

RESOLUTION # _____

“RESOLUTION ADDING AND APPOINTING MEMBERS TO THE LARAMIE COUNTY FAIR BOARD”

Pursuant to W.S. 18-9-101(a)(iii), each Board of County Commissioners may appoint a Board of Trustees to control, maintain and manage the fairgrounds, airports, parks and pleasure grounds and to conduct agricultural, industrial and other fairs and exhibitions;

The Board of Trustees provided by W.S. 18-9-101(a)(iii) shall be composed of not less than five (5) nor more than nine (9) competent citizens of the county appointed by the board of county commissioners.

FINDINGS

1. The Laramie County Fair as an entity has existed for many years. The exact date of its creation and the methodology by which this occurred is unknown, as County records are incomplete. The oldest documented reference is a document entitled "Certificate of Organization" recorded on July 31, 1952 in book 520, page 516 of the Laramie County real estate records.

This document purports to be the record of a meeting of the "incorporators" of the "Board of Trustees of Laramie County Fair Association" conducted on 15 May, 1952. It provides for an election of officers to the Board of Trustees and is executed by five individuals. None of the individuals listed in execution of this document were County Commissioners for Laramie County in that year or during 1951 through 1952.

The law referenced in the 1952 document, from the Session laws of the State of Wyoming in 1951, provides in part that the Board of County Commissioners is authorized to appoint a Board of Trustees to "maintain, manage and conduct agricultural, industrial and other fares and exhibitions..." No record can be located indicating any action on the part of the Board of Commissioners in 1951 or in any prior year, creating such a Board of Trustees. In absence of definitive records it is therefore unclear when or how an original Board of Trustees was appointed. W.S. § 18-9-102

2. On February 15, 2005, in Contract #050215-07, the then existing Laramie County Fair Board entered into an 'Agreement for the Use of County Property Buildings and Grounds'. Under this agreement, the County allowed the Fair Board to make use of "certain buildings, fixtures and grounds at the Archer property for the purposes of carrying out fair board activities. These properties fixtures and grounds were listed in attachments to the agreement. The agreement can be terminated under several circumstances, including with 30 days' notice by the County. The Fair Board does not own or control any grounds, fixtures or facilities. All facilities to be used currently and in the past for Fair activities have been owned and controlled by the County.

3. On November 20, 2018, in Resolution 181120-14, the Laramie County Commissioners directed the dissolution of the Laramie County Fair Board. The basis for this decision is reflected in the associated documentation of the Commissioner's decision and the record of the Board's proceedings as well as in the record before the Wyoming Supreme Court in Board of Trustees of Laramie County d.b.a. Laramie County Fair Board of Trustees v. *Bd. of Trustees of Laramie County. v. Bd. Of County Commissioners of Laramie County*, " 2020 WY 41, (Wyo. Mar. 24, 2020)

In its opinion issued March 24, 2020, the State Supreme Court held "the parties agree the statutes give the commissioners the express authority to create a Fair Board." (referencing, W.S. 18-9-101 et seq.) The Court further held, "appointment of a board of trustees is the *only* way in which the Commissioners can conduct a county fair." [Id, at ¶ 11, 18] (emphasis in the origin) The Court held that the Board of Commissioners lacked the authority to dissolve the Fair Board and the said resolution was void. [Id.¶ 20] The Court also found that the Fair Board is not "perpetual" in existence and stated in a footnote: "We do not decide whether the Commissioners have authority to dissolve the Fair Board in the event they choose to discontinue the county fair." [Id. [Id.¶ 13, ¶20 fn.4]

4. At the time of the Commissioner's resolution dissolving, the Laramie County Fair Board had only five (5) positions. In the intervening period, one of the member's terms reached its expiration on December 31, 2018. Another member, whose term expired on December 31, 2019, resigned as of September 10, 2018. Neither of these positions have been filled.

Pursuant to W.S. 18-9-102(a) and (h), the Board of County Commissioners may appoint up to nine (9) members of the Board and shall annually appoint a successor to any trustee whose term expires and/or vacancies on the board of trustees shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy. The Commissioners hold the sole authority to fill and appoint members of the Fair Board of Trustees

5. W.S. 18-9-102 further provides that the Board of Trustees of the county fair shall be composed of not less than five (5) nor more than (9) competent citizens of the county appointed by the county commissioners. The current Fair Board currently consists of only three members out of the potential nine (9) members allowed under statute.
6. Pursuant to the decision of the Wyoming Supreme Court, the Laramie County Fair Board of Trustees is in existence under the terms of the Court's decision, as well as the Board of Laramie County Commissioners authorities under statute in regard to said Board;

THEREFORE BE IT RESOLVED by the governing body of Laramie County, Wyoming, that pursuant to W.S. 18-9-101(a)(iii) and 18-9-102(a) the number of members is increased to seven (7), and the following four, (4) members are appointed to the Laramie County Fair Board of Trustees, effective immediately.

