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CASPER CITY COUNCIL  
HANDBOOK

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MEMO TO: Casper City Councilmembers

FROM: J. Carter Napier, City Manager

SUBJECT: The *Casper City Council Handbook*

I would like to take this opportunity to provide you with a handbook for your use as a Councilmember. Though its information is far from exhaustive, it does provide a good introduction to the City and its operations. It also provides specific information on the City Council itself, such as how the Council conducts its meetings, elects its officers, sets its agenda, and adopts the budget. I hope you find it useful.

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# Casper City Councilmembers

## WARD I

|  |                                   |  |
|--|-----------------------------------|--|
| Bruce H. Knell Jr.<br>Term Expires: 2025 | 1754 S. Cedar St., 82601          | (307) 438-2374<br><a href="mailto:bknell@casperwy.gov">bknell@casperwy.gov</a>     |
| Khrystyn Lutz<br>Term Expires: 2023      | 4911 S. David St, 82601           | (307) 359-3673<br><a href="mailto:klutz@casperwy.gov">klutz@casperwy.gov</a>       |
| Amber Pollock<br>Term Expires: 2025      | 229 W. 11 <sup>th</sup> St, 82601 | (307) 259-8008<br><a href="mailto:apollock@casperwy.gov">apollock@casperwy.gov</a> |

## WARD II

|  |                                   |  |
|--|-----------------------------------|--|
| Lisa Engebretsen<br>Term Expires: 2025 | 2240 W 43 <sup>rd</sup> St, 82601 | (307) 224-1523<br><a href="mailto:lengebretsen@casperwy.gov">lengebretsen@casperwy.gov</a> |
| Kyle Gamroth<br>Term Expires: 2025     | 6907 Columbia River Rd, 82604     | (307) 439-4069<br><a href="mailto:kgamroth@casperwy.gov">kgamroth@casperwy.gov</a>         |
| Shawn Johnson<br>Term Expires: 2023    | 695 Umpqua River Road, 82604      | (307) 277-7377<br><a href="mailto:shjohnson@casperwy.gov">shjohnson@casperwy.gov</a>       |

## WARD III

|                                      |                          |   |
|--------------------------------------|--------------------------|---|
| Stephen Cathey<br>Term Expires: 2025 | 2141 Cornwall, 82609     | (307) 262-8237<br><a href="mailto:scathey@casperwy.gov">scathey@casperwy.gov</a>      |
| Steven Freel<br>Term Expires: 2023   | 6122 Rosado Drive, 82609 | (307) 259-1276 (Cell)<br><a href="mailto:sfreel@casperwy.gov">sfreel@casperwy.gov</a> |
| Ray Pacheco<br>Term Expires: 2023    | 1321 Kelly Drive, 82609  | (307) 258-1226<br><a href="mailto:rpacheco@casperwy.gov">rpacheco@casperwy.gov</a>    |

## City Manager's Department Members

Manager's Office: 235-8224 (Telephone)  
235-8313 (Fax)

City Clerk's Office: 235-8215 (Telephone)

J. Carter Napier, City Manager  
[cnapier@casperwy.gov](mailto:cnapier@casperwy.gov)

Fleur Tremel, Assistant to the City Manager, City Clerk  
[ftremel@casperwy.gov](mailto:ftremel@casperwy.gov)

Jolene Martinez, Assistant to the City Manager  
[jmartinez@casperwy.gov](mailto:jmartinez@casperwy.gov)

Renee Jordan-Smith, Executive Assistant  
[rjordansmith@casperwy.gov](mailto:rjordansmith@casperwy.gov)

Carla Mills-Laatsch, License Specialist  
[camills@casperwy.gov](mailto:camills@casperwy.gov)

Christa Wiggs, Assistant City Clerk  
[cwiggs@casperwy.gov](mailto:cwiggs@casperwy.gov)

Amanda Ainsworth, Records Technician  
[aainsworth@casperwy.gov](mailto:aainsworth@casperwy.gov)

## City Attorney's Office Members

City Attorney's Office: 235-7504 (Telephone)

John Henley, City Attorney  
[jhenley@casperwy.gov](mailto:jhenley@casperwy.gov)

Wallace Trembath, Deputy City Attorney  
[wtrembath@casperwy.gov](mailto:wtrembath@casperwy.gov)

Kenneth Marken, Municipal Court Prosecutor  
[kmarken@casperwy.gov](mailto:kmarken@casperwy.gov)

Heather Bender, Paralegal  
[hbender@casperwy.gov](mailto:hbender@casperwy.gov)

Debra Jonas, Executive Legal Assistant  
[djonas@casperwy.gov](mailto:djonas@casperwy.gov)

## Municipal Court Members

Municipal Court: 235-8334 (Telephone)

Cally Lund, Municipal Court Judge  
[clund@casperwy.gov](mailto:clund@casperwy.gov)

Adrian White, Municipal Court Analyst  
[awhite@casperwy.gov](mailto:awhite@casperwy.gov)

## Executive Team Phone Numbers

**J. Carter Napier**, *City Manager*, 235-8224 (Office); 307-680-6781 (Cell)

**Jolene Martinez**, *Assistant to the City Manager*, 235-8224 (Office); 267-2961 (Cell)

**Fleur Tremel**, *Assistant to the City Manager & City Clerk*, 235-8224 (Office); 262-2110 (Cell)

**John Henley**, *City Attorney*, 235-7504 (Office), 251-0582 (Cell)

**Cally Lund**, *Municipal Court Judge*, 235-8312 (Office)

**Tom Pitlick**, *Finance Director*, 235-7570 (Office)

**Andrew Beamer**, *Public Services Director*, 235-8298 (Office)

**Tracey Belser**, *Support Services Director*, 235-8344 (Office)

**Liz Becher**, *Community Development Director*, 235-8241 (Office)

**Keith McPheeters**, *Police Chief*, 235-8225 (Office)

**Thomas Solberg**, *Fire Chief*, 235-8222 (Office)

**Tim Cortez**, *Parks & Recreation Director*, 235-8283 (Office)

# CASPER CITY COUNCIL: GENERAL POWERS & RESPONSIBILITIES

## City Council Generally

The Council undertakes actions, usually by ordinance or resolutions, to make the City function. However, the exercise of those powers of government are limited to those expressly or impliedly granted by the State, and less frequently by the federal government. The most comprehensive listing of powers granted by the State are found in Wyoming Statute §15-1-103. It is the Council's responsibility to enact ordinances, resolutions, and orders necessary for governing the affairs of the City; to approve or amend the annual budget; to authorize certain contracts on behalf of the City; to be the body that hears all final appeals on rulings of various boards and commissions; and, to appoint the City Manager, City Attorney, Municipal Court Judges, and members of the various boards and commissions.

It is important to note that Council acts as a body. No member has any extraordinary powers beyond those of other members. In the establishment of policies, voting, and in other significant areas, all members are equal. The Mayor and Vice-President of Council have some additional ceremonial and administrative responsibilities, but they cannot veto council action.

While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to insure the policy of the Council is upheld.

The Council meets in formal session on the first and third Tuesdays of each month, and in work session on the second and fourth Tuesdays of each month. The Mayor, or any five Councilmen, may call special meetings.

## Role of the Mayor and Vice-President of Council

The Mayor is elected by the City Council from their members. Interested members submit their names as candidates for Mayor and Vice-President of the Council at a designated meeting near the end of the calendar year. An informal and non-binding straw poll is taken by secret ballot at that work session. The votes are turned over to the City Attorney and the current Mayor or City Clerk to count and announce the results. Traditionally, the prior year's Vice-President is elected as the new Mayor, but this is not required by any ordinance or other legal instrument. After the vote for Mayor, a second straw poll is taken to elect the Vice-President.

At the first official Council meeting of the New Year, the prior year's Mayor steps aside and the Council formally votes on the new Mayor and Vice-President. Traditionally, the Councilmembers selected are those who were selected by the straw poll, and they are elected unanimously.

As set forth in the Council rules, the Mayor is to preside at all meetings of the City Council. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to

communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

## **Appointment of City Manager, City Attorney and Municipal Court Judges**

The City Council appoints the City Manager, City Attorney and Municipal Court Judges. These positions serve at the will of the City Council, and all have employment agreements. By State law, the City Manager is responsible for all other personnel appointments in the organization.

### **Role in Disaster**

The Mayor and Vice-President of Council both have the power to proclaim an emergency, as outlined in Chapter 2.24 of the Casper Municipal Code (see page 91).

### **Appointment of Advisory Bodies**

The City has several boards and commissions. In addition, special-purpose citizens' committees and task forces are often appointed by the City Council to address issues of interest. The following procedures reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory boards and commissions of the City.

The establishment of these procedures insures that well-qualified, responsible and willing citizens are given the opportunity to serve the City and participate in the governing of their community.

### **Qualifications**

A member must be knowledgeable and experienced in the areas of interest of the board/commission on which he or she wishes to serve. It is preferred that all members be residents of the City of Casper during the term of appointment; however, exceptions can be made for extraordinary circumstances on a case by case basis. The City Council may consider allowing a member to complete a term if he or she moves outside of the City limits. Other exceptions may include ex-officio appointments, or appointments which represent an organization or field of expertise (such as the City/County Health Department).

Names to be considered for appointment will be submitted to the City Council. The applicant must be at least 18 years of age at the time of appointment, unless it is specified that a youth member is desired. Members of the board or commission will be asked to review applications and make recommendations for appointments and/or reappointments.

### **Terms**

The term of office on most boards and commissions is three years. In some cases, appointments are limited to two consecutive full terms. The Civil Service Commission is not just an advisory board. It is a board of three members who are appointed by the Mayor and confirmed by the Council. The members are appointed for a three-year term.

# CITY OF CASPER FACTS

**Form of Government:** Council - Manager (adopted by a vote of the citizens of Casper in November, 1957; went into effect January, 1959)

**City Council:** 9 Councilmembers; 3 Wards; 3 Councilmembers per Ward

## City Staff

- **City Manager:** Appointed by Council for an indefinite period of time; serves at the will of the City Council
- **City Attorney:** Appointed by Council for an indefinite period of time; serves at the will of the City Council
- **Municipal Judge:** Appointed by Council for an indefinite period of time; serves at the will of the City Council
- **City Employees:** Excluding the City Manager, Municipal Judge and City Attorney, all employees are appointed and/or removed by the City Manager
- **Full Time Employees:** 464
- **Part Time, Seasonal, and Variable Employees:** 200

## Budget

- **Budget:** \$132,384,633 (FY 2021 Adopted Budget)

## Infrastructure

- **Streets:** 355 miles
- **Water Lines:** 412 miles
- **Sewer Lines:** 322 miles
- **Storm Water Lines:** 135 miles
- **Municipal Buildings (# of):** 112
- **Parks:** 42 developed (129 acres)
- **Open Space and Other Parkland Parcels:** 188 parcels, 615 acres, including the cemetery, public building grounds, special areas, and open areas, both developed and undeveloped.
- **Athletic Complex:** 7 (32 fields) (73 acres)
- **Total Land Area:** 26.78 square miles (17,141.54 acres)

# FORMS OF CITY GOVERNMENT

There are three (3) forms of city governments utilized throughout the United States. They include the mayor-council, commission, and council-manager forms of government.

## Mayor-Council

The mayor-council form of government includes an elected legislature and a separately elected executive. The mayor, or elected executive, is designated as the head of the government and his or her authority ranges from purely ceremonial to full responsibility for daily operations. This typically includes hiring and firing personnel, budget preparation and maintaining veto authority. The legislature (Council) is typically responsible for adopting the budget, passing resolutions and ordinances, auditing the government's performance and adopting general policy provisions.

## Commission

The commission form of government is most popular amongst counties. This form of government includes an elected governing board that holds both legislative and executive powers. The board acts as the head of the government and is responsible for adopting the budget, passing resolutions and enacting resolutions and ordinances. Other officials are elected to serve as the heads of major departments.

## Council-Manager

The council-manager form of government was developed as a result of the progressive movement of the early Twentieth Century. A council-manager system combines the political leadership of elected officials with the managerial experience of an appointed, professional administrator. Since its beginning in 1908, the council-manager form of government has become the most popular form of government in cities with populations of 10,000 and over. Currently, 89 million Americans live in communities with Council-Manager governments. The size of the council is generally smaller than that of a mayor-council municipality, and council elections are usually non-partisan. Typically, the mayor is recognized as the political head of the municipality, but is a member of the legislative body and does not have the power to veto legislative actions. The mayor and council, as a collegial body, are responsible for setting policy, and approving the budget. They hire a manager to carry out their policies. The manager serves at the pleasure of the council, and has responsibility for preparing the budget, directing day-to-day operations, hiring and firing personnel, and serving as the council's chief advisor.

The citizens of Casper adopted the Council-Manager form of government at an election held in November, 1957, and placed it in effect in January, 1959. The Casper City Council is comprised of nine members, three Councilmembers elected from each of three wards. Each Councilmember is elected to a four-year term.



# TYPES OF MEETINGS

There are three types of meetings that the City Council conducts:

- Regular Council Meetings
- Public Hearings
- Executive Sessions
- Special Meetings
- Work Sessions

## Regular Council Meetings

The City Council meets on a regular basis to take formal action on items of business affecting City government. The Council approves payment of claims, and it adopts ordinances, conducts public hearings, and takes other actions required to keep the City operating. Prior to each regular meeting, the Council meets in a pre-meeting format to discuss any changes to the agenda and receive any additional information with regard to items on the agenda. The news media is invited to attend all pre-meetings as well as the meetings themselves.

## Public Hearings

Public hearings are forum for citizens to express opinions and for Councilmembers to explain their positions to the public. Public hearings occur during Regular Council Meetings and are required for certain types of items, such as first reading of ordinances.

## Executive Sessions

1. These closed meetings are limited to only a few topics. According to Wyoming law (see page 108), executive sessions are generally restricted to nine subject areas<sup>1</sup>. Meetings with law enforcement officials to consider threats to the security of public or private property or to the public's right of access;
2. Meetings to consider the appointment, employment or dismissal of a public officer, professional person or employee or to hear complaints or charges brought against an employee, professional person or officer, unless the person concerned requests a public hearing;
3. Meetings regarding current or proposed litigation to which the governing body may be a party;
4. Meetings on matters of national security;
5. Meetings of a licensing agency while preparing, administering or grading examinations;
6. Meetings regarding real estate selection or purchase when such public knowledge could cause price increases;
7. Meetings to consider accepting gifts, donations or bequests which the donor has requested, in writing, to be confidential;
8. Meetings to consider or receive any information classified as confidential by law;
9. Meetings to consider the acceptance or tender of offers regarding wages, salaries, benefits, and terms of employment during all such negotiations.

The City Attorney will advise the Council as to whether a proposed topic may be considered in Executive Session.

## Special Meetings

Business that cannot be postponed, or issues that affect a limited number of citizens, are dealt with at specially scheduled meetings. These meetings usually have a more limited agenda than regular meetings, but, like regular meetings, they are open to the public. The Mayor, or any five consenting Councilmembers, may call a special meeting. The Mayor may call a special meeting by giving notice at a regular meeting or by filing a notice with the City Clerk. The Councilmembers may only call a special meeting by filing notice with the City Clerk.

## Work Sessions

A work session is an informal meeting, generally called for the purpose of conducting an in-depth study on a limited number of topics. A work session encourages exploration of subjects in more detail than is possible in regular meetings because of the time constraints and the press of other business. The 1995 Wyoming Legislature revised public meeting laws which apply to municipalities. Because the new law broadened the definition of a public meeting, Council may take formal action at a work session. Furthermore, minutes must be taken at each work session. These minutes, however, do not have to be published in a newspaper of general circulation if no official action and vote is taken.

## PUBLIC MEETINGS

Operations and procedures of the City and City Council incorporate requirements designed to insure compliance with Wyoming State Statutes open meeting laws. This law is an integral part of local government operations. Because this law is so important, some specific requirements of the law are highlighted below for your information and future reference.

### Applicability and Penalties

The entire City organization conducts its business in compliance with Wyoming State Statutes, Title 16, Article 4, Chapter 400 (see page 107). The intent of the law is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the law. In addition, violations are subject to civil action.

- A. Applicability. The law applies to Council and all commissions, boards and task forces that advise Council. Staff cannot promote actions that would violate the law.
- B. Meetings. All meetings shall be open and public. A meeting takes place whenever a quorum (5 or more members) is assembled and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the law unless City business is discussed. An “assembly” means communicating in person, by means of telephone or electronic communication. However, no meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously. This prohibition includes sequential communications between Councilmembers through texting.
- C. Agendas. Agendas for regular meetings are posted in advance of the meeting.
- D. Actions. No action can be taken on any item not appearing on the posted agenda.  
Exceptions:
  - 1) An emergency situation exists (determined by a majority of the Council).
  - 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote).
  - 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.
- E. Public Input. The public has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council. The City has the right to establish time limits on speakers and the total time allocated for a particular issue.
- F. Public Disruptions. A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

- G. Correspondence. All writings distributed for discussion or consideration at a public meeting are public records.
- H. Special Meetings. Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council.
- I. Emergency Meetings. Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

The law provides many other restrictions and requirements; this is intended merely as a summary and overview of the law. Nothing in this summary supersedes the provisions of the Wyoming Public Meetings law. Please check with the City Attorney for more information.

## AGENDA ITEMS

It shall be the responsibility of the Department Heads or their support personnel to make sure that materials for agenda items are submitted to the City Clerk's Office no later than 12:00 noon, Monday, of the week prior to the Council meeting.

On Friday, prior to the regularly-scheduled Council meeting, the finalized agenda is prepared, and a packet with all pertinent details is posted on the City's web site at [www.casperwy.gov](http://www.casperwy.gov). An Information Packet is also posted to the City's website that includes information pertinent to Councilmembers.

If, after reviewing the agenda packet, a Councilmember wishes to remove an item from "consent" for the purpose of debate, amendment, tabling, or postponing, he or she may do so prior to the Council meeting by contacting the City Clerk's Office. This courtesy allows Clerk staff to edit the agenda and re-post it online for all Councilmembers to review prior to the meeting.

Individuals wishing to address an issue being considered at a public hearing or an ordinance reading may do so without prior notification. Individuals may also address Council regarding general concerns during the "Communication's from Persons Present" section of the meeting.

## ORDINANCES, RESOLUTIONS, MINUTE ACTION, AND CONSENT

There often is confusion as to the difference between an ordinance (law) and a resolution and as to when each should be used. Black's Law Dictionary, Fourth Edition, on page 1474, states:

"The term (resolution) is usually employed to denote the adoption of a motion, the subject matter of which would not properly constitute a statute (law); such as a mere expression of opinion; an alteration of the rules; a vote of thanks or censure; routine adjustments; licenses; fees; etc.

"The chief distinction between a 'resolution' and a 'law' is that the former is used whenever the legislative body passing it wishes merely to express an opinion as to some given matter or thing and is only to have a temporary effect on such particular thing, while by a 'law' it is intended to permanently direct and control matters applying to persons or things in general....

Hence, an **ordinance** is law and is used whenever the governing body intends to prescribe a permanent rule of conduct or government which is general in application (for example: traffic regulations, zoning regulations, etc.). A **resolution**, on the other hand, is used when the order of the governing body is of a special or temporary character (for example: the granting of licenses, adopting and/or amending the body's rules of procedure, statements of policy, etc.). All ordinances, as previously noted, must be published or posted to be effective while resolutions generally need not. (Note: This information was taken from the Handbook for Mayors and Councilmembers developed by the Wyoming Association for Municipalities.)

**"Minute Action"** is an action taken to formally address agenda items that do not require codification or a signed resolution. Such items may include, but are not limited to, appointments to boards and commissions, various permits, and purchases that do not require a contract.

**"Consent"** is a category that was created to help expedite Council meetings. An agenda may include consent items for ordinances, resolutions and minute actions. Items eligible for consent are those that may have been discussed at a work session or are of such insignificance that discussion is not required (i.e. making syntax corrections to a resolution or ordinance). The Councilmembers take one vote, either affirming or denying, all items under the consent category. If a Councilmember desires to withdraw an item from the consent category, the City Clerk's Office should be notified ***no later than 12:00 noon of the day of the meeting*** in order for the agenda to be modified.

## PARLIAMENTARY TERMINOLOGY

The Casper City Council conducts meetings according to Roberts Rules of Order. Several key terms and concepts of this system are outlined below. If confusion should arise during a council meeting, Councilmembers are encouraged to consult with the City Attorney regarding specific parliamentary procedure.

**Main Motion (or “Principal Motion”):** Councilmembers initiate formal acts of Council by making motions. A Main Motion is made to bring before the Council, for its consideration, any particular subject or request. As a general rule, they require for their adoption only a majority vote. Main Motions are generally followed by a Subsidiary Motion, which is a motion that will dispose of the first motion (by agreeing to go ahead with it, by tabling it, by postponing a decision on it, etc.)

**Permission to Withdraw or Modify a Motion:** After a motion has been stated by the chair it belongs to the meeting as a whole, and the maker must request the assembly’s permission to withdraw or modify his or her own motion.

**Point of Order:** When a member thinks that the rules of the Council are being violated, he or she can make a Point of Order. This is a request to the chairperson, asking for an enforcement of the regular rules.

**Reconsider:** A motion that enables a majority to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information. It can only be moved at the next meeting of Council and it must be moved either by a member who was absent or who voted on the prevailing side.

**To Postpone Indefinitely (or “Lay on the Table”):** Is a motion that the assembly decline to take a position on the main question. Its adoption kills the main motion and avoids a direct vote on the question. It is useful in disposing of a badly chosen main motion.

**Call for the Question:** This motion is used to suggest that you would like to stop debate and vote. It is an expression of your wish. Raise your hand and wait until the chair recognizes you before speaking. This motion requires a second. This motion cannot be discussed or debated. The Vote will then be immediately taken. It takes TWO-THIRDS of the voting members in favor to cut off debate. If indeed two-thirds of the group want to stop debate and vote, then the chair immediately takes the vote on the pending motion – the motion that the group is considering at this time. No further discussion is allowed.

