

**ORDINANCE NO. 710**

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A JOINT POWERS BOARD FOR THE PURPOSE OF FINANCING, BUILDING AND OPERATING A COMMUNITY CENTER IN THE TOWN OF SARATOGA FOR THE USE OF THE CITIZENS OF THE TOWN OF SARATOGA AND OF CARBON COUNTY, STATE OF WYOMING; PROVIDING FOR THE ORGANIZATION OF THE BOARD; EMPOWERING THE BOARD WITH AUTHORITY TO ISSUE BONDS, BORROW FUNDS, AND ACCEPT GRANTS AND TAX EXEMPT CONTRIBUTIONS; TO BESTOW UPON SAID BOARD SUCH POWERS AND RESPONSIBILITIES AS ARE NECESSARY TO CARRY OUT THE INTENDED PURPOSES; AND TO PROVIDE FOR TERMINATION, DISSOLUTION AND DISTRIBUTION OF ASSETS

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING.

**Section 1. Definitions.**

- (a) "Wyoming Joint Powers Act," means Sections 16-1-101 through 16-1-109 W.S. 1977, and any amendments thereto.
- (b) "Industrial Development Projects", means Sections 15-1-701 through 15-1-710, W.S. 1977.
- (c) "Council", means the duly elected and constituted Town Council of the Town of Saratoga, County of Carbon, State of Wyoming.
- (d) "Commissioners", means the duly elected and constituted Board of County Commissioners of Carbon County, State of Wyoming.
- (e) "The Board", means the "Platte Valley Community Center".

**Section 2. Joint Powers Board**

- (a) A Joint Powers Board is established pursuant to the provisions of the Wyoming Joint Powers Act. When this Ordinance is duly enacted, approved, and filed pursuant to Wyoming Law, it shall constitute a written agreement between the Town of Saratoga and the County of Carbon, State of Wyoming. It shall establish a separate entity, which shall automatically become a body corporate and politic and a public corporation, for the purposes hereinafter set forth.
- (b) The name of the Joint Powers Board shall be, "The Platte Valley Community Center".
- (c) The Board shall have perpetual existence.
- (d) The principal office of the Board shall be at the Town Hall, the address of which is P.O. Box 486, Saratoga, Wyoming, 82331.
- (e) The fiscal year of the Joint Powers Board shall commence on July 1<sup>st</sup> and terminate on June 30<sup>th</sup> of every year.

**Section 3. Purposes.**

- (a) To raise funds from loans, sale of revenue bonds, tax exempt contributions and such other means of financing as are authorized by The Wyoming Joint Powers Act.
- (b) To acquire a site within the Town of Saratoga, upon which will be constructed one or more buildings suitable for the housing, operation and maintenance of a community center for the use and benefit of the citizens of Saratoga and of the County of Carbon.

**Section 4. Organization of the Board.**

- (a) The Board shall consist of not fewer than seven (7) members, all of whom shall be qualified electors of the county of Carbon, State of Wyoming. Members shall be appointed by the joint consent of the Commissioners and the Council. The initial appointments shall be by mutual agreement with staggered terms of two (2) for one year, two (2) for two years and three (3) for three years and are subject to reappointment. Thereafter, appointments for a full term shall be for three (3) year staggered terms.
- (b) A member of the Board may resign at any time by giving written notice to the other members of the Board and to the Commissioners and Council. A member may be removed by a joint resolution of the Commissioners and the Council.
- (c) Vacancies for the unexpired terms of members shall be filled by appointment by the joint action of the Commissioners and the Council.
- (d) It shall not be incompatible for a member of the respective governing bodies to become a member of the Board.
- (e) Members of the Board shall receive no compensation but may be reimbursed for travel and per diem expenses as provided to State employees
- (f). No individual member shall be personally liable for any actions or procedure of the Board.
- (g) The Board shall meet at least once every three (3) months at the call of the chairperson or within ten (10) days after an oral or written request by a majority of the Board members.
- (h) All meetings of the Board shall be open to the public.
- (i) A quorum of the Board shall be a majority of the appointed members of the Board.
- (j) Action of the Board at any meeting may be taken by a majority of the members present.
- (k) Any member of the Board may adjourn any properly called meeting to another time or place, when such meeting is attended by less than a quorum of members.
- (l) A Board member who is present at meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken, unless his or her dissent shall be entered in the minutes of the meeting or unless he or she shall file a written dissent to such action with the secretary before the adjournment of the meeting, or shall forward such dissent by certified mail to the secretary of the meeting immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Member who voted in favor of such action.
- (m) At the first organizational meeting and at each annual meeting thereafter, the Board shall establish a budget for the acquisition of assets and the operation and maintenance of acquired facilities for each ensuing year. Deficit spending shall not be permitted.

