

## **COUNCIL ORIENTATION**

Tuesday, January 31, 2017

Casper City Hall

Council Meeting Room

4:30 pm

### AGENDA

1. Elected Official Training, Wyoming Association  
of Risk Management (WARM) (*75 minutes*)  
(Mark Stewart, WARM Representative) 75 minutes
2. WOTC, Emergency Response, City Benefits  
(*20 minutes*) 20 minutes  
(Zulima Lopez, Assistant Support Services Director)
3. Agency Funding (*15 minutes*) 15 minutes  
(Fleur Tremel, Deputy Assistant City Manager)
4. Financial Disclosure, Travel and Training,  
Purchasing (*20 minutes*) 20 minutes  
(Pete Meyers, Assistant Support Services Director)
5. Roberts Rules of Order (*10 minutes*) 10 minutes  
(Bill Luben, City Attorney)

# WYOMING ASSOCIATION OF RISK MANAGEMENT

ELECTED OFFICIAL TRAINING  
CITIES AND TOWNS

# WHO IS WARM?

- ▣ WARM – Wyoming Association of Risk Management – is a local government self-insurance program.
- ▣ Provides a mechanism for handling claims brought under the Wyoming Governmental Claims Act and federal law.
- ▣ Claims defended and paid for acts within your scope of duties/scope of authority.
- ▣ Stepping outside of scope of authority exposes you to personal liability.

# FORMS OF MUNICIPAL GOVERNMENT

- ▣ MAYOR /CITY COUNCIL
- ▣ **CITY MANAGER**
- ▣ COMMISSION

# HOME RULE AMENDMENT

Wyo. Const. Art. 13, § 1

- ▣ All cities and towns are hereby empowered to determine their local affairs and government as established by ordinance passed by the governing body, subject to referendum when prescribed by the legislature, and further subject only to statutes uniformly applicable to all cities and towns and to statutes prescribing limits of indebtedness.
- ▣ The powers and authority granted to cities and towns, pursuant to this section, shall be liberally construed for the purpose of giving the largest measure of self-government to cities and towns.

# City Council Powers and Duties

- ▣ Pass ordinances affecting public welfare
- ▣ Control finances
- ▣ Levy and collect assessments, borrow money
- ▣ Prescribe duties and rules for appointees
- ▣ Purchase, sell, and lease real property
- ▣ Zoning regulations
- ▣ Establish building codes
- ▣ Establish parks, gardens, recreation areas

# City Council Powers and Duties

- ▣ Exercise eminent domain
- ▣ Organize, support and equip fire department
- ▣ Establish and regulate a police department
- ▣ Annex property
- ▣ Approve subdivision of property, vacate streets, alleys,
- ▣ Sue and be sued

Wyo. Stat. §15-1-103, 15-2-102

# Council Powers and Duties

## City Manager Form

- ▣ Generally same powers and duties
- ▣ Elects Mayor from council ranks
- ▣ Employs City Manager, City Attorney and Municipal Judges
- ▣ City Manager employs all other employees



# CITY MANAGER POWERS AND DUTIES

- ▣ Enforce all statutes, ordinances, and regulations
- ▣ Manage and control utilities
- ▣ Manage and control city departments
- ▣ Appoint and remove police chief, fire chief, clerk, treasurer, department heads
- ▣ Prescribes duties of all employees except city attorney and municipal judges

Wyo. Stat. 15-4-201 through 15-4-206

# COMMON LEGAL ISSUES

- ▣ PUBLIC MEETINGS
- ▣ PUBLIC RECORDS
- ▣ CONFLICTS OF INTEREST
- ▣ EX PARTE COMMUNICATIONS
- ▣ SECTION 1983

# PUBLIC MEETINGS

- ▣ Wyo. Stats. §§16-4-401 through 16-4-408
- ▣ Purpose – The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act.

Wyo. Stat. §16-4-401

# PUBLIC MEETINGS

## Definitions:

- ▣ “Action” – means the transaction of official business . . . 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.

Wyo. Stat. § 16-4-402(a)(i)

# PUBLIC MEETINGS

## Definitions:

- ▣ “Meeting” – means an assembly of at least a quorum of the governing body . . . which has been called by proper authority . . . for the expressed purpose of discussion, deliberation, presentation of information, or taking action regarding public business.
- ▣ “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.

Wyo. Stat. §16-4-402(a)(iii) and (iv)

# PUBLIC MEETINGS

- ▣ “Agency” means “any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality . . . which is created by or pursuant to the Wyoming constitution, statute or ordinance . . . .”

Wyo. Stat. §16-4-402(a)(ii)

- ▣ “All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided.”

Wyo. Stat. § 16-4-403(a)

# PUBLIC MEETINGS

- ▣ Applies to governing body (city council) and potentially to committees, commissions, boards, bureaus created or established by the governing body.

*Cheyenne Newspapers, Inc. v. City of Cheyenne*

Whether the public meeting act applies to ad-hoc groups with no binding authority is under review by the Wyoming Supreme Court.

# PUBLIC MEETINGS

- ▣ All meetings of the governing body are public meetings, open to the public at all times, except as otherwise provided.
- ▣ All actions must be taken during public meetings.
- ▣ Actions taken at a meeting not in conformity with requirements is null and void.
- ▣ Governing body may require members of public wanting to be recognized to give their name and affiliation, but may not otherwise condition attendance.



# PUBLIC MEETINGS

- ▣ “No public hearing shall be conducted by electronic means or any other means of form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously.”

Wyo. Stat. §16-4-403(d)

# PUBLIC MEETINGS

Meeting Minutes:

- ▣ Must be recorded and published for all meetings where an action is taken.

Wyo. Stat. §15-1-110

- ▣ Must be recorded but need not be published for meetings where no action is taken.

Wyo. Stat. §16-4-403.

# PUBLIC MEETING ACT EXCEPTIONS

Executive Sessions - not open to the public may be held for the following:

- ▣ Personnel issues – i.e. to consider the appointment, employment, right to practice, or dismissal of a public officer, professional person, or employee
- ▣ To hear complaints or charges brought against an employee, professional person, or officer unless the subject requests a public hearing.

# PUBLIC MEETING ACT EXCEPTIONS

Executive Sessions - not open to the public may be held for the following:

- ▣ Matters of litigation, existing or proposed, to which the body is or will be a party
- ▣ To consider selection of a site or the purchase of real estate when publicity would likely cause an increase in price.
- ▣ To receive information classified as confidential by law.
- ▣ To consider gifts, bequests, donations which donor requests be kept confidential
- ▣ To consider accepting or tendering offers of employment and its terms.

Wyo. Stat. §16-4-405(a)

# EXECUTIVE SESSIONS

- ▣ Minutes of the executive session must be recorded.
- ▣ Except for objections to holding an executive session, the minutes are confidential and to be produced only in response to valid court order.
- ▣ Going into executive session requires motion, second and majority vote.

Wyo. Stat. §16-4-405

# PUBLIC MEETING ACT

## CONSEQUENCES OF VIOLATIONS

- ▣ Actions taken in private are null and void.
- ▣ Any member who knowingly or intentionally violates act is subject to civil penalty up to \$750.00.
- ▣ Any member who attends or remains at a meeting the member knows is in violation of the act is subject to the penalty unless the member's objections are made public or the member objects at the next regular meeting.

Wyo. Stat. § 16-4-408.

# EXECUTIVE SESSIONS

- ▣ “The purpose of the WPMA is to require open decision making.”
- ▣ “[T]he Act clearly intends that agency discussion, deliberation and presentation of information occur at public meetings.”

*Sheridan Newspapers, Inc. v. Board of Trustees of Sheridan County School District, 2015 WY 70, (May 14, 2015).*

# EXECUTIVE SESSIONS

- ▣ Newspaper sought minutes of discussions regarding multipurpose recreational facility.
- ▣ Board objected and claimed discussions were held in executive session and disclosure not required.
- ▣ District Court found for Board and Supreme Court reversed.
- ▣ Executive session minutes were devoid of meaningful detail and found they were not covered by the exceptions.

*Sheridan Newspapers, Inc. v. Board of Trustees of Sheridan County School District, 2015 WY 70, (May 14, 2015).*



# EXECUTIVE SESSIONS

- ▣ *Sheridan Newspapers* takeaways:
- ▣ Be certain topics fall within exceptions
- ▣ Keep adequate minutes
- ▣ No deliberative privilege exception to WPMA
- ▣ Case is notice to public officials – knowing violation.

# PUBLIC RECORDS

- ▣ Wyo. Stats. §§16-4-201 through 16-4-205
- ▣ “Public Record” - means any information in physical form created, accepted or obtained in furtherance of official functions or public business which is not privileged or confidential by law.
- ▣ Includes letters, emails, etc. received in furtherance of public business.

Wyo. Stat. §16-4-201.