## BROADCASTING MEETINGS

Spectrum broadcasts all regularly-scheduled meetings of the City Council. Meetings are broadcast live on cable channel 192. This service is provided by Spectrum as part of their franchise agreement with the City.

A live video stream of the regularly-scheduled City Council meetings and work sessions are also made available on the City's website at [www.casperwy.gov](http://www.casperwy.gov) through YouTube, and video recordings of the meetings are uploaded onto the City's web page after each meeting.



# TIPS FOR EFFECTIVE COUNCIL MEETINGS

## **WHAT IS AN EFFECTIVE MEETING?**

A goal for all councils is to have an effective and productive meeting. The definition of an effective council meeting varies based on the particular point of view of an elected official, a staff person, an applicant or an interested citizen. For the most part, the meetings are successful when all the scheduled business has been addressed, all of the questions from council and citizens have been received, answered or assigned, and when individuals who wish to speak to the council have been heard.

## **AGENDA**

The agenda provides a brief description of each item being addressed or considered by the Governing body during the meeting. Council meeting agendas are compiled by city staff with input from department heads, council leadership and miscellaneous requests from individuals and/or organizations. There needs to be a specific deadline for placing items on the agenda. This allows the council a maximum amount of time to prepare for the meeting by reviewing council packet materials. For example, some communities hand out their council agendas on Thursday for a meeting the following Tuesday. At this time the elected officials review the items on the agenda and if they need further information they can ask at that time, but no action can be taken at these meetings. This gives them a weekend to discuss items with constituents for input as needed. The press is also invited to attend this review. Members of the public with disabilities should contact the clerk or city administrator's office prior to the meeting if special assistance is required (i.e. additional handicap parking is required, accessibility to council chambers, assistance for hearing impaired). The order of the agenda will be followed unless changed by the governing body.

## **CONSENT AGENDA**

Items on the council agenda, which are considered to be routine and of a non-controversial nature by the city administrator or governing body, are placed on the "consent agenda." These items shall be approved, adopted, accepted, etc. by one motion of the council. Councilmembers may request that any item listed under consent agenda be removed from the consent agenda, and council will then act separately on these items.

## **GENERAL MEETING INFORMATION**

The Mayor chairs and conducts the meeting. The Vice President (Vice Mayor) or designee, presides in the Mayor's absence. No smoking is allowed and all communication devices, including cell phones and pagers must be turned off during the meeting. All comments and questions must be addressed through the chair. Comments from the public must be brief and not repetitive. All remarks must be relevant to the motion on the floor.

The chair may impose reasonable time limits for comments and discussion if determined necessary. For example, for public hearings where there are a significant number of citizens to be heard, a five-minute time limit for comments from each person has been imposed. The clerk will utilize a timer to monitor compliance with any time restriction.

It is typical for a council agenda to include a section for public comment from citizens. Council has decided to move this portion to the beginning of the meeting. Citizens often wish to address concerns not included on the regular meeting agenda. For a member of the public to address the governing body, the person must come to the microphone at the dais, be recognized and state their name. The

mayor provides instructions to citizens who rise to speak at this time to keep their comments focused on one topic so as to allow Councilmembers to understand what is being requested and how the city can respond.

No person may disturb meetings by engaging in disruptive actions. This includes whispering, applauding, yelling, speaking without obtaining the floor or similar behavior deemed improper by the chair. The mayor may call to order such person(s) demonstrating rude, boisterous, or profane behavior. If such conduct continues, the mayor will call a recess, request removal of such person(s) from the council chambers, adjourn the meeting, or take other appropriate action as permitted by law (W.S. 16-4-406). Proper decorum must be observed and courtesy given to members of the governing body, city staff and members of the public.

### **SPECIAL MEETINGS**

Special meetings may be called by the mayor, acting mayor, or by a majority of the governing body.

Notice must be given to each member of the governing body and to the media 24 hours prior to the special meeting. The notice will specify the time and place of the meeting and the business to be transacted. Only business identified in the public notice may be considered at a special meeting.

### **EXECUTIVE SESSIONS (CLOSED TO THE PUBLIC)**

The ability of the governing body to conduct sessions not open to the public is restricted by state law to ensure open proceedings. A council must meet in public first and then pass a motion to go into executive session. They should also resume the public meeting before adjourning for the day. Members of the governing body, employees of the city, or anyone else attending the executive session shall not disclose to any person the content or substance of any discussion taking place in a closed session unless authorized by the governing body. There are many more explicit requirements for executive sessions in the Wyoming Statutes 15-1-105 and 16-4-405.

### **MISCELLANEOUS TIPS**

1. Use the published agenda, unless there is an emergency that requires immediate action.
2. Submit questions regarding items on the agenda ahead of the meeting.
  - a. This allows staff to conduct some research and be prepared to provide answers at the meetings

## COUNCIL RULES

There are three documents that set forth specific rules for the City Council, and a policy that sets forth Council Etiquette and Responsibilities.

Resolution No. 17-115, which sets forth Council Rules, as amended by Resolution No. 18-178, can be found on pages 70-76 and Resolution No. 19-216 can be found on page 77. Chapter 2.04 of the Casper Municipal Code can be found on page 83. Resolution No. 02-159 (as amended by Resolution No. 02-284), which relates to Council Etiquette and Responsibilities, can be found on page 78.

Questions regarding any information contained in these documents should be directed to the City Manager or City Attorney.

# SUPPORT PROVIDED TO CITY COUNCIL

## **Staff/Clerical Support**

General staff and administrative support to members of the City Council is provided through the City Manager's Department. Secretarial services, including scheduling of appointments, and receipt of telephone messages are available as needed. In addition to supporting the nine City Councilmembers, the support staff members also assist the City Manager.

## **Office Equipment**

To enhance a Councilmember's ability to communicate with staff and the public, City-purchased iPads are provided to all Councilmembers. When individual Councilmembers have completed their term of office, this equipment must be returned to the City.

## **E-mail, Computers**

Councilmembers may be connected from their home and/or business to the City-wide computer system. With this connection, Councilmembers are able to access the City's computer network and the internet (for e-mail and other internet-related services).

This equipment is meant to facilitate efficient communication by Councilmembers. However, their use also raises important legal questions to which Councilmembers must pay special attention. E-mails sent by Councilmembers are public records under the Public Records Act. Even though it does not create paper, sending an e-mail is more similar to mailing a letter than placing a telephone call. The information in the e-mail is stored on the computer network until deleted. As a result, e-mails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Please use the City's e-mail system to conduct official business and not for political/personal reasons. Chapter 2.60 of the Casper Municipal Code (Code of Ethics) discusses the use of public property more thoroughly (see page 116).

## **Meeting Rooms**

The Council's meeting room can be reserved for use by Councilmembers for City business by scheduling it through the City Manager's Office staff. Other meeting rooms are also available upon request.

## **Mail & Deliveries**

Members of the City Council receive a large volume of mail and other materials from the public, private interests, and staff. These items are delivered to Councilmembers at Council meetings unless they are time-sensitive. In this case, materials are delivered to the preferred address of a Councilmember. These materials, if not too voluminous, may also be faxed.

## **Lockers**

There are individual lockers located in the Council's Meeting Room of City Hall available for use by members of the City Council. Individual names appear on the outside of these lockers and keys are issued by the City Manager's Office.

## **Communications**

Council will be provided with many tools to assist in meeting the many demands for communication with citizens and staff. Official Council communications will be sent on Mayor's stationery, and signed by either the Mayor, as directed, or the entire Council, when appropriate. Communications regarding City business from individual Councilmembers can be handled through the City Manager's

office. Council packets, e-mail messages, faxes and other forms of electronic communication will also be used from time to time. Councilmembers should indicate which form of communication they feel most comfortable with so that contacts can be directed appropriately.

### **Interaction with City Staff/Officials Override**

City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. The City of Casper has a long tradition of positive relationships between members of the City Council and staff.

### **Council-Manager Form of Government**

*The City Council is asked to work through the City Manager in dealing with City staff, rather than contacting staff directly.* As discussed previously, Casper operates under a Council-Manager form of government. The City Council's role in this form of government is to establish city policy and priorities. The Council appoints a City Manager to implement this policy and administer the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council rather than to individual Councilmembers, and directs and coordinates the various departments.

### **City Manager Code of Ethics**

The City Manager is subject to a professional code of ethics from his professional association, the International City/County Management Association (ICMA). These standards appear on page 125 of this manual. It should be noted that this code binds the City Manager to certain practices which are designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association.

### **City Council/City Attorney Relationship**

The City Attorney is the legal advisor for the Council, City Manager, and department heads. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and, 4) to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole. Memoranda between the City Attorney and the City Council are generally protected from public disclosure by attorney-client privilege.

### **Dissemination of Information**

In cases where a staff response to an individual Councilmember request involves written materials that may be of interest to other Councilmembers, the City Manager will provide copies of the material to all other Councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

## **Media Policy**

The current City Council does not have a formal media policy. Councilmembers should use discretion when talking to any of the various media personalities, and in the event that in-depth material is required by the media, it should be obtained from the City Manager.

## **Document Policy**

The Wyoming Public Records Act is the guide used for accommodating requests for information from the public. A copy of this act can be found on page 93.

The City Manager's office produces vast amounts of paperwork to help accommodate the Council's meetings. The following policies should help Councilmembers to manage the many documents that you will encounter.

- Any public requests for information or documentation should be directed to the City Clerk's Office.
- Any citizen requesting copies of documents will be charged according to the public records request fees
- Any confidential documents contained in Council packets of any kind will be printed on purple paper and should not be disclosed to anyone other than another Councilmember.

## **Citizen Complaints/Concerns**

The complaint/concern protocol ensures accountability in responding to such matters. The City Manager's Office encourages Councilmembers to refer all citizen concerns and/or complaints to the Assistants to the City Manager, either by oral, written, or electronic correspondence. These individuals will then contact the necessary department(s) and parties involved. The Councilmember who relayed the complaint or concern will then be provided with a response, explanation and/or resolution. If the Councilmember does not wish to relay this information, the Assistant to the City Manager will provide this information to the parties involved.

## **Correspondence from Individual Councilmembers**

Members of the City Council will often feel compelled to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information. City Council letterhead is available for this purpose, and staff can assist in the preparation of such correspondence, should it be desired.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Council title and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

## **Speaking for the City**

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a body. Of course, a member may clarify their vote on a matter and indicate the position of the Council. When representing the City at meetings or under other circumstances, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

## **Role of the Board/Commission Liaison**

Each member of the Council is assigned to serve in a liaison capacity with one or more boards or commissions. The purpose of the liaison assignment is to facilitate communication between the two bodies. The liaison also helps to increase the Council's familiarity with the members, programs and issues of that board or commission. In fulfilling their liaison assignment, members should attend meetings periodically to observe the board's activities.

Councilmembers should be sensitive to the fact that they are not participating members of the board or commission, but are there to create a link between it and the Council. In interacting with boards or commissions, Councilmembers should reflect the views of the Council as a body.

Assignments to the board/commission liaison positions are made annually by the incoming Mayor. The Mayor will draft a proposed assignment list and ask that each Councilmember review the listing and request liaison assignments. Liaison assignments will be confirmed no later than the second Council meeting in January of each year.

## **Proclamations**

Ceremonial proclamations are often requested of the City in recognition of an event or an individual. Proclamations are not statements of policy, but a manner in which the City can make special recognition of an event (i.e., National Education Week). The Mayor is charged with administration of proclamations.

## **Conflicts and Liability/Ethics**

Conflict of interest state laws are in place which attempt to eliminate any action by a Councilmember that may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions taken are in the public's best interests. On page 104 of this handbook, you will find the State law known as the "Ethics and Disclosure Act". On page 116-123, you will find Chapter 2.60 and 2.64 of the Casper Municipal Code.

## FINANCIAL INTEREST DISCLOSURES

Wyoming Statute 6-5-118 generally provides: No public officer or public servant who invests public funds for a unit of government, or who has authority to decide how public funds are invested, shall transact any personal business with, receive any pecuniary benefits from, or have any financial interest in, any entity, other than a governmental entity, unless he has disclosed the benefit or interest in writing to the body which he is a member or entity for which he is working. Disclosures shall be made annually in a public meeting and shall be made part of the record of proceedings. The public officer or public servant shall make the written disclosure prior to investing any public funds in any entity, other than a government entity, which provides any service related to investment of funds by that same unit of government; or has a financial interest in any security or other investment made by that unit of government.

Following are some of the implications from such a Statute:

1. This Statute refers to all Councilmembers, city managers, finance directors, treasurers, judges, state legislators, and others. Any public official who has the authority to either advise or decide how public funds are invested, or who has the authority to appoint someone else to do so, is restricted by this statute.
2. A financial interest in any institution dealing with the City's funds can include, but is not limited to: an investment, a checking account, a savings account, ownership of land or building which the financial institution uses to conduct business.
3. The Statute requires disclosure of a financial interest, but does not indicate that specifics must be disclosed. This means that while a person must state they have an interest, they do not have to say what that interest is. Therefore, if you have a checking account in a bank the City does business with, you must only indicate you have an interest, but need not state whether such interest is a checking account and how much is in it.
4. The disclosure must be part of the public proceedings. It has been suggested by WAM, however, that simply indicating such forms have been received and listing the names of those who presented the disclosures is enough. They need not be read into the minutes, just kept on file. A point to remember, however, is that once they are on file, anyone may request to see them.
5. This Statute refers to all boards, councils, etc. Therefore, if a Councilmember is on other boards that have the authority to invest public funds, such as joint powers boards, this disclosure is needed for each board. One to the Council only will not do.
6. A "pecuniary benefit" is defined as a benefit in the form of property, but does not include: a) property with a value of less than twenty dollars; b) food or drink or entertainment authorized as a proper deductible expense for income tax purposes under the United States IRS Code up to an amount of one hundred dollars per year; and, c) contributions to a political campaign of a public servant as provided in W.S. 22-25-102.



## GOAL SETTING

Previous councils have found that they are most effective when they can agree on a concise set of long-term organizational goals. For that reason, the City Council traditionally goes through a formal goal setting process on an annual basis. The goal setting is generally conducted over a two-day period soon after the newly elected Councilmembers are sworn in. A professional moderator may assist with the decision making.

The goals set by Council often generate new programs and projects. They are the basis for making resource allocation decisions for the coming two years. They are posted prominently in the Council meeting room, they are distributed to the media, and they are regularly referred to at meetings at all levels of the organization. The goals will be used as guiding principles for the development of the budget, and they will be referred to when allocating staff time among projects.

# FINANCIAL ADMINISTRATION GUIDELINES

## Purpose

The Financial Administration Guidelines identify the principles adopted by the City of Casper to ensure that the City is financially able to meet its immediate and long-term service objectives. The Guidelines shall serve as the foundation around which all financial policies and procedures are formulated in support of both the financial planning and internal financial management of the City.

The City of Casper is accountable to its citizens for the use of public dollars. Municipal resources must be wisely used to ensure adequate funding for the services, public facilities, and infrastructure necessary to meet the community's present and future needs. These guidelines safeguard the fiscal stability required to achieve the City's goals and objectives.

## Objectives

In order to achieve its purpose, the Financial Administration Guidelines have the following objectives for the City's fiscal performance.

- A. To guide the City Council and management policy decisions that have significant impact.
- B. To set forth operating principles that minimize the cost of government and financial risk.
- C. To employ balanced and fair revenue policies that provide adequate funding for desired programs.
- D. To maintain appropriate financial capacity for present and future needs.
- E. To promote sound financial management by providing accurate and timely information on the City's financial condition.
- F. To protect the City's credit rating and provide for adequate resources to meet the provision of the City's debt obligations on all municipal debt.
- G. To ensure the legal use of financial resources through an effective system of internal controls.
- H. To promote cooperation and coordination with other governments and the private sector in the financing and delivery of services.

## Finance Committee

The City Council will appoint a committee from among their membership to serve as the Finance Committee. This committee will be charged with the responsibility of reviewing the financial matters pertinent to the City and the City's operations and reporting as needed to the City Council as a whole. Any financial matters that the City Council would like further direction on can be remanded to the Finance Committee. The committee will be assisted in their efforts by the City Manager, the Financial Services Director, and other personnel as needed.

## Fund Administration Guidelines

Fund accounting is the accounting system used by governments for recording resources whose use has been limited by the governing body, law, or grant authority. The primary emphasis of fund accounting is accountability rather than profitability. The Governmental Accounting Standards Board defines a "fund" as follows: "A fund is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations".

### **Fund Structure:**

The City of Casper will maintain a fund structure that groups various funds within the following types:

**Governmental:** includes the general fund; special revenue funds; debt service funds; capital project funds; and permanent funds.

**Proprietary:** activities that resemble private sector business activities and are generally self-supporting. This would include enterprise and recreation funds.

**Internal Service:** includes departments that provide services to other departments of the City on a cost-reimbursement basis.

**Fiduciary:** accounts for assets that are held in a trustee capacity.

**Component Unit:** Separate legal entity over which the City exercises a significant degree of influence.

A current list of active Funds maintained by the City, along with a brief description and purpose of each, is included at the end of this document as ATTACHMENT A.

### **Fund Creation/Termination:**

The City Manager may recommend to the City Council the need to create a new fund or discontinue the use of an existing fund. The ultimate decision to create or discontinue a fund shall rest with the City Council.

### **Fund Balance Transfers:**

Subject to legal restrictions, available fund balances within the various Funds can be transferred, through the annual budgetary process or through a budget amendment, to another fund upon Council direction.

### **Fund Financial Reporting:**

The financial status of each fund maintained by the City of Casper shall be made available to Council at least annually as part of the budgetary process.

## Fund Reserves

Adequate reserve levels are a necessary component of the City's overall financial management strategy and a key factor in external agencies' measurement of the City's financial strength. Fund reserve balances will be maintained that:

- Provide adequate financial resources to conduct the normal business of the City and ensure the continued delivery of services in the event of any disruption stemming from short-term interruptions in cash flow
- Provide adequate financial resources to maintain the City's credit worthiness
- Provide for the accumulation of financial resources for use in capital acquisitions or to comply with legal requirements
- Provide adequate financial resources to respond, in a planned and decisive manner, to long-term or permanent decreases in revenues
- Provide adequate financial resources to ensure continued delivery of public safety, utility, and essential infrastructure maintenance services in response to natural disasters and events
- Comply with reserve levels mandated through negotiated contractual agreements and/or terms of debt issuance agreements
- Are not excessive

Any amounts that exceed the total calculated reserve balance shall be considered undesignated and available for appropriation. Undesignated balances **may** be available to transfer from one fund to another fund, subject to revenue restrictions or unless specifically prohibited by the terms of this Guidance.

Target and actual reserve levels will be calculated annually as part of the budget process. Additional contributions that may be needed to obtain the target reserve levels will be budgeted from applicable fund resources over a period of time as deemed appropriate by Council.

## Optional 1% Sales Tax Fund Guidelines

Optional 1% sales tax revenues are made available through a vote of the people and are subject to renewal every four years. Council will adopt, by resolution, funding priorities for the use of anticipated optional sales tax revenues prior to the public vote. Council will utilize citizen survey results in the establishment of the funding priorities. Revenues generated from this optional tax are to be used for expenditures that are not ongoing in nature. The primary use of these funds will be limited to the funding of capital projects and provision of financial assistance to various outside agencies as determined by the Council.

## Accounting, Auditing and Financial Reporting

The City will maintain a system of financial monitoring, control, and reporting for all operations and funds in order to provide effective means of ensuring that overall City goals and objectives are met.

1. **Accounting Records and Reporting.** The City will maintain its accounting records in accordance with state and federal requirements. The modified accrual basis of accounting will be used to account for all governmental funds. Government-wide financial statements, as well as the proprietary fund financial statements, will be reported using the accrual basis of accounting.
2. **Auditing.** An annual audit, as prescribed by W.S. 16-4-121, will be conducted by independent auditors in accordance with generally accepted auditing standards, as promulgated by the American Institute of Certified Public Accountants. The audit will be completed within six months of the end of the fiscal year. Results of the annual audit will be discussed with the Finance Committee within thirty days of completion of the audit report and presented to the full Council within sixty days.
3. **Simplified Fund Structure.** To the extent possible, the City will minimize the number of Funds.
4. **Cash Management.** The Financial Services Department shall create and promulgate a cash handling policy which outlines the responsibilities of any employee receiving or handling cash, and procedures to be followed for the safeguarding of cash holdings, and to provide for the frequent audit/inspection, both formal and informal, announced and unannounced, of all work stations involved in the handling of cash.
5. **Fixed Asset Inventories.** Accurate inventories of all physical assets, their condition, life spans, and cost will be maintained to ensure proper stewardship of public property. The Director of Financial Services will establish policies and appropriate procedures to manage fixed assets, including establishing the threshold dollar amount for which fixed asset records are maintained and how often physical inventories are taken.

## Budget Guidelines

- A. Approved Council Goals and Objectives shall guide the budget process.
- B. All decisions will be within the context of long-range plans (Capital Facilities Plan/ Comprehensive Plan/Capital Improvement Plan). Staff shall provide a review of the implications of budgetary proposals on long-range plans.
- C. The annual budget shall be developed consistent with state law (Wyo. Stat. 16-4-104) and in a manner which encourages early involvement with the public and City Council. A calendar of events related to budget development shall be presented to the City Council by January of each year. The budget adoption process shall include a public hearing in accordance to Wyo. Stat. 16-4-109 to be held no later than the third Tuesday in June. Wyo. Stat. 16-4-111 allows for the budget to be adopted by either resolution or ordinance. It shall be the practice of the City of Casper to adopt the annual budget by resolution.
- D. Under the provisions of State Law and the City's operating procedures, the budget may be adjusted in two different ways. **Budget Transfers** involve a reallocation of existing appropriations within existing Divisions and does not change the Council approved overall appropriation. No City Council action is needed for budget transfers. Subject to approval of the City Manager, no budget transfers to or from capital or personnel related expense line items will be authorized. **Amendment** of the budget involves an addition to or reduction of existing appropriations, or transfer of existing appropriations between Divisions and Funds. City Council action, by ordinance or resolution, is required for a budget amendment (Wyo. Stat. 16-4-112 & 113).
- E. The Financial Services Department will maintain a system for monitoring the City's budget performance. City Council will be provided with quarterly budget information based on fund level resource collections and expenditures.

