



City of Laramie
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March 12, 2021

RE: HB0198 – Unconstitutional Delegation of Municipal Authority to the University

Dear Representative

The City of Laramie has always strived to make the rest of Wyoming proud, and it has been our great privilege for over 135 years to be the host city of the University of Wyoming - even before the territory was admitted as the 44th state. Mayor Weaver and all of our Councilors and staff go out of our way to support UW and ensure that it receives exceptional service from all of our departments and utilities. This relationship will dramatically and permanently change, however, if the Legislature passes HB0198.

Forced legislative intervention in disputes between host municipalities and state-supported institutions sets an extremely dangerous precedent. Our current dispute with the University relates to water supply and utility rates, and this dispute is absolutely resolvable between the parties. When the University has the option of Legislative intervention, it precludes good faith discussions between the parties. If the Legislature intervenes, what will stop UW from involving the Legislature in future issues regarding public works, transportation infrastructure, etc.?

While the University has ignored the City's concerns as to the many consequences of drilling groundwater wells into the Casper Aquifer, the City has continued to offer various solutions to the Board of Trustees that are designed to meet the University's water needs without increasing utility costs to all residents. Even though UW has not offered any solution to this issue, the City has remained committed to reaching a solution that represents the best interests of all water users, recognizing the needs of the University in its institutional capacity alongside and equal to the needs of Laramie's current and future residents and visitors.

By enacting HB0198, the Legislature would serve as an accomplice to the University's bold and hostile move against Laramie rate payers. Not only would HB0198 unfairly grant UW special treatment under the law, it will require the City to spend over one million dollars of Laramie residents' taxpayer dollars to redrill its wells into the Casper Aquifer and go through the legal procedures to prove groundwater interference with its senior water rights; all of which will cost the State of Wyoming hundreds of thousands of dollars.

It is the City's fiduciary duty to protect its sources of supply, as the water rights owned by the City are "held by it in trust for its inhabitants." *Holt v. City of Cheyenne*, 137 P. 876, 881 (Wyo. 1914). Over a century ago, the Wyoming Supreme Court explained that a municipality "acts as the agent of the state in exercising . . . governmental functions and powers" in the matter of securing "water sufficient not alone for its present but such as may be necessary for its future inhabitants." *Id.*; see *Edwards v. City of Cheyenne*, 114 P. 677, 682 (Wyo. 1911) (ruling that the 1882 statutes "expressly authorized the city council to provide by ordinances, rules, or regulations for the protection of any waterworks constructed or maintained under the provisions of the act and of all property connected therewith").

Last year, we adopted an ordinance that prevents the use of nonmunicipal water within Laramie’s corporate limits without a franchise or permit granted by the City Council. This ordinance does not outright preclude residents from drilling wells, but it does help prevent harm to the City’s water supply. Our new ordinance is very similar to the existing ordinances of the following Wyoming municipalities: City of Gillette (Code § 17-1), City of Riverton (Code § 13.08.650), Town of Jackson (Code § 13-04-250), and Town of Alpine (Code § 6-11).

HB0198 would essentially transfer the City’s authority under Title 15 to the University. Not only is this inappropriate, but it would violate Article 3, Section 37 of the Wyoming Constitution. This straightforward constitutional provision precludes the Legislature from delegating to anybody other than the City Council “any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.”

According to longstanding precedent, the purpose of this constitutional provision is “to guarantee to the municipalities local self-government, and to deny to the Legislature any power to delegate to anybody other than the local government the right of supervision over or interference with the property of the various municipalities within the state.” *Stewart v. City of Cheyenne*, 154 P.2d 355, 367 (Wyo. 1944). “The Framers of the Constitution had in mind the possibility that the Legislature might attempt to create some special body to interfere with the management of municipal affairs, and wisely made provision to prevent such action.” *Id.* at 366.

Like us, you’ve all taken an oath to support, obey and defend the Wyoming Constitution, so we ask that you vote no on HB0198, and allow the parties to cooperatively work together now and into the future. The University’s successes and achievements reflect on the City and vice versa. We have worked cooperatively on hundreds of projects over the decades, and that shouldn’t change now. The discussion concerning the water used to irrigate UW’s campus is a matter to be resolved between the City and UW, and it is not appropriate for the Legislature to choose sides nor change our time-honored partnership.

We’ve enclosed a fact sheet with more information about the history to and effect of HB0198, and we invite you to not hesitate to contact our Mayor, Councilors, Manager, Attorney, and Staff about this very important issue. HB0198 is fervently and vehemently opposed by the City Council for its supercilious inequality, for the injury it will cause to the functionality and fiscal integrity of the municipal utility systems, for the unnecessary purpose it serves, and for its direct attack on Article 3, Section 37 of the Constitution of the Great State of Wyoming.

Thank you for your time and consideration.



Janine Jordan,
City Manager