# PUBLIC RECORDS

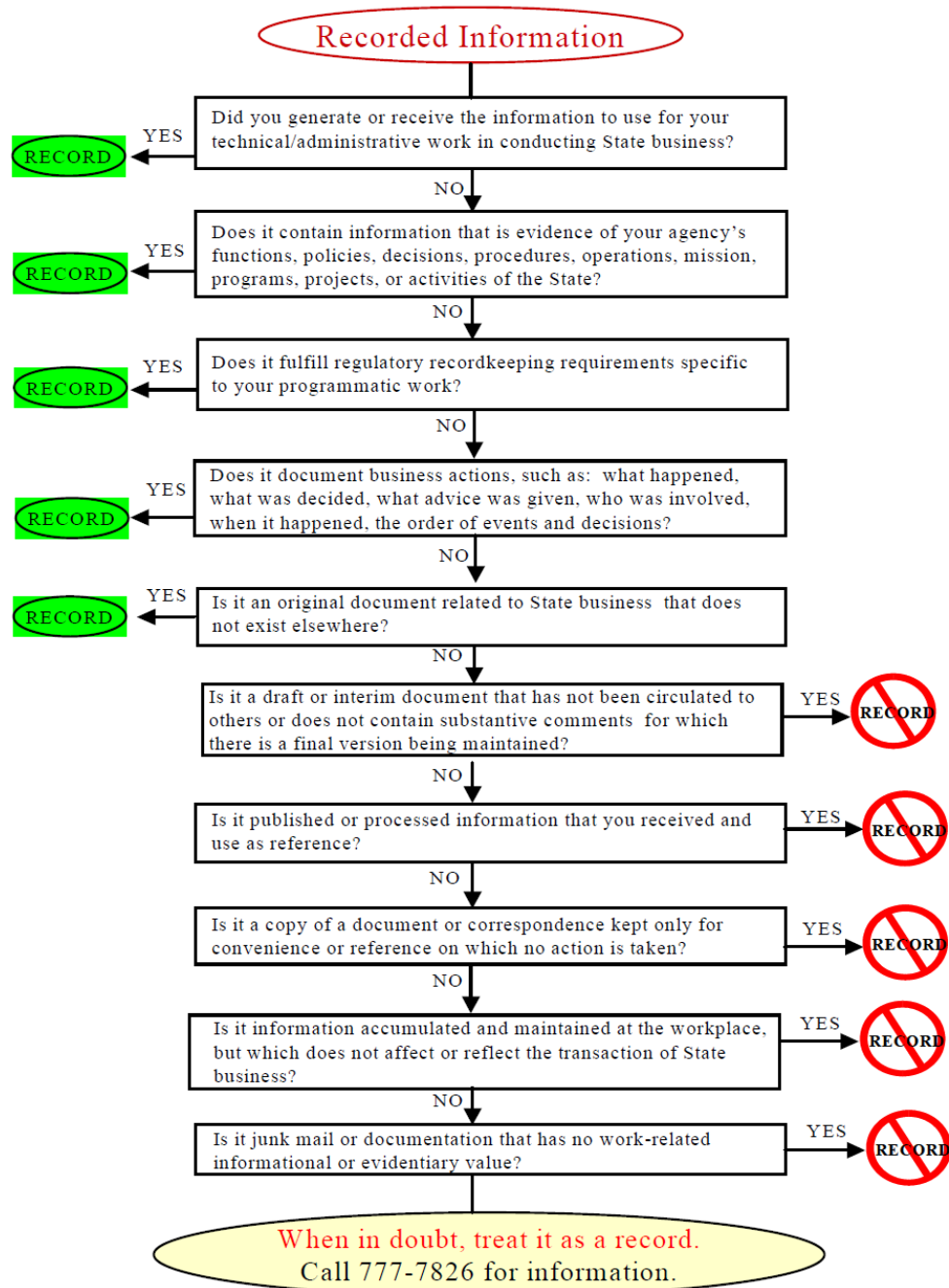
- ▣ Wyo. Stat. § 9-2-401(a)(v)
- ▣ "Public record" includes the original and all copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing or other document, regardless of physical form or characteristics, which have been made or received in transacting public business by the state, a political subdivision or an agency of the state

# PUBLIC RECORDS

- ▣ Public Records includes:
- ▣ Letters, emails, etc. received in furtherance of public business
- ▣ Vouchers, receipts
- ▣ Contracts, agreements, performance and payment bonds
- ▣ Claims filed against the entity
- ▣ Office files and memoranda
- ▣ Film, recordings, maps

Wyo. Stat. §16-4-201.

# Is it a record?



# PUBLIC RECORDS

- ▣ All Public Records “shall be open for inspection.”
- ▣ Entity may make rules and regulations as is necessary for protecting records and to prevent unnecessary disruption of business.
- ▣ Fees – *Wyoming Newspapers v. Laramie County School Dist. No. 1*, 2016 WY 113 (Nov. 30, 2016)
  - “Reasonable fee” allowed for copies, printouts, etc.
  - “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.”

# PUBLIC RECORD ACT EXCEPTIONS

## EXCEPTIONS TO DISCLOSURE

Public inspection may be denied to the following:

- ▣ Records of investigations conducted by sheriff, county attorney, city attorney, and police department compiled for law enforcement or prosecution purposes.
- ▣ Licensing and employment exam test questions, keys. Written promotional exams and scores are available to the person in interest.

# PUBLIC RECORD ACT EXCEPTIONS

## EXCEPTIONS TO DISCLOSURE

- ▣ Real estate appraisals relative to property acquisition until title has passed to entity.
- ▣ Interagency or intra-agency memoranda which would not be available by law to a private party in litigation with the agency.
- ▣ Documents which pose a security risk to public buildings, structures.



# PUBLIC RECORD ACT EXCEPTIONS

## EXCEPTIONS TO DISCLOSURE

Public inspection shall be denied to the following:

- ▣ Medical, psychological, and sociological information on individual persons.
- ▣ Hospital records relating to medical administration, staff, personnel medical care, and other medical information.
- ▣ Welfare records.

# PUBLIC RECORD ACT EXCEPTIONS

## EXCEPTIONS TO DISCLOSURE

Public inspection shall be denied to the following:

▣ Personnel files .

Personnel files are available to elected and appointed officials who supervise the person in interest.

Records or information compiled solely for purpose of investigating violations of personnel rules/policies.

**Employment contracts/agreements setting out terms of employment are not part of personnel file.**

Wyo. Stat. §16-4-203.

# PUBLIC RECORD ACT CONSEQUENCES OF VIOLATIONS

- ▣ Up to \$750 civil penalty for knowing or intentional violations.
- ▣ Damages resulting from the disclosure.

# PUBLIC RECORDS

## ▣ RETENTION

Wyo. Stat. §9- 2-410

“ All public records are the property of the state. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with W.S. 9-2-405 through 9-2-413.”

# PUBLIC RECORDS

- ▣ STATE ARCHIVES

Record Retention Schedules for Various Municipal Agencies

<http://wyoarchives.state.wy.us/RM/Municipalities.aspx>

- ▣ Municipality-General Government
- ▣ Municipality-Intra-Governmental Services
- ▣ Municipality-Human Resources
- ▣ Municipality-Fire
- ▣ Municipality-Police
- ▣ Municipality-Public Utilities

# PUBLIC RECORDS

- ▣ STATE ARCHIVES

Record Retention Schedules for Various  
Municipal Agencies

<http://wyoarchives.state.wy.us/RM/Municipalities.aspx>

- ▣ Municipality-Cemeteries
- ▣ Municipality-Court
- ▣ Municipality-Parks and Recreation
- ▣ Municipality-Engineering & Inspection
- ▣ Municipality-Finance
- ▣ Municipality-Public Works

# RECORD RETENTION – GENERAL MUNICIPAL GOVERNMENT

AR#	TITLE OF RECORDS	RETENTION SCHEDULE
17559	Affidavits of publication and Legal Notices from Newspapers	Retain 5 years, then destroy.
17560	Agenda of Boards and Commissions and Council	Retain 1 year, then destroy.
17561	Agreements and Contracts (Includes correspondence and attached records)	After one-year warranty date or expiration date, retain 2 years, then evaluate for legal and administrative value, and destroy at discretion of department director/records officer.
17562	Appointment Records	Retain 1 year after expiration of term, then destroy.
17563	Bicentennial and Centennial Records (elate to activities/functions for various celebrations)	PERMANENT or microfilm and destroy or transfer to State Archives.
17564	Bids and Specifications for major Utilities/Public Works Projects, buildings, and Major Improvement Projects (Includes any agreement, contracts, bid and maintenance/performance bonds, etc.)	PERMANENT or microfilm and destroy at discretion.
94-304	Bids and Specifications for Minor/Other Projects, Goods, and Services (Includes any agreement, contracts, bid and maintenance/performance bonds, etc.)	Retain 2 years, evaluate for legal, and administrative value, then destroy if no litigation is pending. (Supersedes AR #17565)

# CONFLICTS OF INTEREST

- ▣ It is unlawful for an office holder to become in any manner interested, directly or indirectly, in his own name or in the name of any other person or entity, in any contract, or the performance of any work in the making or letting of which the officer may be called upon to act or vote.
  - If, however, the official is interested in any public contract, he shall disclose the nature of the interest , absent himself during the consideration and vote thereon and not attempt to influence an of the contracting parties or act directly or indirectly in the performance inspection, operation or administration of the contract.

Wyo. Stat. §16-6-118



# CONFLICTS OF INTEREST

- ▣ A conflict of interest exists when a public official acts on a public contract to which he or she is a party or has a financial interest, or where the public office held is incompatible with privately held employment because as the public official, he is acting as both employer and employee.

*Kroenlein v. Eddington*, 2001 WY 115, ¶ 28, 35 P.3d 1207, 1217 (Wyo. 2001)

# CONFLICTS OF INTEREST

- ▣ Wyoming statutes prohibit conflicts of interest by a public officer or employee on public works, contracts, or office appointments. A public officer or employee violating these statutes is subject to removal from office and criminal prosecution

*Kroenlein v. Eddington*, 2001 WY 115, ¶ 27, 35 P.3d 1207, 1216 (Wyo. 2001)

# CONFLICTS OF INTEREST

The rule is:

“[H]e who is intrusted [sic] with the business of others cannot be allowed to make such business an object of pecuniary profit to himself. . . . It has its foundations in the very constitution of our nature, for it has authoritatively been declared that a man cannot serve two masters, and is recognized and enforced wherever a well-regulated system of jurisprudence prevails. The law will in no case permit persons who have undertaken a fiduciary character or a charge to change or invert that character by leaving it and acting for themselves in a business in which their character binds them to act for others.

*Board of Comm'rs of Natrona County v. Casper Nat'l Bank*, 105 P.2d 578 (Wyo. 1940).

# CONFLICTS OF INTEREST

- ▣ Examples

# CONFLICTS OF INTEREST

If you have a conflict of interest you must:

- 1) Disclose the nature and extent of your pecuniary interest to all parties concerned;
- 2) Must not participate during the considerations and votes on the matter;
- 3) Must not attempt to influence any of the parties;
- 4) Must not act for the governing body with respect to the matter.

Criminal penalty for violations:

Misdemeanor with fine of up to \$5,000.

Wyo. Stat. §6-5-106(b).

# CONFLICTS OF INTEREST

Criminal Statute: Wyo. Stat. §6-5-106

A public servant commits an offense if he requests or receives any pecuniary benefit, other than lawful compensation, on any contract, or for the letting of any contract, or making any appointment where the government employing or subject to the discretion or decisions of the public servant is concerned.

Violation constitutes a misdemeanor with fine of up to \$5,000 and removal from office.

# CONFLICTS OF INTEREST INVESTMENTS

Wyo. Stat. §6-5-118

- ▣ 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 benefit 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 of 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 governmental entity, which:
  - (i) Provides any services related to investment of funds by that same unit of government; or
  - (ii) Has a financial interest in any security or other investment made by that unit of government.

Violation is a misdemeanor punishable by up to 6 months imprisonment and up to \$750 fine.

# GOVERNMENT ETHICS

- ▣ A public official shall not make an official decision or vote on an official decision if the official has a personal or private interest in the matter.

A private or personal interest is “an interest which is direct and immediate as opposed to speculative and remote; and is an interest that provides the official a greater benefit or a lesser detriment than it does for a large or substantial group similarly situated.”

