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WY. DEPT. OF AGRICULTURE  
NATURAL RESOURCES



# Office of the Attorney General

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December 2, 2009

Mr. Justin Williams  
Wyoming Department of Agriculture  
2219 Carey Avenue  
Cheyenne, WY 82002

Re: Disposal of personal property held by Conservation Districts or Weed  
and Pest Districts

Dear Mr. Williams:

You recently requested advice on the procedures Conservation Districts and Weed and Pest Districts should follow for sales of vehicles or other items of personal property. I recommend that motor vehicles or other items of personal property owned by Conservation Districts or Weed and Pest Districts be disposed of by either trading them in on other property or advertising and selling them at public sale for no less than fair market value.

The Wyoming Conservation Districts Law provides that:

No provisions with respect to the acquisition, operation or disposition of property by other public bodies are applicable to a district organized hereunder unless the legislature shall specifically so state.

WYO. STAT. ANN. § 11-16-123(a). The legislature has not enacted any statutory provisions with respect to the acquisition or disposition of property owned by Conservation districts or Weed and Pest Districts. As a result, it appears there are no specific legal requirements that such districts must follow when disposing of personal

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property. However, other statutes specific to other governmental entities provide guidance.

For example, cities and towns are required to run a newspaper ad once each week for three consecutive weeks announcing a public auction or calling for sealed bids prior to sales of property valued at five hundred dollars or more. WYO. STAT. ANN. §15-1-112(a). The General Services Division of the Department of Administration and Information is required to insure that property is disposed of for not less than fair market value, either in exchange for credit toward the purchase of new property or at public sales which are preceded by adequate notice. WYO. STAT. ANN. § 9-2-1016(b)(viii). Motor vehicles may be sold at public or dealer auction. *Id.*

Although the above provisions do not apply to Conservation Districts or Weed and Pest Districts, they do provide guidelines for a district to establish policies and procedures for the disposal of its personal property. Based upon those guidelines, it is my recommendation that motor vehicles or other personal property owned by Conservation Districts or Weed and Pest Districts having a value of five hundred dollars or more be disposed of by either trading them in on other property or advertising and selling them at public sale for no less than fair market value. However, each district is free to adopt its own policy for disposing of its personal property and may continue to follow any policies which are currently in effect. The goals should be insuring that interested persons have an opportunity to participate in the sale and that the district receives a fair price.

Please feel free to contact me if you or the districts have further questions.

Very truly yours,

  
Kennard F. Nelson  
Senior Assistant Attorney General