## Revenue Guidelines

- A. To the extent possible, a diversified and stable revenue system will be maintained to shelter public services from short-run fluctuations in any one revenue source. Trends analyzing the dependence on distinct revenue sources shall be included in the budget documents for consideration by the Council.
- B. Revenue forecasts shall be realistically estimated and based on the best information available. Revenue forecasts will not be artificially increased to meet budgeted expenditures. The City will follow a vigorous policy of collecting revenues.
- C. Revenue forecasts will assess the full spectrum of resources that can be allocated for public services. Each year the Council shall review potential sources of revenue as part of the annual budget process.
- D. Reliance upon revenues subject to appropriation by outside entities, subject to public vote, and/or short term in nature should be limited to the funding of one-time expenditures (e.g. State Direct Distributions, optional sales tax, Impact Assistance payments, etc.). It is recognized that Council may elect to utilize these funds to subsidize various activities and/or provide assistance to the General Fund during economic hardship.
- E. Resources of the General Fund will not be used to subsidize operational costs of Utility Enterprise Funds nor will resources of Utility Enterprise Funds be used to subsidize operational costs of the General Fund.
- F. In regards to short-term (anticipated less than one year) economic downturns and temporary gaps in cash flow: Expenditure reductions or restrictions may be imposed. Council may approve a contribution from fund reserves or inter-fund loans to address temporary downturns in City revenues. Inter-fund loans may also be utilized to cover temporary gaps in cash flow.
- G. In regards to long-term (greater than one year) revenue downturns: Deficit financing and borrowing to support on-going operations is not the policy of the City as a response to long-term revenue shortfalls. Revenue forecasts will be revised, rate increases considered, and cost containment measures will be implemented to conform to the revised long-term revenue forecast.
- H. All potential grants shall be carefully examined for matching requirements and for any potential long-term financial impacts. Some grants may not be accepted if the local matching funds cannot be justified. Grants may also be rejected if programs must be continued with local resources after grant funds are exhausted. Capital related grants (those awarded for acquisition of depreciable assets and improvements) will likewise be assessed for their potential to increase the long-term maintenance burden of the City.

## Revenue Guidelines (continued)

- I. The City shall develop and maintain a comprehensive list of various fees and charges which will be set at levels minimally sufficient to cover the entire operational cost of service delivery in the Utility Enterprise Funds. Utility rates shall be established, by resolution, on a biennial basis. Staff will prepare a recommendation for adjusting utility rates based on a five-year cash flow analysis of each fund. The cash flow analysis will take into consideration all anticipated revenues and expenses of each fund including possible 1% Fund contributions for capital related projects. The utility rate model will also factor in established reserve targets as set forth in this policy with an additional margin as deemed appropriate to allow for minor budgetary fluctuations as they may occur. The City will also systematically review user fees and rates, no less than annually, to consider interim adjustments as necessary taking into account the effects of additional service costs. Rate studies shall be conducted to ensure that the rates will continue to support direct and indirect costs of operations, administration, plant maintenance, debt service, depreciation of capital assets, and moderate system extensions. Based on a market analysis, fees for similar services in other communities may also be considered. The criteria used to evaluate recommended target rates (equity, cost recovery policy, market demand, etc.) shall be included in the staff report during the review. Such review should be scheduled periodically and be incorporated into the budget process for possible action by the City Council.
- J. Fees assessed through the General Fund and General Fund dependent Recreation facilities will be set at levels based on a cost/benefit analysis. While the goal of the City will be to recover all costs related to a service subject to a specific fee, it is recognized that a greater community benefit may be realized by a certain degree of cost subsidization. Fees assessed through the General Fund and General Fund dependent Recreation facilities will be reviewed annually as part of the budget process. Cost recovery goals for the Recreation facilities are set forth by separate resolution.
- K. Internal Service Funds are established to account for an activity that provides goods and/or services to another fund or department on a cost reimbursement basis. Fees and charges set by Internal Service Funds shall be sufficient to fully recover costs.
- L. The City will review contracts and leases, which result in revenues to the City, on a timely basis in order to provide for careful evaluation by the City Council. There will be no waiver of payments for continued occupation/use beyond the lease term.



## Expenditure Guidelines

- A. The City will only propose operating expenditures which can be supported from on-going operating revenues. Before the City undertakes any agreements that would create fixed on-going expenses, the cost implications of such agreements will be fully determined for current and future years. Capital expenditures may be funded from one-time revenues, but the impacts of capital ownership costs on the operating budget will also be reviewed for compliance with this policy provision.
- B. Department heads are responsible for managing their budgets within the total appropriation within their divisions.
- C. The City will maintain expenditure categories according to state statute and administrative regulation.
- D. The City will assess funds for services provided internally by other funds. The estimated direct costs of service will be budgeted and charged to the fund performing the service. Interfund service fees charged to recover these costs will be recognized as revenue to the providing fund. Indirect costs may also be assessed to other funds based upon an allocation plan that fairly and accurately distributes these costs. The same fee schedule will be used for each user fund such that each user fund is charged requisite to the amount of service consumed. A review of the method for determining the amount of the Interfund assessment will be reviewed periodically.
- E. Emphasis is placed on improving individual and work group productivity rather than adding to the work force. Prior to adding additional staff, an analysis of available, relevant, and appropriate technology or efficiency tools should be conducted in order to determine the fiscal and operational efficacy of available alternatives. Subject to specific Council approval, all grant funded positions will end upon termination of the grant.
- F. All compensation planning will focus on the total cost of compensation, which includes direct salary, health care benefits, pension contributions, travel allowance, and other benefits of a non-salary nature, which are a cost to the City.

## Procurement

The City will follow State Laws, adopted resolutions, ordinances and policies regarding procurement.

**Federal Funds:** When procurement involves the expenditure of federal funds, purchasing shall be conducted in accordance with any applicable federal laws or regulations.

**Grants:** When procurement involves the expenditure of a grant, purchasing shall be conducted in accordance with any applicable grant laws or regulations.

**Emergency procurement:** The Mayor or his/her designated agent may make or authorize others to make emergency procurements of materials, supplies, equipment or services when there exists a threat to public health, welfare, or safety. State laws relating to emergency purchases will be followed.

For a review of the comprehensive Purchasing Policy, refer to the City of Casper Administrative Policies and Procedures manual.

## Change Order Policy

A Change Order is a means by which a contract can be legally modified after the contract is executed. It is a written agreement signed by the company and the Owner to revise, add, or delete conditions established by the original approved contract. **Any proposed change order that materially affects the original scope of the project or results in an over expenditure of the approved contract amount, plus any approved contingency, must be authorized by action of the City Council.**

A construction contingency may be established to expedite unanticipated changes in an approved contract by empowering the City Manager to authorize such changes. Terms of a contingency will be specified in the Resolution approving the agreement with the contractor. In general, the contingency provisions will allow the City Manager the authority to extend a contract up to thirty days and by a dollar amount not to exceed \$35,000.

Change order(s) must be appropriately signed and dated on an approved Change Order Form prior to work taking place.

The City Manager may refer any proposed change order to the City Council for their consideration at his/her discretion.

## Debt Management Guidelines

- A. The objectives of the City's Debt Management Policy will be:
  - a. To reduce the use of debt so that debt service payments will be a predictable and manageable part of the operating budget.
  - b. To raise capital at the lowest cost, consistent with the need to borrow. This will be accomplished by:
    - Keeping a high credit rating (while making attempts to strengthen credit rating)
    - Maintaining a good reputation in the credit markets by managing the annual budget responsibly.
- B. Professional service providers (underwriters, financial advisor, bond insurers, etc.) may be selected through negotiation, RFQ process or City's procurement policies.
- C. Debt issues will be sold on competitive basis (except when conditions make a negotiated sale preferable) and awarded to the bidder who produces the lowest interest cost.
- D. The term of long-term debt issued will not exceed the life of the projects financed. Current operations will not be financed with long-term debt.
- E. Short-term borrowing will not be used for operating purposes.
- F. The City will comply with all statutory debt limitations imposed by the State of Wyoming. The City of Casper debt will not in any manner exceed 4.0% of the assessed valuation of the taxable property within the City, except that an additional 4.0% of the assessed value of the taxable property therein may be created for sewage disposal systems. Indebtedness created for supplying water shall be excepted from the limitation herein.
- G. No debt shall be issued for which the City is not confident that a sufficient, specifically identified revenue source is available for repayment. The Director of Financial Services shall prepare an analytical review for this purpose prior to the issuance of any debt.
- H. It shall be the policy of the City to limit bonded indebtedness to levels that permit sufficient borrowing to support a reasonable rate of capital programming, permit a level and pace of debt amortization within the City's ability to pay, and support the City's credit rating objectives.
- I. Credit enhancements shall be considered with a cost/benefit analysis for each long-term bond issue.
- J. Reserve accounts shall be maintained as required by bond ordinances and where deemed advisable by the City Council
- K. The City will maintain debt service coverage ratios as required for any bond issues.
- L. Interfund borrowing may be used where such borrowing is effective. Interfund borrowing will be approved and authorized by the City Council.

## Investment Guidelines

A statement setting forth the investment and operational policies for the management of the public funds held by the City of Casper shall be adopted by the Council. Adopted investment policies can only be amended by the Mayor and Council. The comprehensive Investment Policy document will be located in the Finance Department.

The investment policies will be designed to ensure the prudent management of public funds, the availability of those funds when needed, an investment return competitive with those of comparable funds and financial market indexes, and compliance with all federal, state, and local laws and regulations governing the investment of public funds.

To assist the City in developing and maintaining investment policies and strategies that comply with statutory regulations while maximizing return potential, an Investment Advisory Committee shall be formed. Committee members shall be appointed by the City Council in a manner and under the terms described in the resolution authorizing the formation of the Committee.

# COMPENSATION AND BENEFITS

## Council Compensation

State Law and the Casper Municipal Code provide for compensation to members of the City Council. Councilmembers receive a salary of one hundred and fifty dollars (\$150) per public Council meeting. The Mayor will receive an additional fifty dollars (\$50) per public Council meeting. A seated City Council may not increase its own salary; councils may only adopt an ordinance to raise the salary of an incoming City Council.

State Law limits Council salaries to a minimum of ten dollars (\$10) and a maximum of one hundred and fifty dollars (\$150) per public meeting. This law also provides that the salary for the Mayor shall not be more than twice the salary of the other Councilmembers.

## Health and Dental Benefit Plan

City Councilmembers, during their term of office, may elect to participate in the City's health benefit plan and/or the City's Dental benefit plan, in the same fashion as City employees; provided, however, that any such participation shall be at the exclusive expense of a participating Councilmember, and the same limitations shall apply as apply to City employees.

## Travel Policy/Expenditure Guidelines

The annual City budget includes an expenditure line item for expenses necessary for Councilmembers to undertake official City business. It is very important to note that any expense must be related to City affairs. Courts have ruled that this prohibition includes personal political purposes. Again, these requirements are more specifically detailed in Chapter 2.60 of the Casper Municipal Code, Public Service Code of Ethics (see page 127).

1. Out-of-State trips by members of the City Council shall be with the concurrence of the Council and/or Mayor. Such concurrence may be informal, or formal, with the availability of funds being a primary decision-making factor.
2. In-State travel for special seminars or meetings shall be governed by the out-of-State guidelines. Attendance at legislative meetings shall be approved by the Mayor. Attendance at Wyoming Association of Municipalities' annual meetings shall be given preference over other sessions, should funding availability become a problem.
3. City offices will arrange for, or reimburse the cost of:
  - a. Lodging for the Councilmember; and,
  - b. Coach air fare for the Councilmember or, in the alternative, \$.58½ per mile for the use of private vehicle, whichever is the least.

When traveling by air, staff requests Councilmembers to be responsible for airline reservations, particularly when family members are accompanying a Councilmember. No expenses for anyone other than the Councilmember shall be reimbursed.

4. The City will pay the cost of meals for the Councilmember and individuals having a professional or political relationship with the City.

5. Ground transportation and miscellaneous costs directly related to the purpose of the trip will be reimbursed to a reasonable amount.
6. Cancellation costs, if incurred due to a Councilmember's cancellation of a trip, shall be borne by the Councilmember, unless excused by the entire Council.
7. The travel policy utilized by City employees is as follows:

Effective Date: June 5, 2008.

## Policy for Reimbursement of Travel/Moving /Business Expense

### *Purpose and Administration*

The purpose of this policy is to identify and provide guidelines regarding the City's travel policies and to further delineate those valid business expenses for which an employee may qualify for payment or reimbursement.

The policy applies to employees, public officials and others who incur authorized business expenses for travel, subsistence, registration, and related expenses while on City business, and provides a reasonable and timely mechanism for the reimbursement of expenditures.

It is recognized that expenditures for business-related food and beverage for both travel and meeting purposes will be incurred by City staff and will be reimbursed. This policy statement serves to establish guidelines to determine whether or not expenditures, by City employees, may be reimbursable and whether or not costs related to meetings involving volunteers and other non-employees are legitimate City expenditures.

Claimants have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditures and those not directly and reasonably related to the conduct of City business.

It shall be the responsibility of the Finance Director to adopt, publish and enforce rules and procedures consistent with this Statement of Policy for the purpose of carrying out the provisions thereof; and to provide forms accompanied by instructions for their use. Exceptions to the rules set forth herein may be made by the City Manager.

No claim for reimbursement shall be paid unless it is accompanied by a bona fide vendor's receipt. Should a receipt be lost or not be obtainable, an employee certification memo, signed by his/her Department Head (or City Manager if the employee is a Department Head), will serve as a substitute for a receipt. Such receipt or certification memo should show the date, vendor identification, itemization of goods and services, amount paid, and an explanation for the lack of a receipt, should that be the case.

### *Documentation for City Employees & City Officials*

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the Department Head (or City Manager should the Department Head

be the individual submitting the expense report) and then submitted to the Finance Division within 5 days of returning from the trip.

## Reimbursement Claims

- No claim for reimbursement shall be paid unless it is accompanied by a vendor's receipt or copy of vendor's receipt.
- No claim for reimbursement or expense on a City-issued credit card shall be paid unless it is accompanied by a vendor's receipt.
- The names of the employees whose purchases are also reflected on the vendor's receipt should also be included.
- A description of the meeting or event precipitating the expense must be noted on the request form.
- The receipt shall document a list of the goods or services purchased. **A receipt without a listing of what was purchased is not valid documentation of the purchase.**
- Where possible, receiving the sales tax exemption on purchases made by the City of Casper while travelling is appropriate.

## Exceptions

Should a receipt be lost or not be obtainable, an employee certification memo, signed by his/her Department Head (or City Manager if the employee is a Department Head), will serve as a substitute for a receipt. Such receipt or certification memo should show the date, vendor identification, itemization of goods and services, amount paid, and an explanation for the lack of a receipt, should that be the case.

## Meals

### *Per Diem Reimbursement*

The preferred option for meal reimbursement is per diem. The daily total per diem is the rate paid for overnight trips (below). The daily per diem rate is for each documented complete 24-hour period of travel during which the employee is out of town. No receipts are required to be submitted to receive per diem payment. Any meal expenses in excess of daily per diem rate or any prorated per diem rates are the responsibility of the employee.

The need for prorating the per diem rate occurs when an employee has some meals provided by a conference or host, participates in a business group meal, or is on travel status for a part of the day, which is frequently the case for first and last day of travel. Prorating the meal per diem is based on a 24-hour day, and the meal allocation corresponds to the hours of the day a person is traveling.

| Travel Period |   | Prorated Per Diem Rate |
|---------------|---|------------------------|
| BREAKFAST     | Traveling from 12:01 a.m. to 10:00 a.m. | \$10.00                |
| LUNCH         | Traveling from 10:01 a.m. to 4:00 p.m.  | \$13.00                |
| DINNER        | Traveling from 4:01 p.m. to 12:00 a.m.  | \$24.00                |

If meals are provided by a conference or host, then the meal per diem for that trip will be adjusted (reduced) to correspond with the meals that were provided. In the event that all meals for a day are provided by a conference, a business group meal or another source, no meal per diem can be claimed for that date.

### *Non-Per Diem Reimbursement*

Reimbursements for meals can be requested based on actual receipts up to the limits contained in this policy. Such reimbursements must be made in compliance with the provisions of this Policy.

### *Overnight*

All City employees and officials claiming reimbursement for meals consumed while on overnight City business shall be entitled to reimbursement, which include tip, (not to exceed 15% of total bill) and is not to exceed the following scheduled, based on vendor receipt:

BREAKFAST: \$10.00  
LUNCH: \$13.00 **or \$47.00/day**  
DINNER: \$24.00

(The above rates are adjusted periodically to the closest average of Meal Expenses for Wyoming, excluding Jackson, from the U.S. General Services Administration. (<http://www.gsa.gov/mie>))

Notwithstanding the foregoing schedule, actual meal costs incurred may be claimed when they are part of a regularly scheduled business event such as a training seminar, professional meeting or conference, or other business meeting. Should a business event (professional organization) luncheon, for example, have costs exceeding the lunch maximum, reimbursement will be for the actual luncheon costs.

The Department Head is authorized to approve requests for exceptions to the authorized meal allowance schedule when it is determined that either the region of the country is recognized as a high cost locale, or that the event's location requires a greater cost. All City employees and officials claiming reimbursement for meals consumed while on overnight City business shall be entitled to reimbursement, which include tip (not to exceed 15% of total bill), and is not to exceed the current IRS limit for high cost areas.

If costs of meals or any other expenses being included for reimbursement or payment are for persons other than the claimant, those persons must be City employees or recognized and identified as those who are participating in City business but are not on the City's payroll. The reimbursement request must indicate why the person other than the claimant is justified in participating in a City-paid meal or other expense.

Allowing consultants or those who may be trying to sell the City a product or service to buy meals or other gratuities for employees is inappropriate and should be avoided.

### *Not Overnight*

Meal reimbursements while traveling on business but **not** overnight are generally taxable as a wage to the employee because travel must be away from home overnight to be excludable.

Even though the employee is away from their home for substantially longer than a normal workday and even stops for rest, the employee is not considered to be away from home overnight. Any meal reimbursement money that the employee receives would be taxable as a wage per IRS regulations.



## Travel

Reimbursement for reasonable costs of business travel is authorized. General guidelines are as follows:

### *City Vehicle*

The use of a City vehicle rather than a personal car is encouraged. Motorcycles shall not be used in carrying out City of Casper business, including travel, except for police motorcycles as approved by Council. Traffic citations received while driving a City vehicle or otherwise are the responsibility of the driver. Occurrence(s) of a traffic violation(s) while on City business will subject the driver and potentially others to disciplinary action.

### *Personal Vehicles*

If an employee chooses to use their personal vehicle when a City vehicle is available, then they will be reimbursed for fuel only (or mileage at the going rate if less expensive).

When city vehicles are not available, expenses shall be reimbursement for travel at such rate as shall be established from time to time by the City Manager in his/her discretion, but not to exceed the then current maximum rate allowed by the IRS for deductions. City employees who receive an automobile allowance in lieu of City provided transportation shall be entitled to fuel reimbursement only for out-of-town travel. Incidental costs such as parking, are reimbursable as they would be if a City vehicle was provided.

### *Rental Vehicle*

Vehicle rental authorization must be separately set out in a request for approval of travel expenses. The cost of vehicle rental when on out of town business is considered an exception to this policy and must be preapproved by the Department Head.

### *Air Travel*

Arrangement for air travel on City related business shall be made by the Department whose employee is involved in the travel as outlined below:

1. The Individual will arrange for air travel based on the lowest available airfare for a regularly scheduled flight which reasonably accommodates the time of travel requested, and the destination as specified by the requesting department. Travel to another locale to take advantage of lower fares is permissible if the overall costs associated with that travel result in a substantial cost savings to the City and the Department Head approves such travel.
2. If personal travel is combined with business related travel, the traveling employee shall be responsible for paying the increase in airfare necessary to accommodate the personal part of the trip. The City shall only pay the lowest available airfare for the round trip between Natrona County International Airport and the business-related destination. Such payment for personal travel shall accompany the City's payment to the vendor for the ticket. If changes in travel plans occur that are the result of City business requirements, any associated costs shall be paid by the City. However, any increases in the cost of travel due to changes for personal convenience will be borne by the employee.

Employees who obtain airline tickets on their own will be reimbursed based on the lowest airfare available for their time of travel, unless an exception is granted in writing by the City Manager. When purchased by the employee, he/she must pay the cost of the travel, provide documentation that the airfare purchased is indeed the lowest price available and seek reimbursement along with all other travel expenses. Direct billing of airfare to the City is allowed only if arranged for or approved by the Department Head or the City Manager.

#### *Other Miscellaneous Travel Expenses*

Miscellaneous travel costs related to the employee's official duties such as bus, taxi, bridge or other tolls, parking, ferry, tips and the like are authorized by listing of same on the reimbursement form. A vendor's receipt will be required only when the single item cost of this type of expense exceeds \$10.00.

#### **Accommodations**

Reasonable hotel/motel accommodations for employees and officials are acceptable and will be reimbursed at the single room rate. Exceptions may be authorized by the Department Head or the City Manager should a single room rate not be available, but evidence of this should be received from the hotel/motel. A vendor's receipt for this category is required for all claims. Direct billing of hotel/motel charges are allowed if prior arrangements have been made with the facility.