Wyo. Stat. §15-9-106



# GOVERNMENT ETHICS

- ▣ No public official shall use his office for private benefit.
- ▣ No public official shall advocate or cause the employment, appointment, promotion, etc. of a family member to an office or position in government.
- ▣ No public official shall supervise or manage a family member who is in an office or position in government.

Family member means spouse, parent, sibling, grandparent, grandchild or member of the individual's household.

# GOVERNMENT ETHICS

- ▣ A public official shall not use public funds, time, personnel, facilities or equipment for his private benefit.
- ▣ A public official shall not disseminate to another person official information which the public official obtains through or in connection with his office unless the information is available to the general public or dissemination is authorized by law.

# GOVERNMENT ETHICS

## PENALTIES

- ▣ Violation of ethics statute(s) constitutes a misdemeanor punishable by fine of up to \$1,000 and
- ▣ Is cause for termination and removal from office.

Wyo. Stats. §§9-13-101 through 9-13-109

# OTHER CRIMINAL STATUTES

- ▣ Bribery: Wyo. Stat. §6-5-102
- ▣ Soliciting, accepting or agreeing to accept any pecuniary benefit, privilege or personal advantage upon an agreement or understanding that his vote, exercise of discretion or other action as a public servant will be thereby influenced.
- ▣ Violation is a felony punishable by up to 10 years imprisonment and up to \$5,000 fine.

# OTHER CRIMINAL STATUTES

- ▣ Compensation for past official behavior: Wyo. Stat. §6-5-103
- ▣ Soliciting, accepting or agreeing to accept any pecuniary benefit or compensation for having given a decision or vote favorable to another.
- ▣ Compensation does not include mere acceptance of an offer of employment.
- ▣ Violation is a felony punishable by up to 10 years imprisonment and up to \$5,000 fine.

# OTHER CRIMINAL STATUTES

- ▣ Soliciting unlawful compensation: Wyo. Stat. §6-5-104.
- ▣ Soliciting, accepting, or agreeing to accept pecuniary benefit for the performance of an official action knowing that he was required to perform the action without compensation or at a level of compensation lower than that requested.
- ▣ Violation is a felony punishable by up to 10 years imprisonment and up to \$5,000 fine.

# EX PARTE COMMUNICATIONS

Ex Parte Communications:

- ▣ A communication done or made at the instance and for the benefit of one party only and without notice to, or argument by, any person adversely interested.
- ▣ A prohibited communication between counsel and adjudicator when opposing counsel is not present.

# EX PARTE COMMUNICATIONS

- ▣ Applies when you are acting in a quasi-judicial capacity.
- ▣ Examples:
  - Zoning protests,
  - Building permit denials,
  - Employee discharge proceedings



# Wyoming Governmental Claims Act

Sovereign Immunity is rule, except as specifically waived in WGCA, Wyo. Stat. §§1-39-101 through 1-39-121.

## Waivers of Immunity:

- ❑ Contract claims except as provided in the agreement.
- ❑ Negligent operation of motor vehicles
- ❑ Negligent operation and maintenance of buildings, recreation areas or public parks
- ❑ Negligent operation of airport
- ❑ Negligent operations or public utilities
- ❑ Negligent operation of public hospital or providing public outpatient health care.
- ❑ Negligence of health care providers employed by local government.
- ❑ Tortious conduct of peace officers

# 42 U.S.C. Section 1983

- ▣ Federal statute allowing private citizens to sue governmental entities and their officials for violating a citizen's federal civil rights when acting under color of state law.
- ▣ Two forms of liability.
  - Governmental liability
  - Individual liability

# 42 U.S.C. Section 1983

## Governmental Liability:

- ❑ Suit brought directly against the governmental entity or brought against officers in their official capacity.
- ❑ Liability imposed against local governments where governmental policy, custom, practice or procedure is the moving force behind the violation.
- ❑ Official municipal policy includes the decisions of a government's lawmakers, the acts of its policymaking officials, and practices so persistent and widespread as to practically have the force of law. *Connick v. Thompson*, 1321 S. Ct. 1350, (2011)
- ❑ No governmental liability for simply employing an actor who violates citizen's rights.
- ❑ Punitive damages not available against governmental entities.

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- ❑ Punitive damages not available against governmental entities.

# 42 U.S.C. Section 1983

- ▣ Policy  
Formally Adopted Policies

The challenged policy statement, ordinance, regulation, or decision must have been adopted or promulgated by the local entity. A local government's *mere enforcement of state law, as opposed to express incorporation or adoption of state law into local regulations or codes, is insufficient.*

Example: Signage ordinance

# 42 U.S.C. Section 1983

- ▣ One time act of policy maker

“Municipal liability attaches only where the decision-maker possesses final authority to establish municipal policy with respect to the action ordered.”

*Pembaur v. City of Cincinnati*, 475 U.S. 469 (1986).

# 42 U.S.C. Section 1983

- ▣ Custom, Practice, Procedure

Municipal Liability may attach where the practices of the officials are “so permanent and well settled as to constitute a ‘custom or usage’ with the force of law.”

*Monell v. Department of Social Services*, 436 U.S. 658 (1978).

- ▣ Ratification

# 42 U.S.C. Section 1983

## ▣ Ratification

Municipal liability may attach when “final policymaker **ratifies** a subordinate's recommendation, and the basis for it, thus rendering a final decision chargeable to the municipality.” *City of St. Louis v. Prapotnik*, 485 U.S. 112 (1988).



# 42 U.S.C. Section 1983

## Individual liability

- ▣ Governmental officers may be liable when, acting under color of state law, they violate a citizen's federal rights.

Supervisor Liability - is imposed against the supervisory official in his individual capacity for his own culpable action or inaction in the training, supervision, or control of his subordinates.

No respondeat superior liability - The misconduct of the subordinate must be "affirmatively link[ed]" to the action or inaction of the supervisor

Most courts require something more than mere negligence, but something less than actual intent - i.e. an affirmative link exists between the supervisor and the violation, namely the active participation or acquiescence of the supervisor and that the supervisor acted knowingly or with deliberate indifference that a constitutional violation would occur.

- ▣ Qualified Immunity defenses apply.

# 42 U.S.C. Section 1983

Individual liability

- ▣ Qualified Immunity defenses apply.

- ▣ Two Prong Test

(i) that the defendant's actions violated his or her constitutional or statutory rights; and

(ii) that the right was clearly established at the time of the alleged misconduct.

# QUALIFIED IMMUNITY

- ▣ Qualified immunity recognizes the “need to protect officials who are required to exercise their discretion and the related public interest in encouraging the vigorous exercise of official authority.” *Harlow v. Fitzgerald*, 457 U.S. 800, 807, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982).

“If qualified immunity is to mean anything, it must mean that public employees who are just doing their jobs are generally immune from suit.”  
*Lewis v. Tripp*, 604 F.3d 1221, 1230 (10th Cir.2010)

# DOCUMENTATION

- ▣ Document your acts and communications taken in your official capacity.
- ▣ Notes of telephone conversations.
- ▣ Emails - Use subject line.
- ▣ Letters -
- ▣ Wyoming State Archives Guideline on Records

# DOCUMENT RETENTION

- ▣ Follow State Archives Guidelines.
- ▣ Statutes of Limitations:
  - Assault and Battery - 1 yr.
  - Governmental Claims - 2yr/1yr
  - Personal Injury/1983 - 4 yr

# Takeaways

Stay within your scope of duties.

Legislative

Quasi- Judicial

Leave executive functions to executive officers -  
City Manager, Engineer, Public Utilities.

Comply with Public Meetings Act

Conduct business in public meetings

Don't deliberate or conduct business in private

Remember that emails to council members can  
be deemed meeting.

# Takeaways

## Public Records

Use official email for official business only.

Do personal email for personal business only.

Keep confidential information confidential  
(personnel issues, litigation).

## Follow Written Policies

## ***Welcome to Your “WOTC” Training***

“WOTC” is an acronym for the WARM Online Training Center, an online training site sponsored by WARM (Wyoming Association of Risk Management).

You have been assigned three classes (*Defensive Driving, Orientation to a Drug Free Workplace, and Workplace Harassment*). These are some of the classes that are required training for new City of Casper employees. By you taking these same courses, you will know what our new employees are learning, you will arm yourself with additional knowledge, and you will help in the City’s efforts to lower Workers’ Compensation premiums and gain safety discounts from OSHA. (Training completion rates help earn these discounts for the City.)

The following directions should help you navigate the system easily.

Your User Name: your City of Casper email address

You will be provided with a temporary password at Orientation. \_\_\_\_\_

When you log in, please use your assigned user name and temporary password by logging in under the **“I am a returning user”** section. Once you navigate to the Home Page, you will be able to change your password to a permanent one of your choice. (Under the **Student Center** heading at the bottom of the page, access *“My Profile”* where you can change your password.)

Also at the bottom of the Home Page you will note under the **My Training** heading the *“My Training”* where you can launch the assigned training. Be sure that you take the quiz at the end of the training so that you receive credit on your WOTC transcript.

Should you have any difficulties, I am available to assist you. I can be reached at 235-8421, Mon-Fri, between 8:00 and 5:00.

Enjoy!

Heidi Rood

[hrood@casperwy.gov](mailto:hrood@casperwy.gov)

Human Resources - WOTC Administrator



# City of Casper Funding Opportunities



# Specific Entity Funding

- **Specific Entity funding** supports Council-approved entities within the City of Casper with operating costs. They were funded \$1,088,289 in the FY2017 budget. The entities are contracted with the City, on an annual basis, to provide professional services under a Council-approved contract.

- **Entities include:**

- The Children's Advocacy Project
- The Science Zone
- The Casper Area Chamber of Commerce and Visitor Center
- The Casper Mountain Fire District
- Community Action Partnership of Natrona County
- The Youth Crisis Center
- The Casper-Natrona County Health Department
- The Youth Empowerment Council
- United Way of Natrona County
- Central Wyoming Senior Services

# One Cent Community Projects Funding-Background

- The City Council agrees to set aside Optional 1% Sales Tax to fund community projects.
- Per state statutes, public funds can only be used for:
  1. General government support;
  2. Improvements to publicly-owned facilities (the City can spend funds to make improvements to facilities that are owned by the City or by another governmental unit);
  3. Necessary support of the poor - all of the benefits of the project would go to income-qualifying clients or individuals;
  4. Support economic development for the community; and,
  5. Promote the community.



