LARAMIE COUNCIL REGULAR MEETING March 16, 2021



Agenda Item: Resolution

Title: Resolution 2021-19, Opposing the Unconstitutional Delegation of Municipal Authority to the University of Wyoming by the 66th Session of the Wyoming Legislature Under Proposed House Bill Number 0198

Recommended Council MOTION:

Move to **Approve** Resolution 2021-19, Opposing the Unconstitutional Delegation of Municipal Authority to the University of Wyoming by the 66th Session of the Wyoming Legislature Under Proposed House Bill Number 0198 and Authorize the Mayor and Clerk to Sign.

Administrative or Policy Goal:

House Bill Number 0198 was placed before the 66th Legislature and reads as follows:

HOUSE BILL NO. HB0198

University water system.

Sponsored by: Representatives Nicholas, Brown, Burkhart, Kinner and Walters and Senators Perkins and Wasserburger

AN ACT relating to the University of Wyoming; clarifying the authority of the university over water; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-17-126 is created to read:

21-17-126. University water system.

(a) Subject to title 41 of the Wyoming statutes and notwithstanding any municipal or county ordinance, the University of Wyoming may:

(i) Develop, drill, construct, operate, maintain and use any water line, system, well or works on property owned by the university for the purposes of distributing, providing and using nonpotable water on property owned or leased by the university;

(ii) Connect a building, facility, landscape, lot, premises or structure owned by the university to any water line, system, well or works operated, maintained or used by the university.

(b) No city or county shall restrict or prohibit the university from developing, drilling, constructing, operating, maintaining or using any water system independent of the city's or county's water system.

Section 2. W.S. 15-7-701 by creating a new subsection (d) is amended to read:

15-7-701. Authority to construct; rights of operator; limitations; applicability.

(d) Nothing in this article shall be construed to restrict, prohibit or otherwise affect the rights of the University of Wyoming under W.S. 21-17-126.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Upon filing of House Bill 0198 March 5th, it was referred to the House Appropriations Committee and reviewed March 10, 2021. As the bill does not provide any appropriation of State funds it is unclear why the bill was referred to this committee. At the Appropriations Committee hearing, Mayor Weaver, Councilor O'Doherty and City Manager were allowed to make brief statements, along with the Director of the Wyoming Association of Municipalities who spoke in opposition. Justification for the bill provided by sponsors and the University representative centered around the institution being a "super agency" of State government and needing for special privileges under the law. City testimony, unfortunately, was forced to focus largely on attempting to correct erroneous information provided by the University's hired representative. The Appropriations Committee amended the bill to exclude water for potable use and passed it forward for consideration by the Committee of the Whole.

HB 198 seeks to grant to the University of Wyoming special treatment to function wholly independently within both the established and recorded municipal water service area and the jurisdictional boundaries of the City. UW will have sole discretion to connect any property it uses, owns or maintains to any independent non-potable water source as it may determine to develop. In 2019, the University drilled two new high production wells into the Class I potable waters of the Casper Aquifer in the "Pilot Hill" areas. At current time, the State has granted well permits that limit the amount the University may draw from the two new wells drilled this year (one inside and one outside of City limits) allowing up to 540 acre feet of the "municipal" allocation under the Platte River Recovery Implementation Program.

If approved by the Legislature, the unilateral authority amounts to a special privilege that will be enjoyed by UW under HB 198 and will require extensive changes in how the municipal water utility system is operated. City Council must prepare to make changes and decisions about water supply/wells, water quality/treatment, and financial matters in reaction to decisions of the UW Board of Trustees. The practical effect of the proposed bill will be a de facto transfer of local control of the municipal water and sewer systems from the City Council to the University of Wyoming Board of Trustees (UWBOT). The City must be prepared to monitor closely the decisions of the UWBOT and will need to react accordingly, in as much as this may be possible. It will be paramount for the municipality (and perhaps residents) to routinely attend UWBOT meetings, provide testimony when allowed. It may also be advisable to entreat the Legislature and Governor to reconstitute the Board of Trustees to include elected officials of the City as voting members if this is possible under the Wyoming Constitution and State Statutes.

The bill provides very broad authority to UWBOT and, for this reason, their decisions will trigger City Council to react in attempt to mitigate consequences to the municipal water system including water supply/wells, water quality/ treatment, water costs/rates. UW decisions will also trigger reaction in the downstream municipal sanitary and storm water systems.

Should this legislation become law, Staff recommend Council schedule off-cycle budgetary special meetings in June/July 2021. Public Works Department is working to understand the full impact on utility operations and costs from the golf course and recreation areas exiting the water system. We know that it is necessary to develop and implement a flushing and testing program and have contracted with our rate-making specialists to analyze in detail the fiscal impact and build the new customer classifications. We hope to know better the scope of and cost of implementing these changes by June/July.

Legal/Statutory Authority:

- Laramie Municipal Code: Title 15

- Wyoming Constitution
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Responsible Staff:

City Manager's Office

Attachments:

- Background
- Correspondence History
- FAQ & FAQ in Brief