#### **Allowable Incidental Expenses**

This category includes all reasonable and necessary incidental expenses. Those expenses allowed and specifically not allowed are identified, but not limited to:

##### *Expenditures **Allowed** Include:*

- Laundry expenses if away from home five or more calendar days on City business
- Baggage checking and handling
- Parking or shuttle fees
- Business telephone and postage expenses
- One phone call per day to the employee's home will be allowed for an amount of time not to exceed 10 minutes; however, the number of phone calls reimbursed by the City to the employee's home shall not exceed three per work week. Costs for longer calls than 10 minutes will be paid by the employee with the amount determined on a proportional basis
- Telephone calls to make travel related arrangements are business expenses and will be reimbursed
- It is expected that if a City-issued cell phone is available to the employee, it should be used instead of the hotel phone when making any calls while traveling.

##### *Expenditures **Not Allowed** Include:*

- No alcoholic beverages will be paid for under any circumstances
- Expenses of a spouse or other persons not authorized to receive reimbursement under this policy
- Beauty parlor or barber services
- Personal entertainment (Movie rentals, etc.)
- Airline or other trip insurance
- Personal postage, reading materials, or non-business-related telephone calls
- Personal toiletry articles

Food and beverage purchased outside of Breakfast/Lunch/Dinner will be considered a snack and therefore non-reimbursable.

## Reimbursable Expenses for New Employees

As authorized by the City Manager, the reasonable moving expenses of a new employee, limited to Division Heads and above, are reimbursable. Moving expenses shall mean the cost of moving household goods, furniture, clothing and other personal effects of the new employee. Reimbursement for moving expenses is a negotiated item and authorized by the City Manager. Claims will be submitted on the standard personal expenditure reimbursement form.

## Reimbursable Non-Travel Expenses

Meals consumed by the City employee during meetings and other functions which conduct official City business or serve to benefit the City of Casper are reimbursable to the employee.

Reasonable expenses, including food and beverage, associated with commemorating a dedication or an unveiling that is recognized as serving an official public purpose are legitimate City expenses.

Support of a local “event” or celebration may not take the form of a gratuitous contribution of public funds to a private person, committee or organization. Expenditure of public funds on a privately sponsored event requires (1) the existence of a recognizable public or municipal purpose that relates to the purpose for the City’s existence, (2) proper authorization from the City Council for such public sponsorship, and (3) a reasonable relationship between the amount of the City’s expenditure and the public nature of the event.

Expenditure of public funds reasonably necessary to attract potential business or events to the community will be reimbursed provided such expenditures are approved in advance by the Council or the City Manager and provided such reimbursement does not include reimbursement for the purchase of alcohol and provided requests for reimbursement are accompanied by the documentation required.

## Reimbursable Expenses for Potential Job “Candidates”

As authorized by the City Manager, reasonable expenses of candidates for City positions are reimbursable when such candidates are invited in writing to visit Casper for personal interviews. Such invitation shall specify the current pay amount and the requirement that other expenses be documented and turned over to the recruiting official who will prepare the reimbursement claim. The written invitation for interview and arrangements for transportation and lodging will be made at the direction of the City Manager, or as he/she may delegate. Claims will be submitted on a purchase order by the Department involved. A copy of the interview invitation and detailed vendor invoices for the expenses incurred will be used as the customary supporting documents. The travel expenditure guidelines will be applied to recruiting claims. Other incidental expenses are limited to transportation by shuttle vehicle to and from Natrona County International Airport and necessary telephone calls to City staff.

## Reimbursable Expenses for “Non-Employees”

“Non-employees” or non-compensated volunteers, advisory committee members, and others who are participating in City business but are not on the City’s payroll may be reimbursed for expenses as follows:

- Transportation, lodging, meals and Miscellaneous Travel Expenses
- Coffee utensils and other light refreshments at meetings involving volunteers and other non-employees are authorized City expenditures

- Incidental consumption of refreshments by City employees at meetings involving non- employees is allowed.

## Credit Cards

It is not the obligation of the City to provide City-issued credit cards for travel purposes or for business meeting expenses. It is expected that the expenses will be incurred by the employee and reimbursed based on the policies outlined in this section. The City will not extend cash advances for travel purposes. Those who sign out credit cards should understand that they will be personally liable for the expenses accrued on the cards to the extent that those expenses are not appropriate City expenses.

## Approval – Failure to Abide

### *Approval Process*

All claims shall be submitted for reimbursement using the Travel Expense/Reimbursement form (See Exhibit N) along with a white voucher. This includes travel and subsistence expenses, except for incidental and minor costs authorized in this policy or in the petty cash policy.

Special approvals required by this policy shall be obtained by employees in advance from the City Manager or his/her designee; which approvals shall be in advance of the event and by separate memo, which identifies the policy exception being authorized and the reasons for the exception. Claims may include the reimbursable costs of other City officials or employees who would be entitled in their own right to claim business expenses.

All reimbursement claims must be authorized by the claimant’s Department Head or by the City Manager, or the management employee authorized to act on his/her behalf. The Department Head claims, therefore, will be approved by the City Manager.

### *Failure to Abide*

Any failure on the employee’s part to abide by the directives issued in this policy may be subject to disciplinary action and/or personal obligation to pay the unapproved expenses.

Claims that are rejected by the Finance Director shall be referred back to the appropriate Department Head for review and disposition. Should a dispute arise, the claim and related documentation shall be submitted to the City Manager for review and final disposition. Department Head claims shall be referred to the City Manager for review and disposition.

## Casper Events Center Ticket Policy

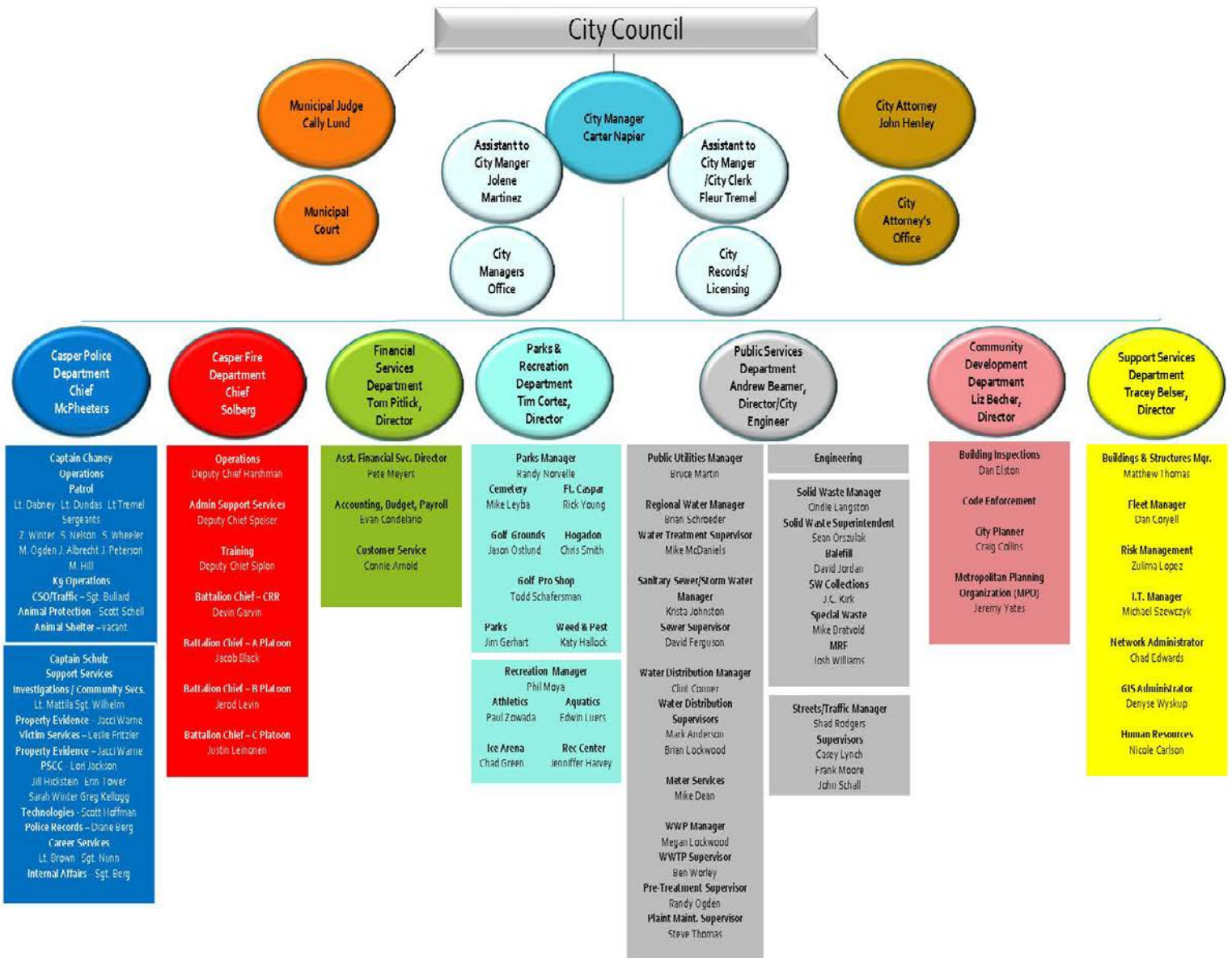
The following is the policy on “Special Ticket Arrangements for Councilmembers, Leisure Services Advisory Board, and Senior Management.” The Casper Events Center (CEC) appreciates the continued support of Council, the Leisure Services Advisory Board (LSAB) and City staff. In addition, CEC sees great value in these members attending the various functions CEC offers along with the constructive feedback that can be ascertained by attendance.

Due to the various contractual terms with artists, shows, and the like, CEC cannot offer complimentary tickets or discounts on a regular basis. However, when conditions allow, CEC will make complimentary tickets available to the City of Casper. The Council will be given first right of refusal and the City Manager’s office will determine the distribution of any tickets not claimed. In these cases, tickets must be valued at fair market. Please consider this value so you do not exceed the \$250 total gift value mandated by statute (not applicable to City staff).

Below are the guidelines of special arrangements the CEC can provide on a regular basis for popular shows where Council, LSAB, or staff may want to hold tickets before they go on sale to the general public:

1. All tickets will be sold at regular prices. There will be no discounts or complimentary tickets.
2. Tickets are available only to current Leisure Services Advisory Board members, current City Councilmembers, and current senior City staff.
3. The maximum limit of six (6) tickets per individual will be made available, unless otherwise mandated by the promoter and/or the artist. These tickets can be used for friends and family but cannot be resold.
4. To assure the best availability to persons waiting in line at the Casper Events Center Box Office, tickets for the Council, Advisory Board members and senior management will be available as follows:
  - a. Concert configuration: above-mentioned can purchase tickets starting from row 6 back on the main floor and side sections starting in C and T going back.
  - b. In-the-round: above-mentioned can purchase tickets starting on the outside the area outlined on configuration.
5. Tickets must be ordered within 48 hours after tickets go on sale. If possible, you may place an order two (2) days prior to tickets going on sale, at the Box Office Manager’s discretion. After the 48-hour period, the remaining tickets on hold will be placed back on sale to the general public.
6. Ticket orders must be placed with the Box Office Manager at the Casper Events Center (235-8432), with payment due at the time the order is placed. All orders are placed on a first come, first served basis.

# CITY OF CASPER ORGANIZATIONAL CHART



## OPERATING DEPARTMENTS

The City of Casper has ten (10) operating department, which perform the actual mechanics of our City Government. The following duties are performed by the various Departments:

### City Council

The City Council is the policy-making branch of the City government. They also maintain the authority to appoint the City Manager, City Attorney, and the Municipal Court Judge.

### City Manager

J. Carter Napier

The City Manager is responsible for carrying out the policies of the Council and overseeing the total operation of the organization.

### City Attorney

John Henley

The City Attorney is responsible for providing legal assistance to the Council, as a governing body, and the City organization.

### Municipal Court

Cally Lund, Municipal Court Judge

Casper's Municipal Court is a court of limited jurisdiction. The Court presides over all misdemeanor cases that are violations of City Ordinances, and also has jurisdiction over juvenile cases. The Municipal Court Judge(s) is appointed annually by the City Council.

### Finance

Tom Pitlick, Finance Director

Finance's main duties are revenue collection and general administration of the City's financial affairs. Other duties include issuance of licenses as required by either State Statute or City Code.

Licenses required of residents of the City of Casper include pet licenses, bicycle licenses, solicitors' licenses, and licenses for businesses which affect public health, such as restaurant and liquor licenses. This division also provides record management services.

## Support Services

Tracey Belser, Director of Support Services

Support Services consists of four divisions: Buildings and Structures, Fleet Maintenance/Garage, Information Technology and Human Resources.

The Building and Structures Division is responsible for maintenance of all City-owned facilities.

The Fleet Maintenance Division maintains all City-owned equipment and vehicles.

The Information Technology Division handles the City's GIS system and provides support for the computer equipment and software for all of the various City operations.

The Human Resources Department's main duties include advertising for and screening job applicants, negotiating labor contracts, and providing expertise to the City Manager in personnel administration. This Department also oversees the activities conducted by the Risk Management Division.

## Community Development

Liz Becher, Community Development Director

This department is responsible for reviewing plats, subdivision plans as well as administering programs funded by the federal Housing and Urban Development Department. They provide summarized reports to the City Council and the Planning and Zoning Commission for their approval and concurrence. The Department also oversees the Building and Code Enforcement functions, Metropolitan Animal Shelter and Welfare, as well as the Metropolitan Planning Office, the Urban Renewal Office and the LifeSteps Campus.

Metropolitan Animal Shelter is discussed in the "Advisory Boards and Commissions" section of this manual.

## Public Services

Andrew Beamer, Public Services Director

This Department is comprised of several divisions – Engineering, Streets, Solid Waste, and Casper Public Utilities (including Sewer, Water Distribution, Regional Water, and Wastewater Treatment).

The Engineering Division performs a wide range of functions which include, but are not limited to, oversight of all construction projects, design of storm sewers, or other means of storm water relief, and inspections of buildings and sidewalks to insure compliance with City standards.

The Streets/Traffic Division is responsible for maintenance of City streets, including snow removal. The Division also oversees the maintenance and operation of the traffic signal system and traffic control regulatory devices.



The Solid Waste Division, which includes the Refuse Collection and Balefill/Landfill Sections, is responsible for the collection and disposal of the community's refuse.

The Public Utilities Division (Casper Public Utilities, or CPU) controls, operates and maintains the water distribution and sanitary sewer systems.

## Parks & Recreation

Tim Cortez, Parks & Recreation Director

The Parks and Recreation Department is responsible for overseeing the Parks Division and Recreation Center which includes the Aquatics Section, the Ice Arena, Fort Caspar Museum, Hogadon Ski Area, and the Municipal Golf Course.

The Parks Division is responsible for handling traditional parks-related activities, and is responsible for the operation and maintenance of Highland Park Cemetery.

The Recreation Center is a large recreation facility featuring meeting rooms, billiard tables, racquetball courts, basketball courts, horse-shoe pitching pits, exercise room, etc. The Center features classes in crafts, dance, sports and fitness, special interest and drop-in use of the facility.

The Aquatics Section oversees the five (5) outdoor swimming pools and the Casper Family Aquatics Center. The outdoor pools are located in various neighborhoods throughout Casper, and are open from June through August. The Casper Family Aquatic Center includes two indoor pools and other water related areas and facilities, and it is open year-round.

The Ice Arena features public skating, figure skating, hockey, and it provides lessons and equipment rental.

Fort Caspar is a municipal museum and fort which preserves and displays artifacts from Casper's early pioneer history.

Hogadon Ski Area provides downhill skiing. It utilizes two (2) chair lifts and also provides lessons, equipment rental, and food service.

The Municipal Golf Course is a twenty-seven (27) hole facility that provides cart rental, lessons, a driving range, a Pro Shop and food services.

## Fire-EMS

Thomas Solberg, Fire Chief

The Fire/EMS Department is a group of highly trained professionals who respond to all the following emergency situations: fire; emergency medical assistance; underwater search and recovery; chemical/flammable liquid spills; and, other hazardous conditions. In addition, they provide the following public services:

- CPR training
- Home inspections

- Fire prevention and life safety classes to elementary, junior high, and high school students
- Educational programs for the general public

## Police

Keith McPheeters, Police Chief

The Police Department consists of two Divisions: Police and Public Safety Communications.

The Police Division is responsible for the safety and well-being of the people of Casper. Their duties include, but are not limited to:

- Felony investigations
- Emergency response
- Traffic enforcement
- Crime prevention programs
- Misdemeanor investigations
- 24-hour patrol services
- Accident investigations
- Public speaking

The Public Safety Communications Division is responsible for the provision of dispatch and Enhanced 911 services to the residents of Natrona County.

## Casper Events Center

The Casper Events Center is under contract management by Spectra. It is a multi-purpose facility utilized for activities such as concerts, tournaments, conventions, trade shows and indoor rodeos.

# ENTERPRISE OPERATIONS

An “enterprise” is a service operation that creates revenue by charging user fees for its service. Its dependence on user fees to support operations makes the service equitable. Generally, user charges insure that those citizens utilizing the service pay for the services they use. In order for a service to qualify as an enterprise operation it must meet two conditions. First, the service provider must be able to determine the users of the service. Second, the provider must also be able to identify the level of consumption of the users. The City of Casper operates the following enterprise operations:

## Casper Events Center

Casper Events Center is under contract management by Spectra. A multi-purpose facility with a seating capacity of 10,000. The Center can accommodate business meetings of all sizes, as well as cater meals for as many as 2,000 people. The Center is equipped with extensive audio and video capabilities, portable staging, a basketball floor, exhibit booths, and a theatrical package, among other things. It has a full schedule of concerts, tournaments, conventions, trade shows, indoor rodeos and more.

## Hogadon Ski Area

Hogadon is located nine (9) miles south of Casper on Casper Mountain. There are over twenty (20) trails spread over 60 acres. The area is served by two (2) chair lifts and one (1) pommel lift, and provides a ski school, equipment rentals, food service, and state of the art snow making. The Hogadon Lodge is also available to rent as a venue.

## Municipal Golf Course

The Casper Municipal Golf Course is Wyoming’s only twenty-seven (27) hole course. The course offers a large practice range, putting and chipping greens, a full PGA staffed golf shop, cart rentals, lessons by the Pro, and a clubhouse with a restaurant and lounge.

## Swimming Pools

The City of Casper features four (4) neighborhood outdoor swimming pools and the Casper Family Aquatics Center. Classes are offered with a wide range of choices, and pool rentals are available.

## Casper Ice Arena

The arena features public skating, classes, hockey, figure skating and equipment rental.

## Recreation

The Recreation Division operates the Casper Recreation Center and features exercise facilities, classes, tournaments, year-round adult and youth sports activities.

## Water Treatment

Surface water from the North Platte River and from wells is treated and distributed to several wholesale water distribution systems, including the water distribution system of the City of Casper.

## Water Distribution

Water distribution is a part of the City’s Public Utilities Division. Potable water is distributed to every home and business within the City of Casper. Each is equipped with a meter to measure the amount of water consumed.

## Wastewater Collection

Sewerage pipes originate at homes and businesses and connect to mains that return used water to the wastewater treatment plant. Sewerage usage is not metered, but bills are generated based on the amount of wintertime water usage, which services as an approximation of sewerage use.

## Wastewater Treatment

Wastewater Treatment encompasses the City's wastewater treatment plant, which receives wastewater from several wastewater systems, including Casper's. All wastewater must be cleaned of toxins and biological hazards (per EPA standards) before it can be returned to the North Platte River.

## Landfill/Balefill

The Balefill is a regional solid waste disposal facility that accepts approximately 200 tons of waste every day from commercial and residential customers.

## Refuse Collection

The Refuse Collection Division maintains the refuse collection system.

## City Parking Lots

The City of Casper owns the downtown parking structure and the parking lot located at East 1st and Center Streets, and contracts with the Casper Area Chamber of Commerce for operation and maintenance.