# One Cent Community Projects Funding-Process



- Solicitation of Applications
- Applicant Interviews
- Elimination Round
  - Staff provides information regarding which cannot be funded according to state statute Wy. Const. Chapter 3 Article 36 and Chapter 16 Article 6, as well as W.S. § 15-1-111.
  - Staff advises Council on funds unused by organizations previously
  - Council eliminates applicants not in line with survey results
- Funding Decisions
- Resolution Allocating Funds
- Contracts with Each Organization and Resolution

# Community Promotions-Background

- The Casper City Council sets aside funds to support non-profit programs and events that benefit the Casper community.
- The City can provide funding directly, it can help out by providing special City services, or it can help by lending the use of its parks and facilities.
- These funds are meant to support specific events completed within a set time frame.
- They cannot be used to pay general expenses for an organization, such as building improvements, vehicle purchases, ongoing operational expenses, or salaries.
- The City only waives half of the fee for any service or half the rent for any facility.



# Community Promotions-Process



- The process calls for two rounds of evaluation.
- In the first round, Staff evaluates each application based on the guidelines.
  - See Provided Community Promotions sheet.
- Staff also evaluates the applications with the City Attorney to decide if they are legally able to be funded.
- Applications that fail to pass both of the evaluations are eliminated from further consideration.
- Councilmembers then vote on *how much* funding each application should receive and whether facility or in-kind services should be granted.

# City Branch Agencies - Background

- **City Branch Agencies** are agencies created through State statute with the City, in existence as extensions of the City, or established as separate project entities. These agencies have received funding for programs, operations, and facilities by special request to the City Council.



# City Branch Agencies

- Central Wyoming Counseling Center
- 12-24 Club
- Economic Development Joint Powers Board
- DDA
- Mercer Family Resource Center
- Convention & Visitors Bureau
- Casper Housing Authority
- Nicolaysen Art Museum
- Meals on Wheels
- Natrona County Public Library
- Amoco Reuse Agreement Joint Powers Board
- Municipal Band
- Casper Historic Preservation Commission





## Wyoming Constitution

### Article 3, Section 36. Prohibited appropriations.

No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

### Article 16, Section 6. Loan of credit; donations prohibited; works of internal improvement.

Neither the state nor any county, city, township, town, school district, or any other political subdivision, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, except that funds of public employee retirement systems and the permanent funds of the state of Wyoming may be invested in such stock under conditions the legislature prescribes. The state shall not engage in any work of internal improvement unless authorized by a two-thirds (2/3) vote of the people.

Wyoming State Statutes §15-1-111

### 15-1-111. Appropriations for advertisement of resources authorized; exception.

(a) The governing body of any city or town may make appropriations from the city or town general fund for:

- (i) Advertising the resources of the city or town;
- (ii) Furthering its industrial development; or
- (iii) Encouraging exhibits at fairs, expositions and conventions.

(b) No appropriation may be for the express aid of any private citizen, firm or corporation.

**HISTORY:** Laws 1965, ch. 112, § 11; W.S. 1957, § 15.1-11; Laws 1979, ch. 85, § 1; 1980, ch. 38, § 1.

COMMUNITY PROMOTIONS  
FUNDING GUIDELINES AND POLICIES  
FY 2017

These guidelines will be used by the Casper City Council to evaluate fund requests received from non-profit organizations.

*I. Intent of the Community Promotions Process*

1. Cash Funding

a. The cash funds allocated by Council should be utilized to:

1. Bring people to the community so as to enhance economic development, **and**
2. To improve the quality of life for residents of Casper.

2. In-Kind and Facilities Requests

a. The in-kind and facility funds allocated by Council should be utilized to:

1. Bring people to the community so as to enhance economic development, **or**
2. To improve the quality of life for residents of Casper.

3. The funds allocated by Council should be used to provide activities that will increase the usage of existing City facilities.

a. It is the intent of Council to use the Community Promotions funds to support programs and events that provide a direct benefit to the citizens of Casper, as opposed to fundraising events which provide a more indirect benefit. Therefore, Council will show preference to non-fundraising events.

*II. Available Funding*

1. Requests for funding will be divided into three categories: Cash, In-kind Staffing and Services, and Facility Requirements. Calculations of the value of these Services and Facilities will be provided by City staff, based upon information provided by the various groups and documentation of costs incurred in previous years.
2. The Council may award up to 50% of the value of any In-Kind Service or Facility Rental. The remainder must be covered by the applicant. Applicants may not request Cash awards to pay for the uncovered portion of these requests.
3. All cash awards will be on a reimbursement-basis only. **Original** receipts for expenditures made to support the activity must be presented in order for payments to be approved. Photocopied receipts will not be accepted.

4. No funding will be provided for operational expenses, capital purchases or salaries. Funding requests should be directed to the actual expenses associated with a specific special program or event.
5. No funds will be available to pay for ancillary services at the Casper Events Center. Ancillary services include equipment rental (such as tables and stages), labor costs (such as event setup and box office service), and any food and beverage expenses. These expenses must be covered by the applicant, and they will be in addition to the applicant's portion of the facility rental fee. Applicants may not request cash awards to pay for these ancillary services.

### *III. Award Process*

1. Applications will be due by 3:00 p.m. on July 15, 2016, in order to be considered for funding in the Fiscal Year 2017. Submissions for consideration after this date and time will not be considered.
2. Once the applications have been processed by City staff, Staff will then meet to discuss the applications. Select applicants may be invited to address Council to clarify their applications and answer questions.
3. Staff will evaluate Community Promotions applications to decide if they meet the requirements/guidelines of Community promotions. Those applications that are not do not meet the requirements will be redlined so Council may see that they are not eligible for funding. Similarly, if the applicant has not met the requirements from a previous year, such as turning in their final report, they will also be redlined.
4. Those applications that meet the guidelines will then be sent forward to the Council. At this time, each Council member will:
  - a. Vote to **grant** or **deny** each applicant's request for In-Kind services. Each Council member will make a single up or down vote for each applicant's In-Kind requests. Requests for In-Kind services that receive a majority of votes in favor will receive a 50% waiver on the price of each of the services requested. *For example:* If the applicant requested a service which normally costs \$300, and the request was approved, then the applicant could purchase the service for \$150 (a 50% reduction from the normal price).
  - b. Vote to **grant** or **deny** each Facility Rental request. Each Council member will make a single up or down vote for each applicant's Facility requests. Facility requests that receive a majority of votes in favor will receive a 50% waiver on the cost to rent the facilities requested.

- a. Indicate a **dollar amount** that they would like to grant in cash toward each Cash request. Each council member may enter a dollar amount for each cash request, ranging from zero up to the total amount requested. If a majority of the votes are to award zero dollars in cash, then no cash will be awarded to that applicant. If a majority of the cash votes are greater than zero, then the applicant will receive a cash award equal to the average of the dollar amounts of the votes. Any zero dollar votes will be included in that averaging calculation.
5. No Council member may submit votes that exceed the total amount of Community Promotions funds available. This includes the total of all Cash, In-Kind, and Facility requests that the Council member would like to award.
6. Every organization that receives Community Promotions funding will be asked to submit a final report. If the award was support for an event, then the report will be due to the City within 30 days of the conclusion of the event. If the award was support for a program, then the final report will be due within thirty days of the conclusion of the program, or within 30 days of the conclusion of that fiscal year, whichever is soonest. The timely filing of this report will be taken into consideration when considering future years' allocation requests.
7. A historical record will be compiled for each organization receiving funds from the Community Promotions Budget in order to give future Councils a basis for evaluating future requests.

## AGENCY FUNDING SUMMARY - FY2017

Agency	One Cent #15	% Program/Capital	Community Promotions	% Program	Entity Funding	% Program	Category
Children's Advocacy Project			\$644.00	100	\$36,000	0	Human Services
Science Zone	\$374,241.62	100			\$22,500	50	Youth
Chamber of Commerce	\$22,416.00	100			\$40,500	0	Economic Devel
Casper Mountain Fire District					\$7,500	100	Basic Needs
Community Action Partnership (CAP)	\$858,959.17	100			\$104,549	35	Human Services
Youth Crisis Center					\$54,000	0	Human Services
Casper-Natrona County Health Dept	\$90,230.00	100			\$540,000	53	Basic Needs
Youth Empowerment Council					\$22,500	42	Youth
United Way of Natrona County					\$3,500	100	Human Services
Central Wyoming Senior Services	\$534,295.77	100			\$42,500	100	Senior Services
ARC of Natrona County	\$50,000.00	50					Literacy
Big Brothers/Big Sisters	\$76,291.41	0					Youth
Boys and Girls Club	\$293,140.23	0	\$667.50	100			Youth
Brain Injury Alliance	\$20,625.00	0	\$2,141.11				Human Services
Casper Artist's Guild/Art 321	\$258,246.81	100	\$2,777.78				Arts
PAL of Wyoming	\$109,521.12	50					Youth
Casper Greenhouse Project	\$191,480.75	50					Basic Needs
Casper Housing Authority	\$983,200.92	35					Basic Needs
Casper Mtn Biathlon	\$637,473.62	100	\$3,833.09	100			Youth
Casper Mtn Science School	\$90,230.46	100					Youth
Casper Sports Alliance	\$35,125.00	100					Eco Devo
Rescue Mission	\$298,320.58	100					Basic Needs
CLIMB Wyoming	\$159,303.44	50					Human Services
Family Journey Center	\$67,187.22	0					Youth
Food for Thought	\$31,875.00	100					Basic Needs

## AGENCY FUNDING SUMMARY - FY2017

Agency	One Cent #15	% Program/Capital	Community Promotions	% Program	Entity Funding	% Program	Category
Historic Trails Center	\$86,620.25	100					Arts
We Read Program	\$217,922.13	100					Literacy
Meals on Wheels	\$21,259.00	100					Basic Needs
The NIC	\$236,217.13	100	\$14,085.73	100			Arts
Platte River Trails Trust	\$767,543.89	50	\$3,170.28	100			Other
Poverty Resistance	\$137,523.67	50					Basic Needs
Salvation Army	\$132,951.66	100					Basic Needs
Food Bank of the Rockies	\$365,900.09	50					Basic Needs
WMC Foundation	\$796,517.20	100					Basic Needs
Wyoming Symphony	\$55,382.84	100	\$2,055.56	100			Arts
12-24 Club			\$1,722.22	100			Human Services
Casper Children's Chorale			\$280.50	100			Youth
Casper Amateur Hockey			\$17,044.44	100			Youth
CC Alumni Association			\$2,122.86	100			Other
Figure Skating Club			\$4,963.33	100			Youth
Casper Marathon			\$814.08	100			Other
Casper Museum Consortium			\$1,055.56	100			
Casper Rotary Foundation			\$4,250.00	100			
Casper Soccer Club			\$2,369.49	100			Youth
Central Wyo Skating Assn			\$3,231.25	100			Youth
Community Rec Foundation			\$6,386.00	100			Other
Court Appointed Special Advocate of Natrona County			\$1,212.50	100			
DCBA Christmas Parade			\$1,293.02	100			Other
Eddie McPherson Hockey Tourn			\$2,040.00	100			Other
The Science Zone			\$297.00	100			
Special Olympics			\$11,707.98	100			
Wyoming Amateur Softball Association			\$700.00	100			
Wyoming Fiddlers' Association District #4			\$655.56	100			
WMC Safe Kids			\$1,918.62	100			Basic Needs

Average Program/Capital Percent

72.83333

Average Program Percent

48

December 27, 2016

MEMO TO: Daniel Sandoval, Mayor  
Steven Cathey, Vice Mayor  
Wayne Heili, Councilmember  
Robert J. Hopkins, Councilmember  
Amanda Huckabay, Councilmember  
Kenyne Humphrey, Councilmember  
Shawn Johnson, Councilmember  
Jesse Morgan, Councilmember  
Todd Murphy, Councilmember  
Ray Pacheco, Councilmember  
Charlie Powell, Councilmember  
Christopher Walsh, Councilmember  
V.H. McDonald, City Manager  
Liz Becher, Assistant City Manager  
Pete Meyers, Assistant Support Services Director  
Zulima Lopez, Assistant Support Services Director

FROM: Tracey Belser, Assistant City Manager/Support Services Director

SUBJECT: Annual Financial Interest Disclosure Requirement

Recommendation:

That each member of City Council, City Manager, Assistant City Managers, and Assistant Support Services Director complete the attached Financial Interest Disclosure.