1. _____
2. _____
3. _____
4. _____

IT IS FURTHER RESOLVED that the above appointed members shall fill and serve staggered terms and perform the duties of said Board members according to law. Said appointments to serve terms expiring as follows: 1) A term expiring December 31, 2024, 2) A term expiring December 31, 2022, 3) A term expiring December 31, 2025, 4) A term expiring December 31, 2025.

PRESENTED, READ AND ADOPTED this ____ day of April, 2020.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Approved as to form:



Laramie County Attorney's Office

APPOINTMENT 1
“RESOLUTION APPOINTING LARAMIE COUNTY FAIR BOARD MEMBER”

BE IT RESOLVED by the governing body of Laramie County, Wyoming, _____ shall be and is hereby appointed as a member of the Laramie County Fair Board to perform the duties of said Board according to law for a five-year term beginning _____, 2020 and ending December 31, 2024.

PRESENTED, READ AND ADOPTED this ____ day of _____, 2020.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office

OATH OF APPOINTMENT

THE UNDERSIGNED does solemnly swear (or affirm) to honor and sustain the constitution of the United States, the constitution of the State of Wyoming, and to faithfully, honestly and impartially discharge all duties as a member of the Laramie County Fair Board.

LARAMIE COUNTY FAIR BOARD MEMBER

Signature

Date

Witness

Date

APPOINTMENT 2
“RESOLUTION APPOINTING LARAMIE COUNTY FAIR BOARD MEMBER”

BE IT RESOLVED by the governing body of Laramie County, Wyoming, _____ shall be and is hereby appointed as a member of the Laramie County Fair Board to perform the duties of said Board according to law for a five-year term beginning _____, 2020 and ending December 31, 2022.

PRESENTED, READ AND ADOPTED this ____ day of _____, 2020.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney's Office

OATH OF APPOINTMENT

THE UNDERSIGNED does solemnly swear (or affirm) to honor and sustain the constitution of the United States, the constitution of the State of Wyoming, and to faithfully, honestly and impartially discharge all duties as a member of the Laramie County Fair Board.

LARAMIE COUNTY FAIR BOARD MEMBER

Signature

Date

Witness

Date

APPOINTMENT 3
“RESOLUTION APPOINTING LARAMIE COUNTY FAIR BOARD MEMBER”

BE IT RESOLVED by the governing body of Laramie County, Wyoming, _____ shall be and is hereby appointed as a member of the Laramie County Fair Board to perform the duties of said Board according to law for a five-year term beginning _____, 2020 and ending December 31, 2025.

PRESENTED, READ AND ADOPTED this ____ day of _____, 2020.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney's Office

OATH OF APPOINTMENT

THE UNDERSIGNED does solemnly swear (or affirm) to honor and sustain the constitution of the United States, the constitution of the State of Wyoming, and to faithfully, honestly and impartially discharge all duties as a member of the Laramie County Fair Board.

LARAMIE COUNTY FAIR BOARD MEMBER

Signature

Date

Witness

Date

APPOINTMENT 4
“RESOLUTION APPOINTING LARAMIE COUNTY FAIR BOARD MEMBER”

BE IT RESOLVED by the governing body of Laramie County, Wyoming, _____ shall be and is hereby appointed as a member of the Laramie County Fair Board to perform the duties of said Board according to law for a five-year term beginning _____, 2020 and ending December 31, 2025.

PRESENTED, READ AND ADOPTED this ____ day of _____, 2020.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Laramie County Attorney's Office

OATH OF APPOINTMENT

THE UNDERSIGNED does solemnly swear (or affirm) to honor and sustain the constitution of the United States, the constitution of the State of Wyoming, and to faithfully, honestly and impartially discharge all duties as a member of the Laramie County Fair Board.

LARAMIE COUNTY FAIR BOARD MEMBER

Signature

Date

Witness

Date