## ADVISORY BOARDS AND COMMISSIONS

Advisory Boards and Commissions are made up of individuals throughout the community who have submitted applications through the City Manager's Office and have been appointed by the City Council to serve a defined term. It is their responsibility to meet and advise the Council through various avenues (i.e., City Manager, Committee Liaison, etc.). They are advisory in nature, and are not a policy making branch of City Government. Casper has the following Advisory Boards and Commissions:

|  |  |
|--|--|
| Casper Public Utilities' Advisory Board  | The CPU Advisory Board recommends policies, criteria, procedures, utility rates, capital projects and acquisitions, and provides advice on other utility-related matters. The Board consists of five (5) members for a six (6) year term. The members represent the public-at-large and are appointed by the Mayor with advice and consent from the Casper City Council. The Board meets as needed but not less frequently than monthly.   |
| Citizens' Transportation Advisory Commission                                     | The Citizens' Transportation Advisory Commission is responsible for providing advice to the City Council through its Policy Committee Liaison. They develop a capital improvement program, update or amend the Regional Transportation Plan, make existing facilities safer and more efficient, and assess the existing and proposed transportation facilities. The Commission consists of sixteen (16) members that hold a three (3) year term. Commission members represent the public-at-large and are appointed by the Casper City Council and the Natrona County Commissioners. Representatives of the Federal Highway Administration, Wyoming Transportation Department, and the Towns of Mills, Evansville and Bar Nunn also serve as members. Meetings are held monthly. |
| Contractors' Licensing and Appeals Board   | The Contractors' Licensing and Appeals Board was established pursuant to the Casper Municipal Code. The purpose of this board is to review applications, issue licenses, and hear appeals, in conjunction with enforcing electrical, plumbing, etc., codes. The membership is set by ordinance with seven (7) members who hold a (3) year term. The Board is comprised of a licensed master plumber; a licensed master mechanical sheet metal worker; a licensed master electrician; a professional engineer or architect; a licensed Class I building contractor; a licensed utility contractor, licensed mobile home installer or licensed boiler operator; and, a member of the general public.   |
| Community Action Partnership<br>(formerly City/County Human Services Commission) | The Community Action Partnership Board of Directors establishes policies, criteria, and procedures for recommending funding for human services programs from various public sector resources. The Board consists of nine (9) members, all residents of Natrona County, appointed to a four (4) year term. The Casper City Council, Natrona County Commissioners, and the Board appoint the members. The Board meets at least once a month.   |

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| Historic Preservation Commission                       | The Historic Preservation Commission has the power to: 1) conduct inventories of cultural resource structures and areas; 2) advise the City Council on the criteria for the evaluation and designation of historic areas within the City's jurisdictions; 3) act as advisors on Historic Preservation issues; and, 4) promote Historic Preservation awareness. The commission is comprised of seven (7) members that are appointed by the Casper City Council to a three (3) year term. Two of the board members are professionals in the fields of history, archeology, historical architecture, cultural geography, American civilization or planning. The commission meets at least once a month.  |
| Leisure Services Advisory Board                        | The Leisure Services Advisory Board is responsible for providing advice to the City Council, through the City Manager, on issues relating to the leisure service facilities and programs in our community. The seven (7) member board is appointed by the City Council for a three (3) year term, and are all residents of Natrona County. The Board meets at least twice a month.  |
| Metropolitan Animal Control Oversight Committee        | The Metro Animal Control Oversight Committee is comprised of individuals from the municipalities within the Casper metropolitan area and the Natrona County Government. While the Committee provides recommendations to the Division, the employees are considered City of Casper employees, with the Division Head reporting to the Police Chief. They promote responsible pet ownership through educational programs to the community; provide for the welfare of animals by sheltering of stray, unwanted, neglected, and abused animals; and, provide safeguards to the public through rabies and bite surveillance. The seven (7) members are appointed officials of the entities who have entered into the Oversight Committee Agreement. Two (2) members are from the City of Casper, two (2) from the County, and one (1) member each representing the Towns of Mills, Evansville, and Barn Nunn. |
| Metropolitan Planning Organization Policy Committee    | The MPO Policy Committee is the policy and decision-making committee for the Casper Area Transportation Planning Process. They approve the Unified Planning Work Program and Transportation Improvement Project budgets, and other planning documents prepared by the Metropolitan Planning Office. Along with the three representatives appointed to this fifteen (15) member Board by the Casper City Council, the membership represents the Towns of Mills, Evansville, and Bar Nunn; Natrona County; Casper Area Transportation Coalition; and, Wyoming Transportation Department. This committee has no term established.  |
| Metropolitan Planning Organization Technical Committee | The MPO Technical Committee advises and makes recommendations to the Policy Committee concerning technical matters relating to planning and work program documents.   |
| Natrona County Council of Governments                  | The Natrona County Council of Governments is a council of elected representatives (mayors, Councilmembers, and commissioners) from Casper, Bar Nunn, Evansville, Mills, Midwest, Edgerton and Natrona County. Its objective is to facilitate intergovernmental coordination.  |

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| Natrona County Drug Court                             | This is an advisory body for the Natrona County Drug Court. The Drug Court uses treatment as well as punishment to address repeat drug offenders. It is run by Natrona County.   |
| Natrona County School District Coordination Committee | The Natrona County School District Coordination Committee is an intergovernmental group that coordinates activities between the City and the School District.  |
| Planning and Zoning Commission/Board of Adjustment    | The Planning and Zoning Commission was created to promote the health, safety, morals, order, beauty, prosperity, and general welfare of the City, and to secure efficiency, economy, and concerted efforts in its growth and development. The Commission also hears appeals from any decisions or interpretation of the Zoning Ordinance. The Commission consists of seven (7) members, all residents of the City, and are appointed by the City Council for a three (3) year term. The Commission meets at least once a month.  |
| Youth Empowerment Council                             | The Youth Empowerment Council is an association of high school students who are interested in providing programs for area youth and giving youth a voice in local affairs. The Youth Empowerment Council is supported by the City Council, Natrona County School District #1, and Mercer House.  |
| Casper's Council of People with Disabilities (CCPD)   | The CCPD's mission is to be an educational and solution-oriented advisory board serving as a catalyst for promoting self-advocacy, equality, accessibility, and opportunity for all people regardless of their disability. The CCPD acts as an advisory committee to the Casper City Council, City Manager, and staff members of the City on the problems and concerns of people with disabilities as they relate to activities of daily living in Casper including employment, recreation, transportation, accessibility, or any other area of concern to people with disabilities. |
| LGBTQ Advisory Committee                              | The LGBTQ Advisory Committee works with City Council and City staff to provide them with perspective from the LGBTQ people in Casper. This initiative will foster an environment of free and open communication with Casper's LGBTQ community and adherence to the City Council's 2019 Goal, to enhance the attractiveness of the community for business and workforce development.  |

## JOINT POWERS BOARDS

A joint powers board is comprised of individuals from two or more governing bodies (i.e., City/County, City/Town) with a common goal or objective. They provide the legal authority and overall supervision of a given operation or project.

Amoco Reuse Agreement Joint Powers Board

This board consists of representatives from the City of Casper and Natrona County, for the purpose of facilitating the full reuse and remediation of the former Amoco refinery properties in the Casper area as outlined in the Amoco Reuse Agreement. The Board consists of seven (7) members, appointed jointly by the City Council and County Commissioners, to a three (3) year term. Five (5) members represent the public-at-large. The remaining two (2) members are a City Councilman and a County Commissioner. Meetings are held at least twice a month.

City/County Hall of Justice Joint Powers Board

The Hall of Justice Joint Powers Board meets at least quarterly to: 1) inspect the building operation and maintenance; 2) act as an Appeals or Review Board for any complaints concerning the operation and maintenance of the building from the Police, Fire, or Court authorities; and, 3) advise on specific requirements. The Board consists of five (5) members appointed to a three (3) year term. Two (2) members are City Councilmen, two (2) are County Commissioners, and one (1) at-large member. Members are appointed jointly by the City and County. These members also serve on the Natrona County Detention Facility Joint Powers Board.

City of Casper/Natrona County Economic Development Joint Powers Board

The Economic Development Joint Powers Board administers Optional One Percent Economic Development Special Projects Funds for economic development projects. This Board consists of five (5) members appointed to a one (1) year term. Four (4) of the five (5) members are elected officials of the Natrona County and the City of Casper. The fifth (5th) member is an at-large member, jointly appointed by the City and County. This Board meets at least once every quarter.

Natrona County Detention Facility Joint Powers Board

This Board meets at least quarterly to oversee the operation and maintenance of the detention facility. The Board consists of five (5) members appointed to a three (3) year term. Two (2) members are City Councilmen, two (2) are County Commissioners, and one (1) at-large member. Members are appointed jointly by the City and County. These members also serve on the City/County Hall of Justice Joint Powers Board.

Natrona County Travel and Tourism Council

This Council provides an efficient, orderly and feasible method of joint collection and distribution of the 2% Lodging Tax proceeds. This Board consists of ten (10) members, appointed to a three (3) year term. Of the ten (10) members, two (2) are appointed by the City Council, two (2) by the County Commissioners, one (1) by the Wyoming Travel Commission, and one (1) each by the Towns of Edgerton, Evansville, Mills, Bar Nunn, and Midwest. Meetings are held once a month.



## OPERATING BOARDS

An Operating Board, or Semi-Autonomous Board, is established by Statute. The members are comprised of citizens that have been appointed and approved by the City Council, who may also be removed for cause. They may be funded partially by the City, but the City Manager has no oversight responsibility. The Operating Board establishes their own rules and regulations to carry out their mandate. The following boards are considered to be Operating Boards:

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|---|---|
| Casper Area Economic Development Alliance, Inc., (CAEDA) Board of Directors | CAEDA, Inc., is the local agency with primary responsibility for assisting local companies in business expansion, and for marketing area-wide resources to attract new business and industry to the City of Casper/Natrona County area. The Mayor serves as the City's representative to this Board.  |
| Central Wyoming Senior Services (CWSS)                                      | CWSS is responsible for providing a nutrition program and service activities that assist the seniors in maintaining a healthy and productive lifestyle; and, to seek assistance for seniors in securing rights to which they are entitled. The Board consists of nine (9) members, all residents of Natrona County. The Board meets at least once a month.  |
| City/County Board of Health   | County and/or City and District Boards of Health may enact rules and regulations pertaining to the prevention of disease, and the promotion of public health in the area over which such respective boards have jurisdictions. But, in no instance shall such rules and regulations be less effective than, or in conflict with, rules and regulations promulgated by the State Department of Public Health. This five (5) member Board is comprised of one (1) medical doctor, one (1) dentist, and three (3) at-large individuals. The term for this board is five (5) years. The Board meets at least once a month.  |
| Civil Service Commission/Personnel Review Board                             | <p>This board oversees the Police and Fire Department personnel processes. It approves and certifies the testing procedures for police and fire entry level placement and promotion. It also oversees disciplinary actions for Police and Fire personnel, and serves as a board of last review for non-police and non-fire city employee dismissals.</p> <p>The three (3) board members appointed by the City Council serve a three (3) year term and are at-large Casper residents. This board meets at least once a month.</p>  |
| Downtown Development Authority  | The Downtown Development Authority plans and proposes, within the Downtown development area, development for public facilities and other improvements to public or private property of all kinds, including removal, site preparation, renovations, repair, remodeling, reconstruction, or other changes in existing buildings which may be necessary or appropriate to the execution of any development plan. The board consist of eleven (11) members, serving a term of four (4) years. The majority of the eleven (11) members reside, lease or own property in the Downtown Development District, with one member being a Casper City Councilman. The Board meets at least once a month. |
| Housing Authority   | The Housing Authority is established by State Statute, and provides subsidized, low-income housing to the public. There are two major projects that the Authority oversees. They are: 1) Public Housing -- a group of homes that are managed and operated by the Authority; 2) Section 8 Certificates and Vouchers -- a program in which qualified persons receive rent subsidies; and, Section 8 Moderate Rehabilitation -- a program in which the Housing Authority contracts with the landlord to renovate their properties to provide housing for low-income families. In return. the Federal Government subsidizes   |

## Municipal Band Commission

The Municipal Band performs at various times throughout the year. They provide free public concerts, perform in the Casper Day parade, and perform upon request for special occasions. The Band Commission prepares the budget request, approves expenditures, appoints the Band Director, and reports to the Council. This Commission is composed of five (5) members for a term of three (3) years. Three (3) members shall be elected by the majority of the band members with the remaining two (2) appointed by the City Council.

# ADVISORY BOARDS AND COMMISSIONS

## MEETING DATES, TIMES AND LOCATIONS

### 1<sup>st</sup> Sunday

4:30 p.m. Casper Youth Council (Casper Area Chamber of Commerce, 500 N. Center St.)

### 1<sup>st</sup> Monday

5:00 p.m. CNFR (First American Title Insurance, Ohio Bldg., 159 N. Wolcott, Suite 250)

### 2<sup>nd</sup> Monday

8:30 a.m. Historic Preservation Commission (Casper City Hall, Council Meeting Room)

### 3<sup>rd</sup> Monday

No Regular Meetings Scheduled

### 4<sup>th</sup> Monday

2:00 p.m. CATC Board Meeting (Casper City Hall, Downstairs Meeting Room)

2:00 p.m. Central Wyoming Senior Services, Inc., Board of Directors (Senior Center)

4:00 p.m. Old Yellowstone District/South Poplar Street Corridor Advisory Committee (Varies)

### 1<sup>st</sup> Tuesday

5:30 p.m. Pre-Session for City Council Meeting (Casper City Hall)

6:00 p.m. City Council (Casper City Hall)

### 2<sup>nd</sup> Tuesday

4:30 p.m. Council Work Session (Casper City Hall)

### 3<sup>rd</sup> Tuesday

11:30 a.m. Regional Water Joint Powers Board (Water Treatment Plant, 1500 Southwest Wyoming Boulevard)

4:00 p.m. Casper Area Chamber of Commerce Board Meeting (500 North Center Street)

5:30 p.m. Pre-Session for City Council Meeting (Casper City Hall)

6:00 p.m. City Council (Casper City Hall)

### 4<sup>th</sup> Tuesday

11:30 a.m. Natrona County Travel and Tourism Council (129 W. Second Street)

4:30 p.m. Council Work Session (Casper City Hall)

### 1<sup>st</sup> Wednesday

11:30 a.m. Drug Court (254 North Center Street, Suite 103)

1:00 p.m. Civil Service Commission/City Personnel Review Panel (Casper City Hall, Downstairs Meeting Room)

5:30 p.m. Platte River Restoration Advisory Committee (Casper City Hall, Downstairs Meeting Room)

2<sup>nd</sup> Wednesday

- 11:30 a.m. Downtown Development Authority (DDA) (Jan, Mar, May, Jul Sep, Nov) (341 W. Yellowstone Highway)
- 6:00 p.m. Amoco Reuse Agreement Joint Powers Board (2435 King Blvd., Big Horn Conference Room)

3<sup>rd</sup> Wednesday

No Regular Meetings Scheduled

4<sup>th</sup> Wednesday

- 7:00 a.m. Casper Utilities' Advisory Board (Casper City Hall, Downstairs Meeting Room)
- 11:30 a.m. Nicolaysen Art Museum Board of Directors (400 East Collins Drive)
- 4:00 p.m. Community Action Partnership (CAP - formerly Human Services Commission) (800 Werner Court, Suite 352)

1<sup>st</sup> Thursday

- 7:00 p.m. Youth Empowerment Council (535 West Yellowstone Highway)

2<sup>nd</sup> Thursday

- 7:00 a.m. Casper Area Economic Development Alliance, Inc., Board of Directors (CAEDA) (300 South Wolcott Street, Suite 300)
- 4:30 p.m. Leisure Services Advisory Board (Recreation Center) – No meetings June, July or August
- 7:00 p.m. Youth Empowerment Council (535 West Yellowstone Highway)

3<sup>rd</sup> Thursday

- 7:30 a.m. Natrona County Council of Governments (Mayors & Commissioners) (Eggington's)
- 11:00 a.m. Housing Authority (145 N. Durbin)
- 4:00 p.m. Contractors' Licensing and Appeals Board (Casper City Hall, Downstairs Meeting Room)
- 5:30 p.m. City/County Board of Health (475 South Spruce Street)
- 6:00 p.m. Planning and Zoning Commission (Casper City Hall)
- 7:00 p.m. Youth Empowerment Council (535 West Yellowstone Highway)

4<sup>th</sup> Thursday

- 11:30 a.m. Casper's Council of People with Disabilities (Casper City Hall)
- 7:00 p.m. Youth Empowerment Council (535 West Yellowstone Highway)

Last Thursday

- 7:00 p.m. Youth Empowerment Council (535 West Yellowstone Highway)

2<sup>nd</sup> Friday

- 12:00 p.m. Chamber of Commerce InfoShare (Location Changes Monthly)

3<sup>rd</sup> Friday

- 3:00 p.m. LGBTQ Advisory Committee (Downstairs Meeting Room)

Third Week of the Month

9:30 a.m. Economic Development Joint Powers Board (EDJPB). Meets quarterly: Feb, May, Aug, Nov. Typically try for Tuesday or Wednesday, but can vary. They poll the members ahead of meeting to set date. Usually at 9:30 a.m. (300 South Wolcott Street, Suite 300)

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NOTE: The following boards/commissions listed will provide notification of meetings and locations by other means, as they meet as needed:

Air Service Advisory Committee

City/County Hall of Justice/Detention Facility JPB (quarterly- Jan, Apr, Jul, Oct, as needed) (County Commissioners Office)

Code Enforcement Appeals Committee (City Hall)

Council Finance Committee

Council Legislative Committee

Council Solid Waste Committee

Metro Animal Oversight Committee (Quarterly, dates and locations vary)

Metropolitan Planning Organization Technical Committee and Policy Committee (Casper City Hall, Downstairs Meeting Room)

Municipal Court Coordination Committee

Old Yellowstone District Architectural Review Committee (1<sup>st</sup> Friday of month, as needed)

Public Safety Communications Center

# COUNCIL RULES

## RESOLUTION NO. 17-155

### A RESOLUTION RESCINDING RESOLUTION NO. 00-9 AND ADOPTING RULES OF THE CITY COUNCIL FOR THE CITY OF CASPER, WYOMING

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Resolution No. 00-9 is hereby rescinded, and the Rules of the City Council are hereby adopted to read as follows:

#### 1. MEETINGS OF COUNCIL.

##### 1.1 Regular Meetings.

The Council shall hold regular stated meetings, which shall be not less than two (2) per month, falling on the first (1st) and third (3rd) Tuesdays at 6:00 p.m., beginning May 7, 1996. Other regular meetings shall be fixed by resolution of the Council, spread upon the minutes of the Council Proceedings, and be published in an official newspaper.

##### 1.2 Special Meetings.

The Mayor, or any five (5) of the Councilmen, may call special meetings by notice filed with the Clerk and served upon each Member by delivering the same personally, or leaving the same at their place of residence. Such notice shall fix the hour, day, and place of such meeting.

A. A special meeting may be called by the Mayor at a regular meeting by giving notice thereof and noting the same upon the minutes of such meeting.

##### 1.3 Continuance of Meetings.

In case the time for a meeting shall occur on Sunday or a legal holiday, then such meeting shall be deemed to be called and shall be held on a day so approved by the governing body.

##### 1.4 Quorum

In case the attendance at any regular meeting or special meeting is less than a quorum, such meeting may be adjourned to a reasonable time and place within the corporate limits of the City that may be designated and entered in the minutes of the adjourned meeting. A majority of all Members of the Council shall constitute a quorum for the transaction of any business.

#### 2. ORDER OF BUSINESS.

##### 2.1 Agenda.

The following shall be the order of business.

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Consideration of Minutes.
- D. Consideration of Bills and Claims.
- E. Public Hearings.
- F. Petitions and Memorials.
- G. Unfinished Business.

- 1. Ordinances on Second and Third Reading.
- H. New Business.
  - 1. Ordinances on First Reading.
  - 2. Resolutions.
  - 3. Reports.
  - 4. Other.
- I. Communications from Persons Present.
- J. Introduction of Measures and Proposals by Members of the City Council.
- K. Adjournment.

2.2. "Public Hearing" Comments and "Communications from Persons Present Restrictions": Persons commenting at "Public Hearings" (Sub -section 2.1 E. above) or during "Communications from Persons Present" (Sub -section 2.1 I. above) shall each be limited to five (5) minutes for making their comments to Council. The Mayor shall have the authority, in the event of a large assembly of individuals planning to make comments to Council, to limit the comment period to three (3) minutes for each individual intending to comment. The following restrictions shall apply to the Council and individuals making comments to the Council:

- A. Individuals commenting to Council should not repeat comments already made to Council by another individual.
- B. Council members may question an individual regarding their comments. However, Council members shall not make comments or statements regarding any such individual's comments until after a Public Hearing is closed, and then only during the discussion portion of the meeting by Council, or during the "Introduction of Measures and Proposals by Members of the City Council" (Section 2.1 J. above).
- C. A "Motion to Suspend the Rules" to allow any individual more time to present their comments to Council shall not be available to Council and shall be out of order.

### 3. ABSENT MEMBERS AND OFFICERS

#### 3.1 Attendance.

The Council shall have the power to compel the attendance of absent Members. A Council Member absent without reasonable cause may be compelled to attend by order of any two (2) Members of the Council.

- A. Gross and persistent delinquency in being absent from regular meetings of the Council shall be cause for the removal of any Member from his office, and absence from three (3) consecutive meetings without being excused by Council shall be evidence of such delinquency.

#### 3.2 Presiding Officer.

The Mayor, as President of the Council, shall preside at all meetings of the governing body. In the absence of the Mayor, the Vice -President shall perform the duties of the Mayor and, in the case of the absence or disability of both, the Council shall choose, from their number, a President Pro Tem who shall be authorized to perform the duties of the Mayor.

### 4. LEGISLATION.

#### 4.1 Manner.

Except as otherwise provided by the Laws of the State of Wyoming, all legislation shall be by ordinance, save that licenses may be granted by resolution.

#### 4.2 Form and Vote.

Every ordinance and resolution shall be in writing and, upon every vote taken thereon, the ayes and nays shall be taken and recorded.

#### 4.3 Subject Matter.

The subject of every ordinance shall be set out clearly in the title. No ordinance, except one making appropriations, or one for the codification of ordinances, may contain more than one (1) subject and such shall be limited to those respective subjects.

#### 4.4. Recording and Passage.

Every ordinance shall be publicly read on three (3) different days. Public reading may be by title only. At least ten (10) days shall elapse between the introduction and final passage of every ordinance, except emergency ordinances.

A. A majority vote of all elected members of the Council shall be required for the passage or amendment of any ordinance.

B. An emergency ordinance is one operating for the immediate preservation of the public peace, health or safety, in which the emergency is defined and declared in the title thereto, separately voted on, and receiving the affirmative vote of three-fourths (3/4) of the elected and qualified Members of the Council. For an emergency ordinance, the requirement that each ordinance shall be publicly read on three different days may be suspended by the affirmative vote of three-fourths (3/4) of the elected and qualified Members of the Council. No franchise may be granted by emergency.

#### 4.5 Vote.

Except as otherwise provided, all resolutions shall be passed by an affirmative vote of not less than five (5) Members of the Council.

Resolutions granting licenses shall be passed by an affirmative vote of not less than a majority of the members of the Council voting on the issue, provided that in no event shall less than a quorum be qualified to consider any such resolution. No vote of the Council on any subject shall be reconsidered or rescinded at any meeting unless there be present as large a number of Councilmen as were present when such vote was originally taken.

#### 4.6 Execution and Publication.

Every ordinance or resolution shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in an official newspaper as required by State law. Emergency ordinances become effective upon proclamation of the Mayor.

A. Every ordinance or resolution, after its enactment, shall be recorded in a book kept for that purpose, which record shall be attested by the City Clerk.

#### 4.7 Amendments and Repeals.

Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section, as amended.

#### 4.8 Charter Ordinances.



A charter ordinance, clearly titled as such, may be adopted by affirmative vote of two-thirds (2/3) of all Members elected to the Council.