Summary:

Wyoming Statute No. 6-5-118 states:

- 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.

Additionally:

- 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 and ownership of land or building which the financial institution uses to conduct business.
- The statute requires disclosure of a financial interest, but does not indicate that specifics of the interest 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 in the bank, but need not state whether such interest is a checking account or how much is in the account.
- For purposes of this statute, a "pecuniary benefit" is defined as a benefit in the form of property, including benefits in the form of transportation and lodging, 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.
- As used in this statute, "personal business" means any activity that is not a governmental function. A "government function" is defined as any activity for which a public servant is authorized to undertake on behalf of a government.

To meet this requirement, please complete the attached Financial Interest Disclosure form and return it to the City Managers office no later than January 10, 2017. Receipt of the disclosures will be an agenda item at an upcoming city council meeting to be made part of the record of proceedings.



Annual Financial Interest Disclosure

Calendar Year 2017

Pursuant to W.S. 6-5-118(a), I am hereby disclosing that, to the best of my knowledge, I have received a pecuniary benefit from, I conduct personal business with, or I have a financial interest in the following depositories or firms where funds of the City of Casper are invested pursuant to W.S. 9-4-831:

- |                                    |           |          |
|------------------------------------|-----------|----------|
| • Bank of America                  | _____ Yes | _____ No |
| • Citibank                         | _____ Yes | _____ No |
| • Davidson Fixed Income Management | _____ Yes | _____ No |
| • First Interstate Bank            | _____ Yes | _____ No |
| • Hilltop National Bank            | _____ Yes | _____ No |
| • Jonah Bank                       | _____ Yes | _____ No |
| • PFM Asset Management, LLC        | _____ Yes | _____ No |

I request that submission of this form be made part of the record of proceedings for this meeting.

Name (Print): \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Office Held within the  
Casper City Government: \_\_\_\_\_

# TRAVEL POLICY – OVERVIEW

12/20/16

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City employees, including City Councilmembers, occasionally need to travel out of town on City business. A copy of the complete travel policy, as updated in September 2016, has been attached, but this document has been provided as a basic summary of that policy.

## **Approval Process**

If a traveler paid for their own expenses during the trip, and they are seeking reimbursement, they must submit to the City an explanation of the purpose of the travel and a collection of receipts to justify the travel reimbursement. City staff (and City Councilmembers) can also pay for their travel expenses with a City-issued credit card (“p-card”), but the rules for appropriate expenses are the same. In order to receive reimbursement for travel, the traveler must submit a *TRAVEL EXPENSE AND REIMBURSEMENT FORM*, along with the appropriate collection of receipts.

The person who approves travel expenses depends on the position held by the traveler:

- When most City staff travel, they must have their expenses approved by their Division Manager and their Department Head.
- Travel expenses of the City Manager, the Municipal Court Judges, and the City Attorney must be approved the Mayor.
- Travel expenses of City Councilmembers must be approved by the Mayor.
- Travel expenses of the Mayor must be approved by the Vice Mayor.

## **Reimbursement for Non-Meal Expenses**

The following are some of the non-meal expenses that are appropriate per City policy:

- Receipts for transportation expenses, such as airfare, parking, and cab fare.
- Itemized receipts for hotels. These receipts must be itemized because most in-room expenses are not considered to be reimbursable per the City travel policy.
- If the traveler used their own personal vehicle for travel, then they can request a mileage payment. This is reimbursed at the current mileage reimbursement rate as published by the IRS.

## **Meal Expenses**

Travelers may not seek reimbursement for meals that were provided as part of an overall conference or training fee. For example, a traveler who attended a training seminar may not seek reimbursement for lunch if a lunch was provided as a part of the seminar.

Travelers have two options in regards to reimbursement of meal expenses:

- Travelers may opt for the submission of itemized receipts for their meals, up to \$47 per day. Rules are in place to govern when meals are reimbursable if the traveler was away from Casper for only a portion of the day. The itemized receipt is required because the City will not reimburse travelers for the purchase of alcohol.
- Travelers may instead opt for a per-diem payment of \$47 per day. Under this option, the traveler does not need to submit receipts for meals.

**CITY OF CASPER**  
**TRAVEL EXPENSE & REIMBURSEMENT FORM- Policy Manual Exhibit N**

EXPENSE REPORT FOR ( YOUR NAME HERE) \_\_\_\_\_ VENDOR # \_\_\_\_\_

FUNCTION ATTENDING: \_\_\_\_\_ REASON FOR TRAVEL: \_\_\_\_\_

PERIOD BEGIN DATE: \_\_\_\_\_ PERIOD BEGIN TIME: \_\_\_\_\_

PERIOD END DATE: \_\_\_\_\_ PERIOD END TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_ EXPENSE LINE ITEM # \_\_\_\_\_

OTHER CITY STAFF WHOM EXPENSES WERE INCURRED: None

<u>Itemized Expenses</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>DATE</u>	<u>TOTAL</u>
	9/27/2015	9/28/2015	9/29/2015	9/30/2015	10/1/2015	10/2/2015		
Fare -Air, Train, Bus (\$)								\$0.00
From: (Location)								
To: (Location)								
Telephone/Internet (\$)								\$0.00
Which service used?								
Lodging								\$0.00
<b>Meals—In-State (except Jackson) Recommended Spending Guide</b>								
Breakfast: \$10 12:01 AM–10AM								\$0.00
Lunch: \$13 10:01 AM – 4 PM								\$0.00
Dinner: \$24 4:01 PM –12:00AM								\$0.00
(\$47 Daily Maximum) Per Diem								\$0.00
City: travel								
Meals—High Cost Areas (including Jackson, WY) See current IRS Index Limits at <a href="http://www.gsa.gov/perdiem">www.gsa.gov/perdiem</a>								\$0.00
Note Location - Wichita, KS								
City Auto Fuel Costs								\$0.00
ENTER MILEAGE HERE								
Personal Auto Mileage at .54 cents/mile	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OR Fuel Costs (ie NOT BOTH)								\$0.00
Cab & Local Fare								\$0.00
Parking Fees & Tolls								\$0.00
Car Rental								\$0.00
<b>TOTAL</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

EMPLOYEE'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

SUPERVISOR'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

**ORIGINAL DETAILED RECEIPTS MUST ACCOMPANY THIS REPORT IN ORDER TO BE COMPENSATED**

I, \_\_\_\_\_, represent that all travel expenditures presented for reimbursement were incurred on my behalf while traveling for legitimate business reasons for the City of Casper. All expenses presented were incurred and paid in accordance with all federal, state and local laws/regulations and that reimbursement is not for any alcohol or any other prohibited goods or services.

Signature: \_\_\_\_\_

**Policy Number: E.17**

**Effective Date: September 21, 2016, Resolution No. 16-231**

**Subject: BUSINESS, TRAVEL, TRAINING AND EMPLOYEE MOVING EXPENSES**

### **PURPOSE AND ADMINISTRATION**

The purpose of this policy is to identify and provide guidelines regarding:

- Travel on behalf of the City.
- Delineation of valid expenses for which Individuals may qualify for reimbursement and/or for which the City will pay.
- Other business expenses that the City may incur.

This policy applies to City Council Members, City employees, public officials and others (non-compensated volunteers, advisory and board committee members, etc.), collectively or separately referred to as Individuals/Individual in this Policy, 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.

All Individuals submitting bills and claims 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 Support Services Director to adopt, publish and enforce rules and procedures consistent with this Policy for the purpose of carrying out the provisions thereof; and to provide forms accompanied by instructions for their use.

### **Documentation**

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the Individual and the appropriate approver (see Approval Process section of this Policy), and then submitted to the Finance Division. Reimbursements are typically produced each Thursday, providing that the reimbursement was submitted far enough in advance.

Documentation requirements for payment of purchases made by Purchase Cards are covered in the Purchase Card Program Policy. Documentation for payment of purchases made through Credit Charge Accounts is the same as for employee reimbursements as contained in this Policy.

The name(s) of the Individual(s) 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 traveling is appropriate, and should always occur for in-state travel.

### *Exceptions*

Should a receipt be lost or not be obtainable, a certification memo, signed by the individual's Department Head (the City Manager if the individual is a Department Head, the Mayor if the individual is a Council Member and the Vice-Mayor if the individual is the Mayor), 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.

### **Meals**

Except for the cost of meals incurred during working meetings (scheduled meetings during which work is conducted on behalf of the City), the cost of meals incurred when Individuals are conducting City business will be paid for by Per Diem Reimbursement only. The City will pay the actual cost of meals incurred during working meetings.

### **Per Diem Reimbursement**

#### *Daily Total Per Diem Rate*

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 Individual 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 Individual.

#### *Prorated Per Diem Rates*

The need for prorating the per diem rate occurs when an Individual 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.

Advanced payment of per diem reimbursement is allowed for City business trips in excess of three days.