**Section 5. Officers.**

- (a) Promptly after appointment, the Board shall meet, organize and elect from its membership a Chairperson, Vice-chairperson, Secretary and Treasurer.

(b) The Chairperson shall conduct all meetings of the Board, execute all documents and instruments on behalf of the Board, hire and fire all employees of the Board, with the consent of the Board and perform such other duties as may, from time to time, be directed by the Board.

(c) The Vice-Chairperson shall serve in the capacity of the Chairperson when the Chairperson may be incapacitated or unable to serve for any other reason.

(d) The Secretary shall attest all instruments executed by the Chairperson; be responsible for filing all instruments with the appropriate state and county office as required by law; record comprehensive minutes of every meeting; correspond on behalf of the Board and perform such other duties as may, from time to time, be directed by the Board. Following the meeting, the Secretary shall notify the respective governing bodies of the Board's organization and shall file a certificate with the Wyoming Secretary of State and the Carbon County Clerk, showing its organization.

(e) The Treasurer shall execute all checks and drafts, along with the Chairperson, or such other member of the Board as is designated for such purposes, and shall be responsible for the preparation of all federal, state and local reports and financial statements of the Board and perform such other duties as may, from time to time, be directed by the Board.

#### **Section 6. Powers.**

(a) The Board shall have the following powers, in addition to such other powers as are authorized by the Wyoming Joint Powers Act:

- (i) To sue and be sued.
- (ii) To acquire by purchase, lease or gift any real or personal property deemed essential, in the sole and absolute discretion of the Board, to carry out the purposes of the Board. The title to all assets acquired by the Board shall vest in and become and remain the property of the Board.
- (iii) To acquire and grant easements for rights of way essential to the development of the Center and to permit utility and other essential services to be extended to adjoining properties.
- (iv) To take such action as becomes necessary, in the sole and absolute discretion of the Board to develop lands, to execute construction contracts and such other contracts as are deemed essential to carry out the purposes of the Board; to execute plats and subdivision agreements in the development of real property held by the Board, pursuant to ordinances of ordinances and regulations of the Commissioners and Council, in such cases made and provided for.
- (v) To employ an administrator or manager and delegate to him or her the responsibility of operating the Center.
- (vi) Within the limits of its authorized and available funds, to hire and fire employees; to enter into contracts for technical, legal, administrative, clerical assistance and such other services as are deemed necessary by the Board. To engage the services of research and consulting agencies and to utilize the services of any officer or employee of Carbon County and the Town of Saratoga with the approval of the appropriate governing body.
- (vii) To establish bank accounts with banking institutions within the State of Wyoming and to authorize the President and Treasurer and such other members of the Board as deemed necessary to make deposits and withdraw funds for the use of the center.
- (viii) To establish an endowment fund to defray the costs of operation and maintenance of the Center.

(ix) To establish regulations regarding such procedures and other matters as are deemed necessary in the sole and absolute discretion of the Board and as are consistent with the Wyoming Joint Powers Act.