Such ordinances shall take effect only after publishing once per week for two (2) consecutive weeks and finally certified by the City Clerk sixty (60) days following the last publication.

## 5. RULES OF PARLIAMENTARY PROCEDURE.

### 5.1 Mariner.

Upon the introduction and reading of any ordinance, resolution, motion, or other matters during the meeting of the Council, the floor of the Council shall be open for discussion and debate of the proposal so presented to the Council.

### 5.2 Debate.

No Member shall speak more than once to the exclusion of other Members who have not spoken, nor more than twice to the same question on the same day, without leave of the Presiding Officer.

### 5.3 Motions.

All motions, except to adjourn, postpone, or commit, shall be reduced to writing, if desired by the Presiding Officer or any Member.

### 5.4 Withdrawal of Motion.

If no Member objects, any motion under consideration may be withdrawn by the mover at any time before a decision, amendment, or ordering of the ayes and nays, except a motion to reconsider which shall not be withdrawn without leave of the Council.

### 5.5. Precedence of Motions.

When a question is being debated, no motion shall be received except:

- A. To adjourn;
  - B. To lay on the table;
  - C. For the previous question;
  - D. To limit debate.
  - E. To postpone to a certain date;
  - F. To commit or refer;
  - G. To amend; and,
  - H. To postpone indefinitely,
- and these several motions shall have precedence in the above order.

### 5.6 Motion to Reconsider.

When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any Member who votes with the prevailing side, or was absent during the vote, to move for the reconsideration of the vote thereof during the same session or at the next regular meeting of the Council; and such motion shall take precedence over all other questions, except a motion to adjourn. The motion, once made and disposed of, cannot be renewed. There shall be no reconsideration of the motion to adjourn, lay on the table, suspend the rules, indefinitely postpone, and to reconsider.

**\* SUPPLEMENTAL NOTE OF CLARIFICATION:** This provision is subject to W.S. § 15-1-117, which provides that amendments and repeals of ordinances, or sections thereof, shall be by ordinance, and that no vote of a governing body to amend

or repeal an ordinance or any section thereof may be reconsidered or rescinded at any meeting unless there are as many members present as there were when the vote was originally taken.

#### 5.7 Limit on Debate.

Any member may move the previous question, and if it be seconded by one (1) other member, the previous question shall be called for. The object of this motion is to bring the Council to a vote on the pending question without further discussion; and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease and the Presiding Officer shall immediately put the question to vote first on proposed amendments in their order, and then on the main question, without debate or further amendment: Provided, that a motion to adjourn shall be in order after the "previous question" has been sustained, and before the main question is put, but no other motion shall be in order.

#### 5.8 Duty to Vote.

Every member shall vote who maybe within the bar of the Council when the question is put unless, for special reasons, he be excused on motion duly made and carried. A motion to be excused shall be made before the call of the ayes and nays is commenced. When the ayes and nays are being taken, the call shall not be interrupted for any purpose whatsoever, except the right of each member to note his desire to explain his vote.

#### 5.9 Explanation of Vote.

Immediately after the vote on any question has been announced, and at no other time, any member may explain his vote.

#### 5.10 Protest.

It shall be in order for any member, or members, of the Council to protest against the action of the Council and have such protest entered briefly in the minutes.

#### 5.11 Appeal.

A majority of all the votes of the members present shall be sufficient to sustain or reject appeal from the decision of the Presiding Officer of the Council.

#### 5.12 Rule Source.

The rules of parliamentary practice as set forth in the most recent edition of Roberts Rules of Order shall govern the Council in all cases unless otherwise more specifically provided in the Rules and Orders of the Council.

#### 5.13 Change of Rules.

No standing rule of the Council shall be rescinded, changed, or suspended, except by a vote of a majority of the members of the Council serving in office.

### 6. GENERAL POLICIES.

6.1 It shall be the General Policy of the Council that appointees to all advisory and quasi - legislative commissions shall be for no longer than two (2) terms.

6.2 Members of the public wishing to place a new item on the agenda must submit a written request to the City Manager no later than 11:00 a.m. on the Wednesday preceding the Council meeting.

A. Ordinances, resolutions, and minute action items may appear under "consent" in the agenda. Such items shall be removed from the consent agenda for one of the following reasons:

1. A member of the public wishes to speak to a specific item and follows the procedures as provided in 6.3.
2. A member of the Council wishes to have said item(s) removed for the purpose of debate, amendment, tabling, or postponing.

6.3 Members of the public wishing to speak to an item already on the agenda, other than a public hearing, must submit a written request to the City Manager by 12:00 Noon on the Monday immediately preceding the Council meeting. Public comment is always invited by the City Council at the end of each meeting.

## RESOLUTION NO. 18-178

### A RESOLUTION AMENDING RESOLUTION NO. 17-155, CHANGING THE ORDER OF BUSINESS FOR REGULAR COUNCIL MEETINGS FOR THE CITY OF CASPER, WYOMING AND REMOVING THE OPTION OF "CONSENT" FOR THE SECOND (2ND) AND THIRD (3RD) READINGS OF ORDINANCES

WHEREAS, The City Council of Casper, Wyoming would prefer to have members of the public speak at the beginning of Council meetings and to permit the public to comment on proposed Ordinances on the second (2nd) and third (3rd) readings, without the necessity of submitting a written request by 12:00 Noon on the Monday preceding the Council meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Resolution No. 17-155, providing for Rules of the City Council of Casper, Wyoming is amended:

Paragraph 2.0 ORDER OF BUSINESS. Agenda shall read:

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Consideration of Minutes.
- D. Consideration of Bills and Claims.
- E. Bright Spot, Proclamations, Petitions and Memorials.
- F. Communications from persons present - open mike (not Public Hearings)
- G. Public Hearings.
  - i.) Ordinances - First Reading
  - ii.) Resolutions requiring a Public Hearing
  - iii.) Minute Action
- H. Communications From Persons Present,- regarding Ordinances on Second and Third Reading.
- I. Ordinances on Second and Third Reading.
- J. Resolutions - not requiring a Public Hearing.
- K. Minute Actions.
- L. Introduction of Measures and Proposals by Members of the City Council.
- M. Executive session - for matters coming within the purview of W.S. 16-4-405; such matter(s) shall be stated in the motion to go into executive session.
- N. Adjournment.

Paragraph 6.2 A. shall have the first word of that paragraph, "Ordinances," stricken.

Paragraph 6.2 A.1. is stricken and paragraph 6.2 A. 2. Shall be renumbered as 6.2.A.1.

Paragraph 6.3 shall be stricken.

## RESOLUTION NO. 19-216

### A RESOLUTION AMENDING SECTION 4.5 OF RESOLUTION 17-155, RULES OF THE CITY COUNCIL FOR THE CITY OF CASPER, WYOMING

WHEREAS, on July 18, 2017, the City of Casper ("City") passed, approved and adopted the Rules of the City Council for the City of Casper, Wyoming; and,

WHEREAS, the second sentence of the second paragraph of Section 4.5 (Vote) provides that: "No vote of the Council on any subject shall be reconsidered or rescinded at any meeting unless there be present as large a number of Councilmen as were present when such vote was originally taken"; and,

WHEREAS, in certain circumstances it makes sense to allow less than the same number of Council Members to be present than when the vote was originally taken, especially if the impact is negligible; and,

WHEREAS, Council has determined that modifying Section 4.5 is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Section 4.5 of Resolution 17-155 is hereby amended to read as follows:

#### 4.5 Vote.

Except as otherwise provided, all resolutions shall be passed by an affirmative vote of not less than five (5) Members of Council.

Resolutions granting licenses shall be passed by an affirmative vote of not less than a majority of the members of Council voting on the issue, provided that in no event shall less than a quorum be qualified to consider any such resolution. No vote of the Council on any subject shall be reconsidered or rescinded at any meeting unless there are present as large a number of Council as were present when such vote was originally taken. However, if a Council Member(s) abstained from voting during the original vote, that Council Member(s) need not be present at any vote for reconsideration or rescission. All other Council Members who originally voted in the affirmative or negative at the original meeting may decide the matter by voting, provided that they are in attendance at the meeting, and all in accordance with Section 5.6 (Motion to Reconsider).

# COUNCIL ETIQUETTE AND RESPONSIBILITIES

## RESOLUTION NO. 02-159

### A RESOLUTION ADOPTING A POLICY PERTAINING TO COUNCIL ETIQUETTE AND RESPONSIBILITIES

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following policy pertaining to Council Etiquette and Responsibilities shall be adopted.

### COUNCIL ETIQUETTE AND RESPONSIBILITIES

#### I. City Council

The City Council is the community's legislative body. Councilmembers are elected to provide leadership for the community by establishing City policies and priorities.

##### A. Accountability

1. Councilmembers should represent unconflicted loyalty to the interests of the citizens of the entire City. This accountability supersedes any conflicting loyalty such as that to their or any ward, advocacy, interest group or membership on other councils or staffs. This accountability superseded the personal interest of any Councilmember acting as an individual consumer of the City government's services.
2. Members of the Council should be careful not to become or appear to be a singular advocate of one City operation. The appearance of favoritism or undue focus on one City operation should be avoided.

##### B. Absences

1. Councilmembers are expected to notify the City Manager's office of a meeting absence in advance of the meeting.
2. Councilmembers are asked to provide contact information to the City Manager's office during out-of-town absences.

##### C. Travel Policy/Expenditure Guidelines

1. Out-of-State trips (trips funded by the City of Casper), by members of the City Council shall be with the concurrence of the Council and/or Mayor. Such concurrence may be informal, or formal, with the availability of funds being a primary decision-making factor.
2. In-State travel for special seminars or meetings shall be governed by the out-of-state guidelines. The Mayor shall approve attendance at legislative meetings. Attendance at Wyoming Association of Municipalities' annual meetings shall be given preference over other sessions, should funding availability become a problem.
3. City offices will arrange for, or reimburse the cost of:
  - a. Lodging for the Councilmember; and,

- b. Coach airfare for the Councilmember or, in the alternative, the current IRS-approved rate per mile for the use of a private vehicle.
- c. When traveling by air, staff requests Councilmembers to be responsible for airline reservations, particularly when family members are accompanying a Councilmember. No expenses for anyone other than the Councilmember shall be reimbursed.
- d. The City will pay the cost of meals for the Councilmember and individuals having a professional or political relationship with the City.
- e. Ground transportation and miscellaneous costs directly related to the purpose of the trip will be reimbursed to a reasonable amount.
- f. Cancellation costs, if incurred due to a Councilmember's cancellation of a trip, shall be borne by the Councilmember, unless excused by the entire Council.
- g. Requests by elected officials to attend and/or travel on City-related matters shall be denied from September 1st through December 31st of any election year in which that particular elected official is up for re-election and has not filed for re-election, unless the travel is required by WAM, NLC, or other official appointments and specifically approved by two-thirds of the sitting Council.
- h. The existing travel policy utilized by City employees shall also apply for Council travel.

D. Cell Phones/Pagers/Credit Cards

- 1. The City of Casper does not provide cellular phones or pagers for Councilmembers.
- 2. Cell phones and pagers should be turned to "vibrate" or "off" during meetings.
- 3. Proper cell phone etiquette should be observed when attending meetings. In the case of an emergency, those needing to get in touch with individual Councilmembers should contact the Communication Center/Police Dispatch at 9-1-1 who will then contact the Councilmember using the Council Meeting Room phone or by sending someone over to contact that individual Councilmember.
- 4. Credit cards are not issued for Councilmembers' use except under an affirmative showing of extraordinary circumstances and an approval by Council majority.
- 5. Councilmembers may join a local service club, with payment of membership dues and any meal charges to be made by the City. Other expenses related to membership shall be the responsibility of the individual Councilmember. Councilmembers will be encouraged to select membership in a service club that does not already have a representative of the City Council in its membership in order to promote the widest participation by City Council in these organizations. The Councilmember is required to notify the entire council of their choice of service club.

E. Dissemination of Information/Communicating as a Councilman/E-Mail/Media Policy

- 1. The City Manager shall determine if information requested by individual Councilmembers or Council subcommittees, that requires a material amount of resources or is detrimental to other necessities, shall be granted. Any information or material that the City Manager or his/her staff gathers in response to a request

by a single Councilmember or Council subcommittee should be made available to the Council as a whole.

2. The Mayor will prepare any written correspondence transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council who wish to respond to constituents concerning inquiries or to provide requested information can do so on City Council letterhead, and staff can assist in the preparation of such correspondence, should it be desired.
3. After the Council has taken an official position on an issue, all official correspondence should reflect this position. Councilmembers who may disagree with this position are free to prepare correspondence on such issues identifying the information or opinions as solely their own. No staff support will be used. City letterhead and staff support cannot be used for personal or political purposes.
4. Whether in written correspondence or when requested to speak to individuals or groups about the official position on an issue, the response will reflect the position of the Council as a body. A member may clarify their vote on a matter and indicate the position of the Council.
5. When representing the City at meetings or under other circumstances, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.
6. Email capability is provided to each Councilmember. Councilmembers need to be aware that anything written on e-mail is not confidential. E-mail records can be obtained either by attorneys bringing suit against the organization or the individual Councilmember, or by the media. It is recommended that e-mail not be used for confidential communication.
7. When speaking to the media, as with the above communications, Councilmembers should remember that they are only one individual member and should use their discretion when speaking on issues.

#### F. Role of the Board/Commission Liaison

1. Each Councilmember will be assigned to serve as in a liaison capacity with one or more Boards/Commissions.
2. That Councilmember is there to facilitate communication between the two bodies, and should attend meetings periodically to observe the activities of the Board/Commission.
3. Councilmembers should communicate back to the entire Council any information they deem important that is gathered at these meetings.
4. Councilmembers should be sensitive to the fact that they are not participating members of the Board/Commission, but are there to create a link between the Council and Board/Commission. In interacting with Boards/Commissions, Councilmembers should reflect the views of the Council as a body.

#### G. Conduct and order at meetings

1. Rules of Parliamentary Procedure and/or Robert's Rule of Order will be used at meetings.
2. Speaking in Council meetings is prohibited except when recognized by the Chair of the meeting. Speaking over others or interrupting while others have the floor is not permitted.



3. Executive sessions are held by the Council to discuss certain confidential topics, including the following:

H. Process to place an issue on the agenda.

A Councilmember may call the City Manager's Office and ask for an issue to be placed on the agenda, or a Councilmember may bring up a new issue at the end of any formal Council meeting. Any issue will remain on the agenda until the Council has considered the matter and taken action on it.

## II. Direct Council Employees

According to Wyoming law, the Council hires and supervises the City Manager, the City Attorney, and the Municipal Judge(s).

### A. Council-City Manager Relationship

1. The City Manager is responsible to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council.
2. As the Council's single, official link to the operations of City government, the City Manager's performance will be considered to be synonymous with organizational performance as a whole.
3. The City Manager is responsible to the City Council rather than to individual Councilmembers. No individual Councilmember or Council subcommittee has the authority to direct the City Manager without the consent of Council majority.
4. The City Manager, by direction of the City Council shall have the authority to handle, manage, and administer the day-to-day operations of the City. The final decision on situations that are over and above this daily operation will ultimately be the responsibility of the City Council. When individual Councilmembers are approached by City of Casper employees concerning employment issues, these employees should be referred to the City Manager. Upon request of the Councilmember, information regarding any actions taken by the City Manager will be forwarded to the Councilmember.
5. The City Manager shall notify the Council in advance of any absences from the City and shall provide contact information.
6. The City Manager shall reflect the policies and position of the entire Council when representing the City.
7. The City Manager shall not act in a manner unethical or contrary to Wyoming law or city ordinances.
8. The Council shall review the performance of the City Manager on an annual basis.

### B. Council – City Attorney Relationship

1. The purpose of the City Attorney is to provide adequate legal counsel and representation to the City, when requested, and to provide legal guidance to City Councilmembers in the performance of their duties.
2. The City Attorney is accountable to the City Council acting as a body, not to any individual member or group of members, nor the Mayor, City Manager, or Municipal Judge.
3. The City Attorney may respond to requests for legal research or other legal information or action by Councilmembers, the City Manager, or Municipal Judge,

but most requests should be made through the Mayor. The City Attorney has the right to refuse to respond to such requests in his or her best professional judgment so long as these individuals are not treated differently in this respect.

4. The City Attorney is responsible for all resources, including personnel, under his or her control.
5. The City Attorney shall not act in a manner unethical or contrary to Wyoming law or city ordinances.
6. The Council shall review the performance of the City Attorney on an annual basis.

C. Council – Municipal Judges Relationship

1. The purpose of the position of Municipal Judge is to fairly and efficiently administer justice in the City consistent with the Municipal Court's legal jurisdiction.
2. The Municipal Judges are accountable to the City Council acting as a body, never to any individual member or group of members, nor the Mayor, City Manager or City Attorney.
3. The Municipal Judges may respond to requests for information or actions by Councilmembers, City Manager or City Attorney, but remains accountable to the Council acting as a body. The Municipal Judge has the right to reasonable refuse to respond to any such requests if in his or her best professional judgment these requests are unreasonable.
4. The Municipal Judges are accountable for all City property and resources provided to him or to her.
5. The Municipal Judges shall not act in a manner unethical or contrary to Wyoming law or city ordinances.
6. The Council shall review the performance of the Municipal Judges on an annual basis.

# City of Casper Municipal Code: Chapter 2.04

## City Council

- 2.04.010 - Legislative authority—Membership.
- 2.04.020 - When councilmen elected—Leadership election process.
- 2.04.030 - Election from wards—Term of office—Qualifications.
- 2.04.040 - Salaries.
- 2.04.050 - Health insurance benefit plan.
- 2.04.060 - Regular meetings.
- 2.04.070 - Special meetings.
- 2.04.080 - Quorum.
- 2.04.090 - Attendance at meetings required.
- 2.04.100 - Removal of councilmen for nonattendance.

### **2.04.010 - Legislative authority—Membership.**

The entire legislative authority of the city shall be vested in a nine-member city council elected from three wards. There shall be three councilmen elected from each ward.

(Prior code § 2-6)

### **2.04.020 - When councilmen elected—Leadership election process.**

- A. The councilmen shall be elected at an election held on the Tuesday following the first Monday in November of the even numbered years.
- B. The mayor and vice-president of city council shall be elected from amongst the members of the city council at the first regular council meeting in January of each year. For those years in which new councilmen will be taking office, the election of the mayor and vice-president shall occur after the retiring council has conducted the old business portion of the meeting and the newly elected councilmen have been sworn and seated. The council may retire to executive session on a personnel matter and discuss the election issue prior to the election in the open meeting. The election shall be conducted by motion, or by nomination and ballot, at the option of the council. Each member of the council shall have one vote for each office.

(Ord. 22-97 § 2, 1997: prior code § 2-7)

### **2.04.030 - Election from wards—Term of office—Qualifications.**

Except as otherwise provided in this section and pertinent provisions of state law, each councilman shall hold office for a term of four years commencing on the first day of January following his/her election and until his/her successor is elected or appointed and qualified. The same number of councilmen shall be elected by wards as there are council terms expiring.

Councilmen shall be residents of the wards from which they are elected and if any councilman removes from the ward from which he/she is elected, his/her seat shall be declared vacant.

(Ord. 7-00 § 1, 2000; Ord. 6-92 § 1, 1992: prior code § 2-8)

#### **2.04.040 - Salaries.**

- A. The salary for each councilman actually attending a regular public council meeting is one hundred fifty dollars. The salary for each councilman actually attending a special public council meeting is one hundred fifty dollars. Nothing contained in this section shall operate to increase or diminish the salary of councilmen whose term of office commenced prior to the effective date of this chapter.
- B. The salary for the mayor, actually attending a regular and special public council meeting, shall be three hundred dollars for those mayors commencing their terms as mayor after December 31, 2019.

(Ord. 16-02 § 1, 2002; Ord. 15-02 § 1, 2002: Ord. 1-91, 1990: Ord. 20-86 § 1, 1986: Ord. 25-84 § 1 (part), 1984; prior code § 2-8.4(A))

(Ord. No. 36-19, 12-17-2019)

#### **2.04.050 - Health insurance benefit plan.**

Councilmen, during their term of office, and upon their retirement, may elect to participate in the city's health benefit plan in the same fashion as city employees and retiring city employees; provided, however, that any such participation shall be at the exclusive expense of a participating councilman, and the same limitations shall apply as apply to city employees and former city employees.

All councilmen elected to their term of office at the November 2006, election and any election thereafter, in order to be eligible to purchase city of Casper retiree health insurance, shall have served at least one full four-year term in office, and have participated in the city of Casper health plan for the last twelve months of their most recent four-year term. Provided, however, that any and all limitations or changes to any such health benefit plan as otherwise apply to any current or retired city employee shall apply to any such councilman participating in the health plan.

(Ord. 41-06 § 1, 2006; Ord. 7-00 § 2, 2000; Ord. 20-86 § 2, 1986: Ord. 25-84 § 1 (part), 1984; prior code § 2-8.4(B))

#### **2.04.060 - Regular meetings.**

The regular meetings of the city council shall be held on the first and third Tuesday of each month. In the event any such regular meeting falls on a holiday recognized by the city, the city council may, by resolution, cancel and reschedule such meeting to a different date and time, which resolution shall be spread on the minutes of the council proceedings, and published once in a newspaper of general circulation as defined in Section 15-1-116, Wyoming Statutes.

(Ord. No. 10-17, § 1, 6-20-2017; Ord. 10-97 § 2, 1997: prior code § 2-8.1)

#### **2.04.070 - Special meetings.**

Special meetings of the city council may be called by the mayor or any five members of the council. Such call shall fix the day and the hour of such meeting.

(Ord. 30-87 § 1, 1987: prior code § 2-8.2)

#### **2.04.080 - Quorum.**

A majority of all members elected to the council shall constitute a quorum for the transaction of any business, but a lesser number may adjourn, from time to time, and compel the attendance of absent members.