### *Overnight*

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

BREAKFAST	\$10.00		
LUNCH	\$13.00	or	<b>\$47.00/day</b>
DINNER	\$24.00		

(The above rates shall be adjusted periodically by resolution of the Casper City Council to the closest average of Standard Rate Meal Expenses for Wyoming from the U.S. General Services Administration (GSA). (<http://www.gsa.gov/mie>, <http://www.gsa.gov/portal/content/104877>))

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 in writing 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 Individuals claiming reimbursement for meals consumed while on overnight City business shall be entitled to reimbursement, excluding tip (not to exceed 15% of total bill), and is not to exceed the current GSA limit for high cost areas, including Wyoming High Cost areas.

If costs of meals or any other expenses being included for reimbursement or payment are for persons other than Individuals as defined above, those persons must be identified as who they are and be justified why they are participating in City business.

Allowing consultants or those who may be trying to sell the City a product or service to buy meals or give other gratuities for or to an individual is inappropriate and shall not be allowed.

#### *Not Overnight*

Meal reimbursements while traveling on business but **not** overnight may be reportable as income for income tax purposes, dependent upon tax laws and Internal Revenue Service (IRS) regulations.

Even though the Individual is away from their home for substantially longer than a normal workday and even stops for rest, the Individual is not considered to be away from home overnight. Any meal reimbursement money that the Individual receives may be taxable.

#### **Travel**

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

##### *Incident Vehicle Costs*

Incidental costs, such as parking, are reimbursable.

##### *City Vehicle*

The use of a City vehicle rather than a personal car is encouraged but subject to approval by Risk Management for all Individuals. 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. Multiple occurrences of traffic violations while on City business could result in disciplinary action.

Individuals who are not City employees must have approval from the City's Risk Manager **before** being allowed to drive a City vehicle.

##### *Personal Vehicles*

If a City 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, Individuals will be reimbursed at the current maximum mileage rate allowed by the IRS for deductions. City employees who receive an automobile allowance in lieu of being provided with an assigned City vehicle shall be entitled to mileage reimbursement for out-of-town travel in excess of the first 25 miles. 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 renting vehicles must be preapproved by the Department Head for City Employees only.

### *Air Travel*

Arrangement for air travel on City related business shall be made 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.
2. If personal travel is combined with business related travel, the traveling Individual shall be responsible for paying the increase in airfare, including baggage or other additional charges, 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 Individual.
3. The Individual who obtains 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 Individual, 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 Individual'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 Individuals are acceptable and will be reimbursed at the single room rate without any amenities such as hot tubs, suites, etc. 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:

#### *Allowed Expenditures 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.

#### *Not Allowed Expenditures 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 City Employees**

As authorized by the City Manager, and by the Mayor related to the employment of the City Manager, the reasonable moving expenses of a new City employee, limited to Division Heads and above, may be 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, if provided, shall be a negotiated item in the employee's employment contract. Claims will be submitted on an Accounts Payable payment voucher and this payment may be treated as additional income in accordance with federal tax law and IRS regulations and subject to all applicable withholding taxes.

### **Allowable or Reimbursable Non-Travel Expenses**

- Meals consumed by the Individual during meetings and other functions which conduct official City business or serve to benefit the City of Casper are reimbursable to the Individual.
- Reasonable expenses, including food and beverages (except alcohol), associated with commemorating a dedication or an unveiling that is recognized as serving an official public purpose are legitimate City expenses.
- Expenditure of public funds incurred by Individuals that are 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.
- Expenditure of public funds reasonably necessary to conduct City business and purposes.
  - Allowable or reimbursable non-travel expenditures necessary to conduct City business and purposes are:
    - Purchases of goods necessary to conduct City business that similar items **not** available from City inventories of goods or through purchasing arrangements, i.e. technology, office supplies, vehicle and equipment supplies, etc.
    - Any expenditure not listed in the Policy but was approved in advance by the Council (for the City Council) or by the City Manager (for City employees and other Individuals).

### **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 white AP payment voucher 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 Individuals.

### **Reimbursable Expenses for Others**

“Non-employees” or non-compensated volunteers, advisory and board 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 beverages (except alcohol) by Individuals at meetings involving non-employees is allowed.

**Credit Cards**

It is not the obligation of the City to provide City-issued credit cards (P-Cards) for travel and meetings purposes or for business 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 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 for Travel/Training reimbursement shall be submitted for reimbursement using the Travel Expense/Reimbursement form along with a White AP payment voucher. This includes travel and subsistence expenses, except for incidental and minor costs authorized in this policy or in the petty cash policy.

Other claims for reimbursement shall be submitted on a White AP payment voucher.

Special approvals required by this policy shall be obtained by Individuals 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 purchases and employee reimbursement claims must be authorized by the following.

Purchases Made By	Approver		Optional Approver
	Travel & Employee Reimbursement	Non-Travel & Non-Employee Reimbursement	
Council Member	Mayor	Mayor	Vice Mayor
Mayor	Vice Mayor	Vice Mayor	Other Council Member
City Manager	Mayor	None (1)	Vice Mayor
City Attorney	Mayor	None (1)	Vice Mayor
Municipal Judges	Mayor	None (1)	Vice Mayor
Assistant City Manager	City Manager	None (1)	Mayor
Department Head	City Manager	None (1)	Assistant City Manager
Division Head	Department Head	None (1) (2)	Assistant City Manager
All Other Staff	Division Head	Division Head	Department Head/Assistant City Manager

All Others	Department Head/City Manager	NA (2)	Department Head/Assistant City Manager
1 – The City’s Internal Auditing Program provides sufficient testing and review to eliminate necessity of additional level of approval; May require electronic approval in Central Financial System and P-card System by proxy (typically a Department Head)			
2 –The number of Non-travel and Non-employee purchases made by a Division Head should be minimal because of the high employee cost of purchasing			
Note - Non-employees should rarely, or never purchase on behalf of the City			

**Failure to Abide**

Any failure on the City 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 Administrative Services 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.

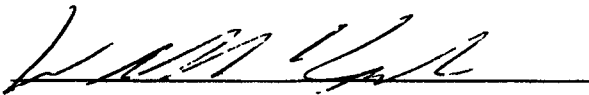
RESOLUTION NO. 16-231


A RESOLUTION ADOPTING THE BUSINESS, TRAVEL,  
TRAINING AND EMPLOYEE MOVING EXPENSE POLICY

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF  
THE CITY OF CASPER, WYOMING: That the Business, Travel, Training and Employee  
Moving Expense Policy be adopted.

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of September, 2016.


APPROVED AS TO FORM:



  
Tracey L. Belsel  
City Clerk



CITY OF CASPER, WYOMING  
A Municipal Corporation

  
Daniel Sandoval  
Mayor

# City of Casper

## PURCHASING POLICY AND PROCEDURE

### *AN OVERVIEW*

1/27/17

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The City of Casper has various controls in place to ensure that public funds are not squandered or lost through waste and fraud. Much of this is governed by the general principle that larger expenditures require more review than smaller expenditures, but even the smallest expenditures must be reviewed and approved by at least two employees, one of whom is a manager.

State law also sets special rules for how the City buys certain items, including public works (roads, buildings, water lines) and cars and trucks. Complete rules regarding purchasing are available in the City's purchasing manual, but this document will serve as a basic guide and overview of how the purchasing process is conducted.

#### **PART 1: HOW TO SELECT A SUPPLIER**

##### **PURCHASES OF BASIC MATERIALS, SUPPLIES, SERVICES, AND EQUIPMENT – Cost is LESS THAN \$1,000**

The process for buying items that cost less than \$1,000 is fairly streamlined. Many City staff members have the authority to make small day-to-day purchases for tools, office supplies, and similar items. These purchases are made with general direction from a supervisor, and the purchase is then reviewed by that supervisor after the purchase has been made. Employees are expected to review prices for competing similar products, but no documentation of that price comparison is required.

##### **PURCHASES OF BASIC MATERIALS, SUPPLIES, AND EQUIPMENT – Cost is MORE THAN \$1,000 BUT LESS THAN \$20,000**

Purchases of this sort require documentation that competing products were reviewed. Employees who are looking to make these purchases must document that they have three quotes from competing vendors for the item, material, or service that they are looking to buy.

The solicitation of quotes is done for two reasons. First of all, the City has an interest in getting a good price for the things that it is buying. Secondly, the City has an obligation to be fair among the various

stores and service providers. Each merchant deserves a chance to compete for the City's business. By soliciting quotes, the City ensures that it is not unfairly excluding any business or vendor.

### **PURCHASES OF ANY SERVICE – COST IS MORE THAN \$20,000**

The City often engages the services of professional firms for services such as engineering, accounting work, legal assistance, and various types of consulting. When the price of the service is expected to be more than \$20,000, the City will typically issue a Request for Proposals (RFP).

The RFP process is a very formal purchasing process, and it often takes months to complete. It begins with City staff writing a formal description of the specific assistance that it is seeking. The description will include instructions for how an interested firm should write and submit its proposal. The firm will be required to answer a series of specific questions, in writing.

RFP's are typically advertised in the Casper Star Tribune, and may be advertised online and/or in other publications as well. The advertising typically includes two ads at least seven days apart, and the solicitation period typically lasts for at least 14 days. The advertisement will instruct interested parties on where they can get copies of the RFP, and the ad will specify that proposers must deliver their proposal to the City by a very precise date and time. City staff will not review any proposal received until after the specific delivery date and time; this helps to ensure that the process is being conducted fairly.

Review of proposals is typically done by a team of City staff members. That review will ensure that the best firm is selected from among the applicants. This review often involves a formal interview of the applicants, and it may include making calls to the applicant's references.

Once a firm is selected, a contract for services is prepared and reviewed by the City Attorney's office. The contract will then go forward to the City Council for approval.

(For exceptions to this process, see the *Negotiated Purchasing for Professional Services* section below.)

### **CONSTRUCTION OF PUBLIC WORKS where the cost exceeds \$20,000, and PURCHASES OF EQUIPMENT OR MATERIALS where the cost exceeds \$20,000**

Purchases of this sort require that the City go through a formal bid process. Like the RFP process, the solicitation for bids is very formal. It requires a specific description of the item or construction project that is being sought. A request for bids (RFB) document often includes long excerpts of the City's general design specifications. It might also include professional design drawings, timelines, grant requirements (if applicable), and detailed listings of the tasks that must be completed as a part of the project.

State law requires that the bid be advertised at least twice in a newspaper of record, with each ad being at least seven days apart. The bid solicitation period must be at least 14 days long. State law also requires a 5% in-state preference for public works projects. This gives an advantage to local

construction firms. (The in-state preference does not apply if the project is funded with federal grant monies.)

The bid review process begins with a staff review to ensure that the bidding materials are complete and that each bidder followed the rules of the bid process. Staff will then try to determine if the bidders are responsible, i.e., that each bidder is believed to be competent and able to provide the materials and complete the work as described by the bid specifications. Staff will then make a recommendation that the Council select the lowest bid from among the bidders that staff believe to be responsible.