**Section 7. Funding.**

(a) The Board may acquire funding and provide such security as is required, to carry out the intent and purposes of the Board in any one, or a combination of any of the following methods:

- (i) By accepting contributions from the County of Carbon and/or the Town of Saratoga.
- (ii) By bond issues undertaken by the County of Carbon and/or the Town of Saratoga.
- (iii) By revenue bonds issued by the Board, and retired solely from revenues received by the Board from the leasing or operation of the Center or other property owned by the Board.
- (iv) By the receipt of gifts, donations or grants.
- (v) By the issuance of bonds in such cases made and provided for in the issuance of bonds for Wyoming Industrial Development Projects.
- (vi) By loans from the Permanent Mineral Trust Fund or other permanent funds of the State of Wyoming not otherwise obligated. No loan shall be made without the written opinion of the Attorney General certifying the legality of the transaction and all documents connected therewith.
- (vii) No cost shall be incurred, debt accrued, nor money expended by any contracting party which will be in excess of limits prescribed by law.
- (viii) No debt shall be incurred by the Board except by mutual agreement of the County of Carbon and the Town of Saratoga, which mutual agreement to incur debt shall be evidenced by separate resolutions of the Commissioners and the Council.

**Section 8. Termination.**

- (a) The Board may be terminated at any time by resolution of the Commissioners and by Ordinance of the Council.
- (b) Upon termination of this Ordinance all assets of the Joint Powers Board shall be distributed to the Town of Saratoga.
- (c) In the alternative, and with the mutual consent of the Commissioners and Council, the assets may be sold on such terms and conditions as they shall agree, and the proceeds, after payment of all expenses of the Joint Powers Board, distributed to the Town of Saratoga.

**Section 9. Enactment.** This Ordinance and any amendments thereto shall not become effective until they have been approved by the Wyoming Attorney General, filed with the Wyoming Secretary of State, Carbon County Clerk and enacted and published as required by Wyoming State Law.

**Section 10. Signatory Authorization.** The Mayor and Clerk of the Town of Saratoga are hereby authorized and instructed to execute and certify this Ordinance.

PASSED, APPROVED AND ADOPTED THIS 18 DAY OF  
February, 2003.

Town of Saratoga

By: [Signature]  
Mayor

ATTEST: [Signature]  
Clerk/Treasurer

Passed FIRST READING this 21 day of January, 2003.  
Passed SECOND READING this 4 day of February, 2003.  
Passed THIRD READING this 18 day of February, 2003.



By: \_\_\_\_\_ Mayor

ATTEST: \_\_\_\_\_ Clerk/Treasurer

FIRST READING this \_\_\_ day of \_\_\_, 2002.  
SECOND READING this \_\_\_ day of \_\_\_, 2002.  
THIRD READING this \_\_\_ day of \_\_\_, 2002.

BOARD OF COUNTY COMMISSIONERS )  
COUNTY OF CARBON )  
STATE OF WYOMING )

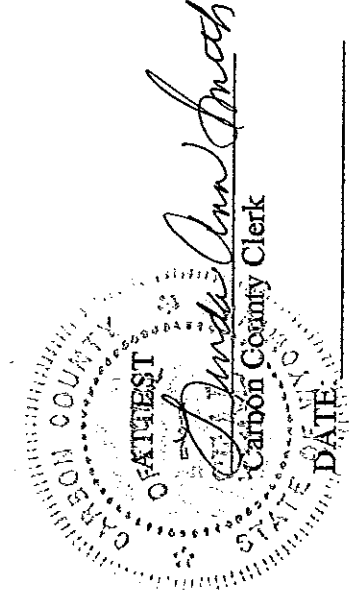
**RESOLUTION OF ADOPTION**

THE UNDERSIGNED, duly elected, qualified and acting individuals, constituting the Board of County Commissioners of the County of Carbon, State of Wyoming, do hereby certify that we have reviewed the above and foregoing Ordinance of the Saratoga Town Council and do hereby, by the authority vested in us by the laws of the State of Wyoming, and in particular, pursuant to the authority vested in us by Title 16, Chapter 1, Article 1, Wyoming Statutes, 1977, do hereby take the following action

RESOLVED, the Board of County Commissioners, Carbon County, State of Wyoming in accordance with the authority vested in us by Title 16, Chapter 1, Wyoming Statutes, 1977, do hereby approve, ratify, adopt and agree to be bound by the terms and conditions of Ordinance No. \_\_\_ adopted by the Saratoga Town Council on the \_\_\_ day of \_\_\_, 2002; Subject however, to said Ordinance being approved by the Wyoming Attorney General and to the filing thereof with the Wyoming Secretary of State and Carbon County Clerk.