(Prior code § 2-8.3)

#### **2.04.090 - Attendance at meetings required.**

The attendance of any member of the city council, who shall be absent from any meeting of the council without reasonable excuse therefor, may be compelled by order of the city council, and two members of the council are sufficient to make such order.

(Prior code § 2-9)

#### **2.04.100 - Removal of councilmen for nonattendance.**

It shall be the duty of the chief of police to execute the order provided for in Section 2.04.090 and bring such absentee before the city council. Gross and persistent delinquency in being absent from such meetings shall be cause for removal of any member from his office, and absence from three consecutive meetings without being excused by council shall be evidence of such delinquency.

(Ord. 7-00 § 3, 2000: prior code § 2-10)

# City of Casper Municipal Code Chapter 2.24

## Proclamation of Emergencies

2.24.010 - Authority of mayor or vice president of city council.

2.24.020 - Proclamations effective when.

2.24.030 - Time limit—Extension.

2.24.040 - Violation—Penalty.

### **2.24.010 - Authority of mayor or vice president of city council.**

Whenever the mayor determines, or in the event of his or her absence from the county, or inability to act, the vice-president of the city council, determines that an emergency exists as a result of natural or manmade disaster, or threatened natural or manmade disaster, causing danger of injury to or damages to persons or property, he or she shall, in addition to such other abilities and powers he or she may otherwise possess by virtue of his or her position, have authority to impose by proclamation any or all of the following actions necessary to preserve the peace, order and/or safety of the city and its inhabitants:

- A. Imposing a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas to remove themselves from the public streets, alleys, parks or other public places. Physicians, nurses, ambulance operators performing medical services, utility personnel maintaining essential public services, firemen, law enforcement officers and personnel, emergency management agency and/or emergency support task force personnel, and others as deemed necessary or appropriate, may be exempted from such curfew;
- B. Closing any business establishment anywhere within the city for the period of the emergency;
- C. Designating any or all public streets, thoroughfares or vehicle parking areas closed to motor vehicles and pedestrian traffic;
- D. Calling upon regular and auxiliary law enforcement agencies and organizations, and other personnel, within or without the city, for the purpose of managing any disaster or threatened disaster, and/or to assist in preserving and keeping the peace within the city;
- E. Evacuating people from any property within the city;
- F. Imposing any other precautionary measure which is reasonable under the circumstances.

(Ord. 32-00 § 1 (part), 2000; Ord. 12-93 § 1(part), 1993; prior code § 10-4)

### **2.24.020 - Proclamations effective when.**

The proclamation of emergency provided in this chapter shall become effective immediately.

(Ord. 32-00 § 1 (part), 2000; prior code § 10-5)

### **2.24.030 - Time limit—Extension.**

Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation

determining an emergency no longer exists, whichever occurs first. Any emergency may be extended for such additional periods as determined necessary by resolution of the governing body. However, if a quorum of the city council cannot be assembled within forty-eight hours, the mayor, or in his or her absence from the county or inability to act, the vice president, may extend the emergency for like periods of forty-eight hours.

(Ord. 32-00 § 1 (part), 2000: Ord. 12-93 § 1(part), 1993: prior code § 10-6)

#### **2.24.040 - Violation—Penalty.**

Any person who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein shall be deemed guilty of a misdemeanor and, upon conviction, be punished as provided by Chapter 1.28.

(Ord. 32-00 § 1 (part), 2000: prior code § 10-7)

# Wyo. Stat. Title 16, Ch. 4, Art. 4

## PUBLIC MEETINGS

- § 16-4-401. Statement of purpose
- § 16-4-402. Definitions
- § 16-4-403. Meetings to be open; participation by public; minutes
- § 16-4-404. Types of meetings; notice; recess
- § 16-4-405. Executive sessions
- § 16-4-406. Disruption of public meetings
- § 16-4-407. Conflict of law
- § 16-4-408. Penalty

### **§ 16-4-401. Statement of purpose**

The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act.

**Cite as W.S. 16-4-401**

### **§ 16-4-402. Definitions**

(a) As used in this act:

(i) "Action" means the transaction of official business of an agency including a collective decision, a collective commitment or promise to make a positive or negative decision, or an actual vote upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting;

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature and the judiciary;

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "Assembly" means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously;

(v) "This act" means W.S. 16-4-4.,MJ01 through 16-4-408.



**History.** Amended by Laws 2012, ch. 75, §1, eff. 7/1/2012.

**§ 16-4-403. Meetings to be open; participation by public; minutes**

(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.

(b) A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation.

(c) Minutes of a meeting:

(i) Are required to be recorded but not published from meetings when no action is taken by the governing body;

(ii) Are not required to be recorded or published for day-to-day administrative activities of an agency or its officers or employees.

(d) No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

**History.** Amended by Laws 2012, ch. 75, §1, eff. 7/1/2012.

**§ 16-4-404. Types of meetings; notice; recess**

(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for future meetings of an agency. The request shall be in writing and renewed annually to the agency.

(b) Special meetings may be called by the presiding officer of a governing body by giving verbal, electronic or written notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business

shall be considered at a special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

(c) The governing body of an agency may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held.

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

(e) Day-to-day administrative activities of an agency, its officers and its employees shall not be subject to the notice requirements of this section.

**History.** Amended by Laws 2012, ch. 75, §1, eff. 7/1/2012.

#### **§ 16-4-405. Executive sessions**

(a) A governing body of an agency may hold executive sessions not open to the public:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

- (iv) On matters of national security;
- (v) When the agency is a licensing agency while preparing, administering or grading examinations;
- (vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;
- (vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;
- (viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;
- (ix) To consider or receive any information classified as confidential by law;
- (x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;
- (xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

(b) Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

**History.** Amended by Laws 2012, ch. 75, §1, eff. 7/1/2012.

#### **§ 16-4-406. Disruption of public meetings**

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the governing body of an agency may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. A governing body of an agency shall establish procedures for readmitting an individual or individuals not responsible for disturbing the

conduct of a meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section.

**§ 16-4-407. Conflict of law**

If the provisions of this act conflict with any other statute, the provisions of this act shall control.

**§ 16-4-408. Penalty**

(a) Any member or members of an agency who knowingly or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member of the governing body of an agency who attends or remains at a meeting knowing the meeting is in violation of this act shall be liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes.

(b) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

**History.** Amended by Laws 2012, ch. 75, §1, eff. 7/1/2012.

## Wyo. Stat. Title 16, Ch. 4, Art. 2

### Public Records

- § 16-4-201. Definitions; short title; designation of ombudsman.
- § 16-4-202. Right of inspection; rules and regulations; unavailability; training.
- § 16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions
- § 16-4-204. Right of inspection; copies, printouts or photographs; fees.
- § 16-4-205. Penalties; remedies.

#### **16-4-201. Definitions; short title; designation of ombudsman.**

(a) As used in this act:

(i) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question;

(ii) "Official custodian" means any officer or employee of a governmental entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(iii) "Person in interest" means the person who is the subject of a record or any representative designated by the person, except if the subject of the record is under legal disability or is the dependent high school student of his parents, "person in interest" means the parent or duly appointed legal representative;

(iv) "Political subdivision" means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a governmental entity in furtherance of the transaction of public business of the governmental entity, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a non-school user address are not a public record of that school. As used in this paragraph, a "school in Wyoming" means the University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the

receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which a governmental entity is a party; all fidelity, surety and performance bonds; all claims filed against a governmental entity; all records or documents required by law to be filed with or kept by a governmental entity of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any governmental entity; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.

(vii) Repealed By Laws 2012, Ch. 74, § 2.

(viii) "This act" means W.S. 16-4-201 through 16-4-205;

(ix) "Application" means a written request for a public record. However, a designated public records person may in his discretion deem a verbal request to be an application;

(x) "Information" means opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic or other physical form;

(xi) "Peace officer recording" means any audio or video data recorded by a peace officer, as defined in W.S. 6-1-104(a)(vi), on a camera or other device which is:

(A) Provided to or used by the peace officer in the course of the officer performing official business; and

(B) Designed to be worn on the peace officer's body or attached to a vehicle, as defined in W.S. 6-1-104(a)(xi), used by the officer.

(xii) "Designated public records person" means the person designated as required by W.S. 16-4-202(e) or that person's designee;

(xiii) "Governmental entity" means the state of Wyoming, an agency, political subdivision or state institution of Wyoming;

(xiv) "Ombudsman" means the person designated by the governor as required by subsection (c) of this section.

(b) This act shall be known and may be cited as the "Public Records Act."

(c) The governor shall designate an ombudsman for purposes of this act. The ombudsman shall:

(i) Receive complaints as provided under this act;

(ii) Upon request of either party, mediate disputes between a governmental entity and an applicant for a public record;

(iii) Keep confidential all records submitted by a governmental entity;

(iv) Provide uniform interpretation and training on the ombudsman's role and recommendations under this act to governmental entities and the general public;

(v) Have other authority and duties as provided in this act.

#### **16-4-202. Right of inspection; rules and regulations; unavailability; training.**

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the governmental entity, except as provided in this act or as otherwise provided by law, but the governmental entity may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the governmental entity. All applications for public records shall be made to the designated public records person.

(b) If the public records requested are not in the custody or control of the governmental entity to whom application is made, the designated public records person shall notify the applicant within seven (7) business days from the date of acknowledged receipt of the request of the unavailability of the records sought and provide the name and contact information of the appropriate designated public records person if known.

(c) If the public records requested are in the custody and control of the governmental entity to whom application is made, the following shall apply:

(i) If the records are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the designated public records person shall immediately forward the request to the custodian or authorized person having personal custody and control of the public records and shall notify the applicant of this situation within seven (7) business days from the date of acknowledged receipt of the request;

(ii) If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the governmental entity's ability to discharge its other duties;

(iii) All public records shall be released not later than thirty (30) calendar days from the date of acknowledged receipt of the request unless good cause exists preventing release as authorized by paragraph (iv) of this subsection;

(iv) If good cause exists preventing release within the time period specified in paragraph (iii) of this subsection, the public records shall be released on a specified date mutually agreed to by the applicant and the governmental entity. If a release date cannot be agreed upon, the applicant may file a complaint with the ombudsman as provided by paragraph (v) of this subsection;

(v) The applicant may at any time file a complaint with an ombudsman designated by the governor or may petition the district court for a determination as to whether the custodian has demonstrated good cause. In determining whether good cause existed, the ombudsman or district court may consider whether the records are privileged or confidential by law or whether release of the records impairs or impedes the governmental entity's ability to discharge its other duties. The ombudsman or the district court shall review the records in camera and determine whether redaction of privileged or confidential information would permit release of the records.

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(i) The reasonable costs of producing a copy of the public record shall be borne by the party making the request. The costs may include the cost of producing a copy of the public record and the cost of constructing the record, including the cost of programming and computer services;

(ii) A governmental entity shall provide an electronic record, if requested, in alternative electronic file types unless doing so is impractical or impossible;

(iii) A governmental entity shall not be required to compile data, extract data or create a new document to comply with an electronic record request;

(iv) A governmental entity shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;

(v) Nothing in this section shall prohibit the governor from enacting any rules pursuant to his authority under W.S. 19-13-104(c)(i).

(e) Each governmental entity shall designate a person to receive all applications for public records. The designated public records person shall be an employee, officer, contractor or agent of the governmental entity. The governmental entity shall submit the name, business email address and business mailing address of the designated public records person to the department of administration and information for publication on the department of administration and information official website. The designated public records person shall serve as a point of contact between the governmental entity and applicants seeking public records.



**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:

(i) The inspection would be contrary to any state statute;

(ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or

(iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;

(ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;

(iii) The specific details of bona fide research projects being conducted by a governmental entity or any other person;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the governmental entity, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the governmental entity. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(v) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by a governmental entity, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(A) Vulnerability assessments, specific tactics, emergency procedures or security procedures contained in plans or procedures designed to prevent or respond to terrorist attacks or other security threats;

(B) Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records that reveal the building's or structure's internal layout, specific location, life and safety and support systems, structural elements, surveillance techniques, alarms, security systems or technologies, operational and transportation plans or protocols, personnel deployments for airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums and waste and water systems;

(C) Records of any other building or structure owned, leased or operated by a governmental entity that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by a governmental entity.

(vii) An application for the position of president of an institution of higher education, letters of recommendation or references concerning the applicant and records or information relating to the process of searching for and selecting the president of an institution of higher education, if the records or information could be used to identify a candidate for the position. As used in this paragraph "institution of higher education" means the University of Wyoming and any community college in this state;

(viii) Sensitive wildlife location data in the custody of the game and fish department which could be used to determine the specific location of an individual animal or a group of animals.

(c) If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' verdicts and written dockets as provided in W.S. 7-4-105(a);

(ii) Adoption records or welfare records on individual persons;

(iii) Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and shall be available for public inspection;

(iv) Letters of reference;

(v) Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;

(vi) Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;

(vii) Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;

(ix) Library patron transaction and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child;

(x) Information obtained through a 911 emergency telephone system or through a verification system for motor vehicle insurance or bond as provided under W.S. 31-4-103(e) except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order;

(xi) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems;

(xiii) Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory as provided in W.S. 21-17-308(e);

(xiv) Information concerning an agricultural operation, farming or conservation practice, a surface or subsurface resource or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of a

governmental entity. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(A) The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;

(B) The custodian shall allow the right of inspection of payment information under a program of a governmental entity, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

(xv) Within any record held by a governmental entity, any income tax return or any individual information derived by the governmental entity from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvi) Except as required in a contested case hearing, any individual records involved in any workers' compensation claim, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvii) Any records of the consensus revenue estimating group as defined in W.S. 9-2-1002, that discloses information considered by, or deliberations or tentative decisions of, the group;

(xviii) Information obtained through a peace officer recording provided that:

(A) The custodian shall allow the right of inspection to law enforcement personnel or public agencies for the purpose of conducting official business or pursuant to a court order;

(B) The custodian may allow the right of inspection:

(I) To the person in interest;

(II) If the information involves an incident of deadly force or serious bodily injury as defined in W.S. 6-1-104(a)(x);

(III) In response to a complaint against a law enforcement personnel and the custodian of the information determines inspection is not contrary to the public interest;

(IV) In the interest of public safety.

(xix) Any records of the investment funds committee, created by W.S. 9-4-720, that disclose information considered by the committee, committee deliberations or tentative decisions of the committee;

(xx) Information related to legally taking wildlife as provided in W.S. 23-1-302(r).

(e) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.

(f) Any person aggrieved by the failure of a governmental entity to release records on the specified date mutually agreed upon pursuant to W.S. 16-4-202(c)(iv) or by the failure of a governmental entity to comply with an order of the ombudsman pursuant to W.S. 16-4-202(c)(v) may:

(i) Apply to the district court of the district wherein the record is found for an order to direct the custodian of the record to show cause why he should not permit the inspection of the record and to compel production of the record if applicable. An order issued by the district court under this paragraph may waive any fees charged by the state governmental entity;

(ii) File a complaint with the ombudsman who may:

(A) Mediate disputes between the governmental entity and the person;

(B) Prescribe timelines for release of the records;

(C) Waive any fees charged by the governmental entity.

(g) If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.

(h) Notwithstanding any other provision of this section, the following applies to the Wyoming natural diversity database located at the University of Wyoming and any report prepared by the custodian from that database:

(i) The custodian may charge a reasonable fee for searching the database and preparing a report from that database information. The interpretation of the database in a report shall not contain recommendations for restrictions on any public or private land use;

(ii) The custodian shall allow the inspection of all records in the database at a level of spatial precision equal to the township, but at no more precise level;

(iii) Research reports prepared by the custodian funded completely from nonstate sources are subject to paragraph (b)(iii) of this section;

(iv) Any record contained in the database pertaining to private land shall not be released by the University of Wyoming without the prior written consent of the landowner. Nothing in this paragraph prohibits the release of any information which would otherwise be available from any other information source available to the public if the original source is cited.

#### **16-4-204. Right of inspection; copies, printouts or photographs; fees.**

(a) In all cases in which a person has the right to inspect and copy any public records he may request that he be furnished copies, printouts or photographs for a reasonable fee to be set by the official custodian. Where fees for certified copies or other copies, printouts or photographs of the record are specifically prescribed by law, the specific fees shall apply. Nothing in this section shall be construed as authorizing a fee to be charged as a condition of making a public record available for inspection.

(b) If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the records are in the possession, custody and control of the custodian thereof and are subject to the supervision of the custodian. When practical the copy work shall be made in the place where the records are kept, but if it is

impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary the cost of providing them shall be paid by the person desiring a copy, printout or photograph of the records. The official custodian may establish a reasonable schedule of time for making copies, printouts or photographs and may charge a reasonable fee for the services rendered by him or his deputy in supervising the copying, printing out or photographing as he may charge for furnishing copies under this section.

(c) After July 1, 2003, any fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, executive order or other like authority.

(d) All state agencies may adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act establishing reasonable fees and charges that may be assessed for the costs and services set forth in this section.

(e) The department of administration and information shall adopt uniform rules for the use of state agencies establishing procedures, fees, costs and charges for inspection, copies and production of public records under W.S. 16-4-202(d)(i), 16-4-203(h)(i) and 16-4-204.

#### **16-4-205. Penalties; remedies.**

Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages may be assessed by the court.

# Wyo. Stat. Title 9, Ch. 13, Art. 1

## Ethics

- § 9-13-101. Short title
- § 9-13-102. Definitions
- § 9-13-103. Use of title and prestige of public office
- § 9-13-104. Nepotism
- § 9-13-105. Misuse of office
- § 9-13-106. Official decisions and votes
- § 9-13-107. Actions taken while negotiating for employment
- § 9-13-108. Disclosure required
- § 9-13-109. Penalties

### **9-13-101. Short title**

This article shall be known and may be cited as the Ethics and Disclosure Act.

### **9-13-102. Definitions**

(a) As used in this article:

(i) "Anything of value" means:

- (A) A pecuniary item, including money or a bank bill or note;
- (B) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;
- (C) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;
- (D) A stock, bond, note or other investment interest in an entity;
- (E) A right in action;
- (F) A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;
- (G) A work of art, antique or collectible;
- (H) An automobile or other means of personal transportation;
- (J) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;



(K) An honorarium or compensation for services arising out of the person's service as a public official, public member or public employee;

(M) The sale or trade of anything of value:

(I) For reasonable consideration that would ordinarily not be available to a member of the public; or

(II) With a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, public member or public employee.

(N) A promise or offer of employment;

(O) Any other thing of value that is pecuniary or compensatory in value to a person.

(ii) "Anything of value" does not mean a campaign contribution properly received and reported, if reportable, as required under the Wyoming Election Code;

(iii) "Compensation" includes:

(A) An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or

(B) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.

(iv) "Compensation" does not include:

(A) Reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or

(B) Per diem payments or mileage allowances paid by the employing government entity in accordance with applicable law.

(v) "Family member" means an individual:

(A) Who is the spouse, parent, sibling, child, grandparent or grandchild; or

(B) Is a member of the individual's household.

(vi) "Gift" means anything of value to the extent that consideration of equal or greater value is not received, but excludes the following:

- (A) Printed informational, educational or promotional material;
- (B) A gift that:
  - (I) Is not used; and
  - (II) No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes.
- (C) A gift, devise or inheritance from any of the following, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph:
  - (I) An individual's spouse;
  - (II) An individual's child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin;
  - (III) The spouse of any individual listed in subdivision (II) of this subparagraph;
  - (IV) Any person, including an organization, which has a bona fide social or private business relationship with the individual, where the circumstances demonstrate that the motivation for the gift arises out of that relationship and not from the recipient's holding of public office or employment. For the purposes of this subdivision, relevant circumstances include but are not limited to the source of funds used by the donor to acquire the gift;
  - (V) Any person, including an organization, where the gift does result from the person's holding an office or position, but where the gift is of nominal value, is made voluntarily by the donor and is made in recognition of a special occasion, such as marriage, illness or retirement.
- (D) A certificate, commemorative token or item, or plaque with a value that does not exceed two hundred fifty dollars (\$250.00);
- (E) Food and beverage;
- (F) Compensation, per diem or other payments or benefits which the public official, public member or public employee receives in the performance of services for the governmental entity;
- (G) Repealed By Laws 1999, ch. 140, § 2.
- (H) Any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars (\$250.00) or less; or

(J) Travel, registration and lodging for any conference or meeting while attending in his official capacity as a public official, public member or public employee.

(vii) "Local office" means the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, mayor and member of the council of a municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under W.S. 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of this state;

(viii) "Negotiating" or "negotiate for employment" means a communication, directly or indirectly, with a prospective employer to discuss rendering services for compensation to that prospective employer;

(ix) "Negotiation for employment" means the period that begins with a communication to a prospective employer to discuss rendering services for compensation to the prospective employer;

(x) "Official responsibility or official capacity" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action;

(xi) "Participation" includes decision, approval, disapproval or vote;

(xii) "Public employee" means any of the following state employees:

(A) The attorney general and the director of any department of the executive branch appointed by the governor under W.S. 9-2-1706, or the director of any legislative agency;

(B) The chief executive officer of any separate operating agency under W.S. 9-2-1704(d), except those listed in paragraphs (d)(vi) and (x) of that section;

(C) To the extent the incumbent in the position serves at the pleasure of persons listed in subparagraphs (A) and (B) of this section, administrators of department or agency divisions, and deputy directors of departments;

(D) Commissioners of the public service commission and members of the state board of equalization;

(E) Deputies and administrators of divisions within the offices of state elected officials under W.S. 9-2-1704(a). The positions, in the governor's office, of chief of staff, attorney for intergovernmental affairs and chief of policy are included within this subparagraph.