Once a firm is selected, a contract for services is prepared and reviewed by the City Attorney's office. The contract will then go forward for the City Council's approval.

### **PURCHASING OF NEW CARS AND TRUCKS – Any price**

State law specifically requires cities to go through a bid process when they purchase cars or trucks. This applies to any purchase, regardless of price, but it does not apply to used vehicles.

### **NEGOTIATED PURCHASING for Professional Services**

There are times when there is only one viable professional for a particular service – for example, if the City is seeking to modify a custom computer program, then it might only be feasible to hire the programmer who wrote the original code.

City policy allows staff to forego the RFP process for professional services that are expected to be in excess of \$20,000. This sort of action requires the City Manager's approval.

### **SOLE SOURCE PURCHASING for Equipment and Materials**

A large purchase that does not go through a formal competitive process (such as an RFP or a request for bids) is called a Sole Source Purchase. It is sometimes the case that the City requires an item, such as a large piece of equipment, that is only available from one vendor – for example, if a pump needs to be replaced at the Wastewater Treatment Plant, it may be the case that only a pump from the same manufacturer will be compatible with the rest of the treatment system. In these cases, the bid process can be avoided by going through a sole source process.

For this kind of purchase, City staff must first get permission from the City Manager. Staff must then prepare a memo on the need for a sole source purchase and send that memo to the City Council for their review. After the Council has had at least ten days to review the memo, City staff will make a presentation at a City Council work session and ask permission to pursue the sole source process. If permission is granted, then a contract to execute the sole source purchase will be negotiated with the vendor and sent forward for City Council approval.



## **PART 2: HOW THE PAYMENT GETS MADE**

The City can pay its bills in a number of ways. The two most common ways are by invoice or by p-card.

1. **P-CARDS:** Most purchases are made via Purchase Card (“p-cards”), which are city credit cards. Certain City employees have been issued p-cards so that they can make routine purchases. Different employees have different limits of available credit, depending on the needs of their position. Each purchase that is made by p-card must be individually reviewed by that employee’s department head. It is not uncommon for some department heads to review more than one hundred purchases every week.
2. **INVOICES:** The City can also pay invoices with a check or wire transfer. Most large payments (such as payments associated with contracted services and public works) are made through an invoice, as are other payments (such as monthly utility bills) that are not easily paid by credit card. Invoices must be entered into the City’s financial software and then approved by at least one (and often more than one) manager.

Once a payment is approved by City staff, it must go to the City Council for formal approval. This is referred to as the “bills and claims” process. Most formal council meetings begin with an “approval of bills and claims” agenda item. This item is a long listing of every bill that the City is seeking to pay; it typically sums to several million dollars’ worth of payment.

Because bills (under most circumstances) can only be paid by the City Council, a balance is always being maintained by City staff between speed and accuracy. Vendors are desirous of being paid quickly, but the City Council only holds formal meetings twice in any month. Depending on when an invoice is sent to the City, it might be several weeks before the bill can be processed and sent to the City Council. On the other hand, an excess of speed will impact City staff and their ability to give appropriate review to each payment.



# CITY OF CASPER PURCHASING GUIDELINES

## BIDDING

Required for

>\$20,000

&

All New Vehicles

Wyoming Statute  
Limit is \$35,000,  
but Casper Has  
not made the  
change

\*5% local  
Preference

## QUOTES

Available for

> \$1,000

&

< \$20,000

3 Quotes  
Required

Applies to  
Used Vehicles

## NEGOTIATED

Available for

Professional  
Service Contracts

Examples:

Engineering

Legal

Software

Accounting

Consulting

Sole Source

Etc.

## SOLE SOURCE

Available for

A unit that can  
only be provided  
by a single  
manufacturer

Council review  
period of 10  
days prior to  
work session

Presented at  
work session

If no comments  
or concerns,  
proceeds for  
formal approval

**CASPER CITY COUNCIL**  
**PARLIAMENTARY PROCEDURE GUIDE**

Prepared by the Casper City Attorney's Office

December 20, 2016

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## **UNDERLYING PRINCIPLES OF PARLIAMENTARY PROCEDURE**

One item of business (subject) at a time

One speaker at a time

Majority rules, but respect the right of the minority.

Each item is entitled to a full and free debate.

The purpose of the rules is to facilitate action, not to obstruct it.

Justice and courtesy to all

Discussion is not in order unless there is a pending question.

# ROBERT'S RULES OF ORDER– BASICS

## Introduction:

- Where Robert's Rules came from:
  - Written by Brig. Gen. Henry Martyn Robert, and 1<sup>st</sup> published in 1876.
  - Brig. Gen. Henry Martyn Robert's interest in parliamentary procedure began in 1863 when he was chosen to preside over a church meeting and, although he accepted the task, felt that he did not have the necessary knowledge of proper procedure.

**NOTE: All page references herein to the Casper City Council Handbook, Dated January 21, 2016, shall appear as "Page # CCCH."**

- Rule 5.12 of the Rules of the City Council (see *Page 81 CCCH*) adopts the latest version of Robert's Rules for parliamentary practice unless otherwise more specifically provided in the Rules and Orders of Council.
  - Council's adopted rules are far less formal and arguably, more practical than the official rules. Plus, Council's rules address many procedures that would normally be covered by Robert's Rules.
  - Robert's Rules allow small assemblies, such as your council meetings to take a more relaxed stance.

## Underlying principles

- One item of business (subject) at a time
- One speaker at a time
- Majority rules, but respect the right of the minority
- Each item is entitled to a full and free debate
- The purpose of the rules is to facilitate action, not to obstruct it
- Justice and courtesy to all
- Discussion is not in order unless there is a pending question.

## Setting the Agenda (see *Pages 77 -78 CCCH*):

- For Council, the agenda is pre-set for meetings, based upon the prior work session review. No action can be taken on any item not appearing on the posted agenda with the exception of:

- An emergency situation exists (recommended that this be determined or ratified by a majority finding of the Council at a special meeting called for this purpose. See Casper Municipal Ordinance 2.04.070 which provides that a “Special Meeting” may be called by the Mayor or any five (5) members of the Council. The meeting call shall fix the day and the hour of such meeting.
  - Pursuant to Wyoming Statute 15-1-115(c) every ordinance has to be read on three (3) different days, with at least ten (10) days elapsing between the introduction and final passage of the ordinance which shall be passed on each reading by a majority of all members of the Council. However, Council, in case of emergency, by a vote of three-fourths (3/4ths) of the qualified members of the governing body may suspend these requirements, and under subsection (d) of this statute may pass an emergency ordinance by a vote of three-fourths (3/4ths) of the qualified members of the governing body.
  - Note that these statutory requirements are re-stated in Rule 4.4(B), *Page 79 CCCH*.
- **CONSENT AGENDA (see *Page 21 CCCH*):**
    - A Council member may remove an item from “consent” for the purposes of debate, amendment, tabling, or postponing by contacting the city manager’s office prior to the Council meeting.
    - A Council member should notify the city manager’s office of this intent no later than 12:00 noon on the day of the meeting in order for the agenda to be modified. See *Page 21 CCCH*.
  - **STANDARD ORDER OF BUSINESS -- Pre-set on the agenda, but subject to change by a vote to amend or other motion (motion to recess until xxx time). In addition, the Mayor may informally decide to take a break and resume the meeting within a short time.**

**The Chairperson (the Mayor of Council)**

- Keeps order in the meeting (especially making sure one person speaks at a time).
- Takes direction from the other council members on whether to proceed by way of motions, amendments or other procedure. Such actions generally require a second to proceed to debate.
- Mayor rule decisions are appealable by Council members (“I appeal the ruling of the Chair;” requires a second and a majority vote). However, in the case of Council, this is a very limited right. There is no appeal allowed from the Chair announcing the results of a vote. Only a ruling by the Chair is appealable to the body.

## Making a Motion

- The first step in making a decision is getting a clear statement about it. That statement is called a motion. When a Council member makes a motion, he or she is usually suggesting what the organization should do.
- Standard language for motions:
  - **“I move that . . .”** State with clarity the purpose of the motion. Motions should only contain one subject.
- Every motion must, with some narrow exceptions, be supported by another Council member by entering a “second” on the record.
  - Just because someone makes or seconds a motion, it doesn’t mean they support it. It just means they think it’s worth discussing.
- Motion on the Floor: once a motion is made, the discussion on it begins.
  - The mover on the motion goes first. Then, others proceed to speak in order (as called by the Mayor). We have traditionally been less formal here, and have never enforced a strict rule that the mover speaks first.
  - Once a motion is on the floor, only that topic may be discussed. Talking about something else is “out of order.”
  - Technically -- Discussion is not in order unless there is a pending question (something to vote on). If no one has presented a clear statement of what to vote on, the discussion could go all over the place, and it may be difficult to focus on one issue at a time.
    - Option: move to suspend the parliamentary rules for this case, and to proceed with discussion of the case prior to moving for approval or denial of the motion. Note, it takes a two-thirds (2/3rds) majority vote of those present to suspend the rules.
      - Note: **be careful** suspending the rules. Remember: much of the procedure outlined in the CCCH Rules have been adopted by a binding resolution (Resolution 00-9). As an example, the number of votes required to pass a given resolution or ordinance has been set in



Resolution 00-9 (as well as by statute) and is **not** subject to being suspended at a meeting.

### **Making Amendments**

- To change a motion, an amendment is offered. The amendment may simply be accepted if the mover agrees (aka, a friendly amendment accepted by unanimous consent). Normally, however, the better practice is for a motion to amend be *seconded*, debated, and voted upon, all of which will help keep the record clear.
- The Chair normally restates the amendment so it's clear; and, only the amendment may now be debated (not the main motion).
- Before an amendment is passed, a Council member can move to change it. "I move to amend the amendment." The debate must only be about the change, not the previous amendment or the underlying main motion.
- No further amendments are allowed after the amendment to the amendment is on the table.
- Summary of the formal procedure:
  - MOTION
  - AMENDMENT to the MOTION
  - AMENDMENT to the AMENDMENT
- After the vote is complete on the amendments, there is still room for debate and amendment to the MAIN MOTION.
- When all the amendments are complete, the main motion must be voted on.

### **Making Special Motions**

- Postponing Decisions by Motion:
  - Motion to Table – decision set aside until a Council member brings it back to the table by a later motion passed by a majority for discussion (Neither motions, to “lay on the table” or to “take from the table” are debatable.
  - Motion to Postpone to a Certain Day – decision set aside until a specific time and date (debatable). Much better process, as matter automatically comes back later for discussion and decision.