DATED THE 7<sup>th</sup> DAY OF January, 2002

*Art Zeiger*  
Art Zeiger  
Chairman  
*Linda Fleming*  
Linda Fleming  
*Lee Meacham*  
Lee Meacham



APPROVED  
WYOMING ATTORNEY GENERAL

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

FILED  
WYOMING SECRETARY OF STATE

Carbon County Clerk  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

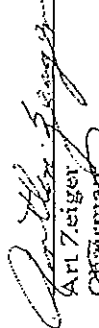
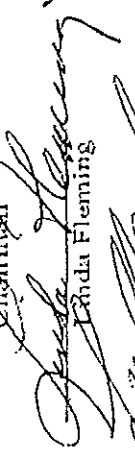

BOARD OF COUNTY COMMISSIONERS )  
COUNTY OF CARBON )  
STATE OF WYOMING )

**RESOLUTION OF ADOPTION**

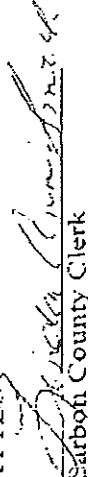
*No. 2003-02A*  
THE UNDERSIGNED, duly elected, qualified and acting individuals, constituting the Board of County Commissioners of the County of Carbon, State of Wyoming, do hereby certify that we have reviewed the above and foregoing Ordinance of the Saratoga Town Council and do hereby, by the authority vested in us by the laws of the State of Wyoming, and in particular, pursuant to the authority vested in us by Title 16, Chapter 1, Article 1, Wyoming Statutes, 1977, do hereby take the following action

RESOLVED, the Board of County Commissioners, Carbon County, State of Wyoming in accordance with the authority vested in us by Title 16, Chapter 1, Wyoming Statutes, 1977, do hereby approve, ratify, adopt and agree to be bound by the terms and conditions of Ordinance No. 710 adopted by the Saratoga Town Council on the 18<sup>th</sup> day of February, 2003; Subject however, to said Ordinance being approved by the Wyoming Attorney General and to the filing thereof with the Wyoming Secretary of State and Carbon County Clerk.

DATED THIS 12<sup>th</sup> DAY OF January, 2003.

  
Art Zeiger  
Chairman  
  
Linda Fleming  
  
Lee McEacham

ATTEST

  
Carbon County Clerk

DATE: \_\_\_\_\_

FILED

Carbon County Clerk

DATE: \_\_\_\_\_

APPROVED  
WYOMING ATTORNEY GENERAL

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

FILED  
WYOMING SECRETARY OF STATE

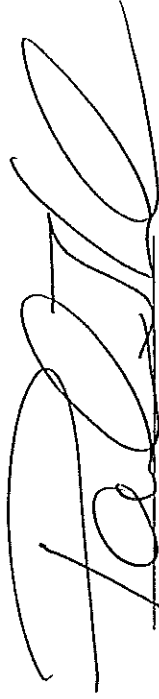
BY: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVAL BY ATTORNEY GENERAL

In accordance with Wyo. Stat. § 16-1-105(a)(ii), the Wyoming Attorney General has reviewed the Town of Saratoga's Ordinance No. 710 and the Carbon County Commission's Resolution of Adoption creating the Platte Valley Community Center Joint Powers Board and determined that these documents are compatible with the laws and constitution of the State of Wyoming. The approval of these documents creating the Platte Valley Community Center Joint Powers Board by the Attorney General is limited to the terms and conditions of the documents themselves, and the approval does not extend to any individual project nor the financing of any individual project contemplated under these documents.

Approved this 17<sup>th</sup> day of Apr., 2003.



Patrick J. Crank  
Attorney General  
State of Wyoming