(xiii) "Public member" means a member appointed to a part-time position on a state board, commission or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services. The term includes a member of the board of trustees of the University of Wyoming and the community college commission. The term does not include a public member of an advisory board, advisory commission or advisory council;

(xiv) "Public official" means an individual elected to a state or local office, or an individual who is appointed to fill a vacancy in a state or local office, whether or not the individual has yet assumed the office;

(xv) "State entity" means a state agency, office, department, division, bureau, board, commission or council, including the legislature, Wyoming community development authority and Wyoming science, technology and energy authority. The term does not include a court or an agency in the judicial branch;

(xvi) "State office" means the state offices of governor, treasurer, superintendent of public instruction, auditor, secretary of state and member of the state legislature;

(xvii) "This act" means W.S. 9-13-101 through 9-13-109.

### **9-13-103. Use of title and prestige of public office**

(a) No public official, public member or public employee shall use his office or position for his private benefit.

(b) As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

### **9-13-104. Nepotism**

(a) No public official, public member or public employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality or a school district. A public official, public member or public employee shall not supervise or manage a family member who is in an office or position of the state, a county, municipality or school district.

(b) A public official, public member or public employee, acting in his official capacity, shall not participate in his official responsibility or capacity regarding a matter relating to the employment or discipline of a family member.

### **9-13-105. Misuse of office**

(a) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for his private benefit or that of another unless the use is authorized by law.

(b) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is:

(i) Authorized by law; or

(ii) Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates and reimburses the governmental entity for any additional costs incurred for that portion of the activity not required or authorized by law.

(c) A public official, public employee or public member shall not disseminate to another person official information which the public official, public employee or public member obtains through or in connection with his position, unless the information is available to the general public or unless the dissemination is authorized by law.

### **9-13-106. Official decisions and votes**

(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:

(i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and

(ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

(b) A public official, public member or public employee described by subsection (a) of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's, public member's or public employee's abstention from voting must be recorded in the governmental entity's official records.

(c) This section shall not be construed to supersede W.S. 15-9-220, 16-6-118 or 16-9-203(f). Those provisions shall control to the extent inconsistent with this section.

### **9-13-107. Actions taken while negotiating for employment**

A public official, public member or public employee may not vote or take an official action in a matter affecting a person with whom the public official, public member or public employee is negotiating for prospective employment.

### **9-13-108. Disclosure required**

(a) Not later than January 31 annually, each of the state's five (5) elected officials and each member of the Wyoming legislature shall file a financial disclosure form with the secretary of state. The form shall be signed by the elected official or legislator filing it and under a certification that it is accurate. The financial disclosure form shall contain the following information current as of January 15 of that year:

(i) A list of all offices, directorships and salaried employment held by the person filing the form in any business enterprise, but excluding offices and directorships in a nonprofit corporation where no compensation is received for service;

(ii) A list generally describing the sources of, but not the amount of, the member's income.

(b) Forms may be submitted by facsimile transmission under the same terms and conditions specified for campaign reports under W.S. 22-25-106. For the purposes of this section, "salaried employment" means an employment relationship under which the employee is compensated, at least in part, by payment of a specified dollar amount for each month, or longer period, of service.

(c) The disclosure form shall be as prescribed by the secretary of state but in substantially the following form:

"State Elected Official Financial Disclosure Form

Name of Official:  
Office held:  
Business address:  
Business phone number:  
Home address:  
Home phone number:

I. Offices, directorships and employment

a. Offices held in business enterprises (includes partnerships)

Office Name and address of business enterprise

b. Directorships held in business enterprises

Name and address of business enterprise

c. Salaried employment

Job Title Name and address of business enterprise

II. Sources of income

a. Employment

Name and address of Employer

b. Business interests

Name and address of all business entities but excluding interests if less than ten percent (10%) of the entity is owned, or sole proprietorship from which income is earned, or describe generally

c. Investments

Income earned

Yes

No

i. Any security or interest earnings

—

—

ii. Real estate, leases, royalties

—

—

d. Other (Describe generally)

III. Contracts

a. Name and address of business enterprise, if applicable

b. Name and address of state entity

c. Type, description, date and term of contract".

**9-13-109. Penalties**

(a) Any person who violates this act is guilty of a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$1,000.00).

(b) Violation of any provision of this act constitutes sufficient cause for termination of a public employee's employment or for removal of a public official or public member from his office or position.

(c) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.



## Summation of Ethics Legislation

On the following pages is a summation of the provisions and prohibitions of Wyoming Statute Title 9, Chapter 13, provided by William Luben, former City Attorney.

### ISSUES

In regard to the City, the Wyoming Ethics Legislation only applies to a public official or local officer which is defined as the mayor or a city councilman. W.S. § 9-13-102(a)(vii) and (xiv). Following is a summation of the provisions and prohibitions of this legislation. Also following is a list of specific questions which I was asked regarding this and my opinion regarding these issues.

### LAW

No local official shall use his office or position for his private benefit. W.S. § 9-13-103(a). Private benefit is defined as receipt of a gift which results from holding of the office. W.S. § 9-13-103(b). A gift is defined as anything of value to the extent that consideration of equal or greater value is not given. W.S. § 9-13-102(a)(vi). There are a list of exceptions to the definition of gift which can be received. These are roughly as follows:

1. Printed informational, educational or promotional material. W.S. § 9-13-102(a)(vi)(A).
2. A gift which is not used and is returned within 30 days to the donor or delivered to a charitable organization and not claimed as an income tax charitable contribution. W.S. § 9-13-102(a)(vi)(B)
3. A gift or inheritance from:
  - A. a spouse;
  - B. an individual's child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin;
  - C. the spouse of any individual listed in subdivision B above;
  - D. any person (including an organization) which has a social or private business relationship with the local official where the motivation for the gift arises out of the relationship and not from the recipient's holding office;
  - E. any person (including an organization) where the gift results from the recipient's holding office, is of nominal value and is made in recognition of a special occasion such as marriage, illness or retirement. W.S. § 9-13-102(a)(vi)(C).
4. A certificate, plaque or commemorative token or item valued at less than \$250.00. W.S. § 9-13-102(a)(vi)(D).
5. Food and beverage. W.S. § 9-13-102(a)(vi)(E).
6. Compensation, per diem, and other payments or benefits which the public official receives in the performance of services for the governmental entity. W.S. § 9-13-102(a)(vi)(F).
7. Any loan, gift, gratuity, special discount or hospitality with a value of \$250.00 or less.

**HOWEVER**, please note that pursuant to W.S. § 6-5-102, bribery is committed if a public servant solicits, accepts, or agrees to accept any pecuniary benefit, (being property with a value \$20.00 or more, or food, drink, or entertainment authorized as a proper deductible expense for income tax purposes which exceeds \$100.00 per year), testimonial, or privilege, or personal advantage upon an agreement or understanding that his vote, exercise of discretion, or other action as a public servant will thereby be influenced. Violation of this section can result in imprisonment for not more than 10 years, and/or a fine of not more than \$5,000.00.

8. Travel, registration and lodging for any conference or meeting while attending in his official capacity as a public official.

In addition, this legislation also includes the following prohibitions:

1. No public official may advocate for, employ, supervise, appoint, promote, transfer, discipline or advance a family member to an office or position of the state, a county, municipality, or school district. W.S. § 9-13-104

2. A public official shall not use public funds, time, personnel, facilities or equipment for his private benefit or that of another unless authorized by law. Nor shall he use public resources for a political campaign unless it is authorized by law or properly incidental to another activity required or authorized by law. In this event the local official is to allocate and reimburse the City for any additional costs incurred for the portion of the activity not required or authorized by law. No public official is to disseminate any official information which he obtains through or in connection with his position unless the information is available to the general public or the dissemination of the information is authorized by law. W.S. § 9-13-105.

3. A public official may not vote or take any action on a matter affecting someone with whom the public official is negotiating for prospective employment. W.S. § 9-13-107.

Any violation of this act is a misdemeanor punishable by a fine of not more than \$1,000.00. W.S. § 9-13-109(a). Further, a violation of the act constitutes sufficient cause for removal of the public official from office.

## Examples

1. **Councilman receives a cup of coffee while visiting a business office as part of the duties of the office.** This is legal based on W.S. § 9-13-102(a)(vi)(D)&(E) which exclude from the definition of gifts:

(A) Property with a value of less than \$250.00; and

(B) Food and beverage.

2. **The editor of the local paper asks the Mayor to lunch to discuss City business. Editor pays for lunch.** Same reasons as #1.

3. **The City holds a retirement party for a Councilman with food and beverages provided by the City.** My opinion is this is legal W.S. § 9-13-102(a)(vi)(E) excludes food and beverage from the definition of “gift”, and it clearly is not being given as a solicitation for a favorable vote on an issue.

4. **The City holds a retirement party for an employee with food and beverages provided by the City.** This is legal since municipal employees are not covered by this law.

5. **The City hosts an employee Christmas breakfast by providing the facilities, food and beverages.** My opinion is this is legal for the same reasons as stated in #4.

6. **Councilmen receive tee shirts with the logo of an event printed on it.** My opinion is this is legal under W.S. § 9-13-102(a)(vi)(A) which excludes printed informational, educational, or promotional material from the definitions of gift.

7. **The City Manager’s office is contacted regarding providing personnel, training materials and recognition awards to promote the United Way.** Again, City employees are not covered by the new ethics law. Therefore, my opinion is this is legal.

8. **Candy is sent to the office of the Mayor for Christmas. This candy is set out for the general public to consume in the Manager’s office.** If the gift is worth less than \$20.00, my opinion is that it is clearly within the exceptions set forth in W.S. § 9-13-102(a)(vi)(D)(E) as long as it is not worth over \$250.00.

# City of Casper Municipal Code Chapter 2.60

## Code of Ethics

- 2.60.010 - Definition of terms.
- 2.60.020 - Use of title prestige of public office.
- 2.60.030 - Nepotism.
- 2.60.040 - Misuse of office.
- 2.60.050 - Conflict of interest.
- 2.60.060 – Actions taken while negotiating for employment.
- 2.60.070 – Consequences to public officials, officials and employees.
- 2.60.080 – Effective date.

### **2.60.010 - Definition of terms.**

For the purpose of this chapter, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. Words not defined shall be given their common and ordinary meaning.

#### A. "Anything of value" means:

1. A pecuniary item, including money or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;
3. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;
4. A stock, bond, note or other investment interest in an entity;
5. A right in action;
6. A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;
7. A work of art, antiques or collectible;
8. An automobile or other means of personal transportation;
9. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;
10. An honorarium or compensation for services arising out of the person's service as a public official, public member, or employee;
11. The sale or trade of anything of value for consideration that would ordinarily not be available to a member of the public; or with a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, official or public employee.
12. A promise or offer of employment;

13. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and disclosed, as is necessary or required.

B. "Business" means a corporation, partnership, sole proprietorship, LLC, or other type of organization, entity, or association which may be engaged in the buying, selling, exchanging, of commodities, realty, services or anything of value.

C. "Compensation" includes:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not include:

1. Contractual salary or wage, hourly wage, employment benefits, reimbursement of expenses, if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or
2. Per diem payments or mileage and/or vehicle allowances paid by the employing government entity in accordance with applicable law;

D. "Confidential information" means information which is defined by Wyoming as confidential; in this regard attorney-client privilege between the city council and its attorney is a privilege belonging to the council, as an assembly, and shall not be waived unless a majority of the body so directs.

E. "Domestic partner" means a person with whom a public official, public member or city employee maintains a household and an intimate relationship, other than to whom the public official, public member or employee is legally married.

F. "Employee" means every appointed, classified or unclassified, full-time or part-time employee of the city of Casper who receives a salary or wage as remuneration for their time, service and efforts.

G. "Family member" means an individual, who is the spouse, parent, sibling, child, grandparent or grandchild;

H. "Financial interest" means anything of value which yields directly or indirectly a benefit other than the authorized salary, wage and benefits and remuneration for services to the city, to the "employee" or "public official" or "public member".

I. "Gift" does not include any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars or less.

J. "Official responsibility and official capacity" means acting on a board or commission position, either exercisable alone or with others, and while acting in that position can vote to approve, disapprove, shape and/or otherwise direct the board's or commission's actions.

K. "Personal interest" is:

1. With respect to a "public official," "public member" or "employee" an interest which is direct and immediate as opposed to speculative and remote; and
  2. An interest that provides the public official, public member, or employee, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.
- L. "Public member" means a member of the public not employed by the city and who is not a "public official," who is appointed to a board or commission while acting within "official responsibility" or "official capacity" of the city of Casper.
- M. "Public official" or "public member" means: every elected or appointed Casper City Council person, and every appointed board or commission member serving on a board or commission of the city of Casper.

(Ord. No. 29-19, 10-15-2019)

#### **2.60.020 - Use of title prestige of public office.**

- A. No public official, public member, or employee shall use his or her office or position for his or her private benefit.
- B. As used in this section, "private benefit" means the receipt by the public official, public member, or employee of a gift which resulted from his/her holding that office or position.

(Ord. No. 29-19, 10-15-2019)

#### **2.60.030 - Nepotism.**

- A. No public official, public member, or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member or a domestic partner to an office or position of the city of Casper. A public official, public member, or employee shall not supervise or manage a family member or domestic partner who is in an office or position or has employment with the city of Casper, Wyoming.
- B. A public official, public member or employee, acting in his or her official capacity, shall not participate in his or her official responsibility or capacity regarding a matter relating to the employment or discipline of a family member or domestic partner.

(Ord. No. 29-19, 10-15-2019)

#### **2.60.040 - Misuse of office.**

A public official, public member, or employee shall not use public funds, time, personnel, facilities or equipment for his or her private benefit or that of another person or entity unless the use is authorized by law.

(Ord. No. 29-19, 10-15-2019)

## 2.60.050 – Conflict of Interest

### A. Official decisions and votes.

1. A public official or public member shall not make an official decision or vote on an official decision if the public official or public member has a personal interest in the matter. In determining whether he or she has a personal interest in a matter, the public official or public member shall recognize the importance of his or her right to represent his or her constituency and shall abstain from voting only in clear cases of a personal interest, as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself or herself except for tax reductions affecting the general public. For purposes of this section, a personal interest is:
  - a. With respect to the public official or public member, an interest which is direct and immediate as opposed to speculative and remote; and
  - b. An interest that provides the public official or public member, a greater benefit or lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.
2. A public official or public member, described by subsection “a” of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's or public member's abstention from voting must be recorded in the city's, board's or committee's official records.
3. This section shall not be construed to supersede Wyoming Statutes Sections 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

### B. Definition of/purpose for Conflict of Interest. Prohibition.

1. Definition of “Conflict of Interest” A conflict of interest will be deemed to exist, whenever an individual is in the position to approve or influence policies or actions of the City of Casper or one of its boards or commissions (hereafter City), or reasonably appears to be in a position to approve or influence policies or actions of the City, which involve or could harm, or benefit financially: (i) the individual; (ii) any member of the member’s immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals and/or cohabitation partner); (iii) any organization in which he or she or an immediate family member or cohabitation partner is a director, trustee or officer or has more than five percent equity or investment interest or the right to acquire any equity or investment interest of more than five percent; (iv) any organization in which he or she or an immediate family member or cohabitation partner has a compensation arrangement; For the avoidance of doubt, service on a joint powers board while on the City Council, and service as a liaison or representative to a City or Casper commission or board, shall not constitute a conflict of interest, but the duty of the council-member is to act in the best interest of the City.

2. Purpose. The purpose of this policy recognizes the mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. Each city council member shall promptly disclose any conflict of interest or potential conflicts of interest that exist or may arise; a council member is to act in the best interest of the City.
3. Procedures regarding conflicts of interest:
  - a. Duty to disclose:
    - i. In connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the City of Casper or its governing body, a council member shall promptly disclose the existence of any conflict or potential conflict that may give rise to a conflict of interest with respect to the proposed transaction, contract arrangement, policy, program or other such matter.
    - ii. Potential conflicts of interest can be seriously damaging to the public's trust. A council member shall promptly disclose the existence of any potential conflict of interest. When in doubt, the council member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict.
    - iii. If any council member has reason to believe that another council member has a potential conflict of interest, the council member with such belief shall inform the governing body, including disclosing all relevant facts and concerns relating thereto.
    - iv. If any citizen or group of citizens has reason to believe that a council member has or had a conflict of interest, the citizen or group of citizens can bring the complaint to a council member, who shall forward the complaint to the mayor or the vice mayor. The mayor or vice mayor will acknowledge receipt of the complaint to the complainant and will advise the complainant that appropriate measures will be taken, based upon a review of the complaint, which may include communications with the parties, city staff or others as deemed necessary.
  - b. Procedures for addressing a conflict of interest.
    - i. If a council member declares a conflict of interest, or a potential conflict of interest exists, or two thirds of the governing body less the member with an alleged potential conflict determine that a conflict of interest



exists, the conflicted member may make a presentation to the governing body in open session regarding the conflict of interest but shall only state facts; the member shall not argue for or against the item under consideration. The conflicted member shall then leave the meeting and all future meetings where the potential conflict may be discussed or considered and shall not be present during any discussion of the matter which gave rise to the conflict of interest or potential conflict of interest of the member.

c. Duty to abstain.

- i. After disclosing the existence of a potential conflict, the council member shall refrain from using their potential influence (either at or outside a council meeting, or otherwise) to influence the governing body's handling of the transaction, contract, arrangement, policy, program, or other matter.
- ii. No council member may vote on, or each council member must abstain from voting on, any matter in which the council member has a conflict of interest or potential conflict of interest.

C. Preemptive policy to avoid conflicts of interest or the appearance of a conflict of interest.

1. If a council member votes on a matter before council, he or she shall decline to take any financial ownership in the transaction, contract, arrangement, policy, or other such matter upon which he or she voted, for the entirety of the time that member is a member of city council and/or is a city council board or commission appointee.

(Ord. No. 29-19, 10-15-2019)

**2.60.060 - Actions taken while negotiating for employment.**

A public official, public member, or employee may not vote or take an official action in a matter affecting a person with whom the public official, public member, or employee is negotiating for prospective employment.

(Ord. No. 29-19, 10-15-2019)

**2.60.070 - Consequences to public officials, officials and employees.**

Violation of any provision of this act may constitute sufficient cause for termination of an employee's employment or for the censure of the public official or public member or the removal of a public official or public member from his office or position.

(Ord. No. 29-19, 10-15-2019)

**2.60.080 - Effective date.**

This chapter shall become effective twenty-one days after council has approved the ordinance [from which this chapter derives] on third reading.

(Ord. No. 29-19, 10-15-2019)

# City of Casper Municipal Code Chapter 2.64

## Removal or Censor of Public Officials

- 2.64.005 - Definitions.
- 2.64.010 - Authorization.
- 2.64.020 - Procedure.

### SECTIONS:

#### **2.64.005 - Definitions.**

"For cause" means:

1. Gross and persistent delinquency in being absent from regular meetings of the council. Absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Section 2.04.030;
4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of office;
6. Refusing to take the oath of office or to give or renew an official bond if required by law;
7. Conviction of any crime involving ethics or malfeasance; including, but not limited to conviction of the crime of malfeasance pursuant to W.S. § 15-1-113(m), as it may, from time to time, be amended;
8. Violation of W.S. §§ 9-13-101 et seq., 12-4-103(a)(i), 15-1-127, 15-1-128, or 16-6-118, or Section 5.08.100(A)(1), as they may, from time to time, be amended;
9. Violation of any provision of the public service code of ethics as set forth in Chapter 2.60, or violation of any other law or ordinance involving ethics, as they may, from time to time, be amended;
10. Sexually [sexual] harassment of, workplace violence act against, or creation of a hostile work environment for any agent or employee of the city as set forth in the city personnel rules and regulations manual, dated August 20, 2002, as it may, from time to time, be amended.

(Ord. 11-99 § 2, 1999)

(Ord. No. 22-14, § 2, 9-2-2014)

#### **2.64.010 - Authorization.**

A. Any joint powers board member or other board member appointed by the city council may be removed from office at will at any time by a vote of a majority of all the elected members of the city council.

B. Any city councilman may be removed from office, for cause, by a vote of a two-thirds majority of all members of the city council after following the procedures set forth in Section 2.64.020 for the removal of any such city councilman.

(Ord. 11-99 § 3, 1999; prior code § 2-71)

(Ord. No. 22-14, § 3, 9-2-2014)

#### **2.64.020 - Procedure.**

The following procedures shall be followed for the removal of any city councilman by the city council for any of the "for cause" reasons specified in Section 2.64.005:

1. The city council may, by a resolution approved by a two-thirds majority vote of all of the elected members of the city council, refer any alleged "for cause" conduct to an independent hearing officer who shall be a current member of the state bar association. Said hearing officer shall be retained by the city for hearing the allegations as specified, and set forth in the resolution.
2. The hearing officer shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. § 16-3-101 et seq.) in any removal proceeding.
3. Recognizing that the city attorney's office has a conflict of interest in prosecuting the city's position in any such hearing, the city shall be represented by a special city attorney retained by the city council for the purposes of this hearing.
4. The hearing officer shall state his or her findings in writing and whether or not "for cause" exists for the removal of such councilmember, which shall be forwarded to the members of the city council within ten days after the conclusion of the hearing. The decision of the hearing officer shall be appealable under the provisions of the Wyoming Administrative Procedures Act.
5. Upon a final decision by the hearing officer finding that the alleged "for cause" conduct has occurred, the councilman may be removed from office or censored by a two-thirds majority vote of all of the elected members of the city council. The vote to remove or censor councilman by the city council is a final decision, shall not be appealable, and the seat held by such councilman shall be vacated.

(Ord. 11-99 § 5, 1999)

(Ord. No. 22-14, § 4, 9-2-2014)

## City Manager Code of Ethics with Guidelines

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2020. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.**

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** We believe professional management is essential to efficient and democratic local government by elected officials.

**Tenet 2.** Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

### GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

**Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

### GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization. This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

**Tenet 4.** Serve the best interests of the people.

#### GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

**Tenet 6.** Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

**Tenet 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8.** Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

#### GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

**Tenet 10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

#### GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.



**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

**GUIDELINE**

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

**Tenet 12.** Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

**GUIDELINES**

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member’s personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on “Confidential Information”). Because personal

investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the

member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.