- Motion to Refer – send the item back to staff/developer, or other entity to make the decision or provide more information.
  - Be careful with this motion. Sometimes, like in the case of annexations, there are statutory or code based timelines for an item to be approved.

### **Points of Order**

- Point of Information – when there is a question about the motion on the floor, a Councilman may ask for clarification.
- Point of Order – Raised by a Councilman if he or she believes something has gone wrong procedurally. The Mayor, (as the chairperson) can uphold a point of order or deny it, and rule that nothing needs to be done differently. A Councilman who is not satisfied with the ruling, or believes it is wrong, can appeal the ruling and ask for a vote. The vote is the final decision on the ruling.

### **Calling for the Question**

- When a time limit is up (if established), or there is no one else to speak, or any Councilman thinks it's time to end the debate and vote, a councilman may "call for the question."
- Seconded; NOT debatable.
- Note: a delegate cannot speak and THEN call the question. He or she must only call the question.
- When the question is called, the Mayor takes a vote to see if the majority are in favor of ending the debate. Requires a 2/3 majority vote to call the question. If no 2/3 vote is received, debate continues. **See page 9 of these guidelines for specific procedures for limiting debate.**

### **Counting the Votes**

- It can be by show of hands, voting cards, voice (yes, no), etc.
- We traditionally handle this by the electronic recording of the vote and the outcome being stated on the record.

### **Changing a Decision**

- Motion to Reconsider
  - A Councilman that voted on the winning (prevailing) side of a motion, or who was absent from the meeting, may move to vote again on a decision.
  - Seconded, debatable, majority vote.

- A motion to reconsider can only occur at the same meeting or the next regular Council meeting.
- **NOTE HOWEVER**, that a motion to reconsider is subject to State Statute 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.
- See **page 9** of these guidelines for specific procedures on motions to reconsider.

### **Ending the Meeting -- Motion to Adjourn**

- “I move to adjourn”
- Seconded, NOT debatable, NOT amendable, majority vote, can NOT be reconsidered

# SPECIFIC PROCEDURES ON SELECTED COUNCIL RULES OF PARLIAMENTARY PROCEDURE

What follows are excerpts of the parliamentary procedure rules that have been adopted by Council separate from Robert's Rules of Order. Generally see Rules of the City Council as adopted by Resolution No. 00-9 and amended by Resolution 02-284, *Pages 77 – 82 CCCH*.

**FOR PASSAGE OF GENERAL ORDINANCES, (Rule 4.4A, Recording and Passage, Page 79 CCCH):** “A majority of all elected members of the Council shall be required for the passage or amendment of any ordinance.” As such, it will always take an affirmative vote of at least five (5) members of council to pass or amend an ordinance.

**FOR PASSAGE OF RESOLUTIONS, (Rule 4.5 Vote, Page 79 CCCH):** Requires that all resolutions, except resolutions granting licenses, be passed by an affirmative vote of not less than five (5) Members of the Council, with resolutions granting licenses being approved by a majority of the members of Council voting on the issue.

**WITHDRAWAL OF MOTION, (Rule 5.4, Page 80 CCCH):** “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.”

The following procedure outlines the process to follow for the withdrawal of a motion pursuant to Rule 5.4 above:

1. A council member having made a motion may simply withdraw it unless a second has been received.
2. If the main motion has been seconded, it is then under consideration by the body and the motion may only be withdrawn by the mover making a motion for that purpose which requires a second.
3. The Mayor may ask “is there is any objection to the withdrawal of the motion on the floor.” If there is no objection, the Mayor can state: “there being no objection, the motion is withdrawn by **unanimous consent**.”
4. If the Mayor does **not** ask for unanimous consent, **or** if a council member objects to the withdrawal of the motion, then the Mayor shall ask the council to cast and record their votes on the withdrawal of the motion, which requires a

simple majority for its withdrawal. The motion to limit debate is not debatable or amendable.

**MOTION TO RECONSIDER, (Rule 5.6, Page 80 CCCH):** “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 who is 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.”

In order to reconsider a previously passed item, it is necessary that a motion be made for its reconsideration, which requires a second and the motion is debatable. A simple majority of the council members present is required to pass the motion for reconsideration. Assuming the motion passes, the previous question is again before Council, and a new motion to approve the item and a second needs to be made in order to reconsider and debate the item, which is now also subject to amendments. Following the closing of debate, the chair asks for the casting and recording of the vote on the item.

**NOTE HOWEVER**, that a motion to reconsider is subject to State Statute 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.

**LIMIT ON DEBATE, (Rule 5.7, Page 81 CCCH):** “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 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.”

This provision creates a hybrid between what is known as “call for the question” and a motion to limit debate under Robert’s Rules of Order. The following procedure outlines the process to follow in light of Rule 5.7 above:

A council member “calls for the question” or “moves the previous question,” either of which, under Rule 5.7 requires a second. Note however, under Robert’s Rules of Order a delegate cannot speak and THEN call the question. He or she must only call the question.

5.

6. The Mayor then may ask “if there is any objection to closing debate.” If there is no objection, the Mayor can state: “there being no objection, the call of the question is granted by unanimous consent” and the Mayor would then call for the vote on any proposed amendments in their order, and then on the main question, without debate or further amendment.
  
7. If the Mayor does not ask the body if there is unanimous consent to closing the debate, or a council member objects to closing the debate, then the Mayor shall ask the council to cast and record their votes on the motion. The motion to limit debate is not debatable or amendable. The vote to limit debate requires a 2/3rds majority vote of those present voting in favor of the call for it to pass.

# PUBLIC MEETINGS

*Pages 18 - 19 CCCH*

Operations and procedures of the City and City Council incorporate requirements designed to insure compliance with the State's 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 present 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.

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

*Page 20 CCCH*

It shall be the responsibility of the Department Heads or their support personnel to make sure that agenda items are submitted to the City Manager's Office, by full title, *no later than 12:00 noon, Monday*, of the week prior to the Council meeting. This will allow time for the preliminary agenda to be prepared and distributed at the Department Head meeting on Tuesday at 7:30 a.m. Tentative items are acceptable at this time.

The Mayor, Vice-President, City Manager, and City Attorney meet on the Thursday prior to the regularly-scheduled Council meeting to set the agenda. 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).

If, after reviewing the agenda packet, a Council member 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 Manager's Office. This courtesy permits the City Manager to inform all Councilmen of the items removed from consent prior to the meeting.

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. Individuals wishing to address an issue being considered at a public hearing may do so without prior notification.

# ORDINANCES, RESOLUTIONS, MINUTE ACTION, AND CONSENT

Page 21 CCCH

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; 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 Council Members 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 Council members take one vote, either affirming or denying, all items under the consent category. If a Council member desires to withdraw an item from the consent category, the City Manager'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

*Pages 22 - 24 CCCH*

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, council members are encouraged to consult with the City Attorney regarding specific parliamentary procedure.

**Main Motion (or “Principal Motion”):** Council members 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.

**To Call for Orders of the Day:** Council members can insist that the Council return to the items on its agenda by making a motion to call for the Orders of the Day. Generally, this is only required if the chair is in error or has committed an oversight.

**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.

**Suspend the Rules:** When an assembly wishes to do something during a meeting that it cannot do without violating one or more of its regular rules, it can adopt a motion to Suspend the Rules interfering with the proposed action. Suspending the rule cannot conflict with the organization’s bylaws, constitution, local, or national law, or with a fundamental principle of parliamentary law.

**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.

**To Commit or Refer:** This is generally used to send a pending question to a relatively small group of selected persons or a committee so that the question may be carefully investigated.

# Reference Guide to Motions

## Parliamentary Procedure in Action

MOTION	MAY APPLY TO THESE MOTIONS	MAY INTERRUPT A MEMBER ON THE FLOOR	MOVER MUST BE RECOGNIZED	REQUIRES A SECOND	DEBATABLE	
FIX TIME OF NEXT MEETING	NONE	NO	YES	YES	Not when privileged	Majority
TO ADJOURN (Recess)	NONE	NO	YES	YES	Not when privileged	Majority
QUESTION OF PRIVILEGE	NONE	Yes, if Necessary	NO	NO	No, but a resulting motion is	Decided by Chair
CALL FOR ORDERS OF THE DAY	Any special or general order	Yes, to call for a special order	NO	NO	NO	None, it Takes 2/3 vote to postpone special order
RISE TO POINT OF ORDER	Any motion or act	YES	NO	NO	NO	None, unless appealed, then Majority
APPEAL	Any decision by the Chair	YES	NO	YES	USUALLY NO	Majority
SUSPEND THE RULES	Any motion Where needed	NO	YES	YES	NO	Usually 2/3
WITHDRAW (or Renew) A MOTION	Any motion	NO	YES	NO	NO	Majority
OBJECTION TO CONSIDERATION	Main question, and questions of privilege	YES	NO	NO	NO	2/3 in negative
LAY ON THE TABLE	Main question, appeals, questions of privilege, reconsideration	NO	YES	YES	NO	Majority

MOTION	MAY APPLY TO THESE MOTIONS	MAY INTERRUPT A MEMBER ON THE FLOOR	MOVER MUST BE RECOGNIZED	REQUIRES A SECOND	DEBATABLE	
TAKE FROM TABLE	Only to motion that was "tabled"	NO	YES	YES	NO	Majority
CLOSE OR LIMIT DEBATE	Any debatable motion	NO	YES	YES	NO	2/3 Majority
POSTPONE TO CERTAIN DAY	Main motion, Questions of privilege, reconsider	NO	YES	YES	YES	Majority
REFER	Main motion, questions of privilege	NO	YES	YES	YES	Majority
AMEND	Main motion, limit debate, refer, postpone indefinitely, fix time of next meeting	NO	YES	YES	YES	Majority
POSTPONE INDEFINITELY	Main motion, question of privilege	NO	YES	YES	YES	Majority
MAIN QUESTION (or motion)	No other motion	NO	YES	YES	YES	Majority
RECONSIDER	Any motion except adjourn, suspend rules, lay on table	YES for entry	NO	YES	YES	Majority
RESCIND (or Repeal)	Main motions, appeals, questions of privilege	NO	YES	YES	YES	Majority

# RESOLUTION NO. 00-9: RULES OF CITY COUNCIL

*Pages 77 – 82 CCCH*

## RESOLUTION NO. 00-9

A RESOLUTION RESCINDING RESOLUTION NOS. 92-142, 96-77 AND 96-213, 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 Nos. 92-142, 96-77 and 96-213 are 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.

### 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 Manner

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 may be 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.

PASSED, APPROVED, AND ADOPTED this 1st day of February, 2000.

**As amended by Resolution No. 06-291**

Adopted November 7, 2006