

COUNCIL WORK SESSION
Tuesday, July 22, 2014, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. DDA TIF Consultant Presentation
2. Hogadon Facilities Plan
3. 1%#15 Survey Results & Recommendations
4. Dog Park Ordinance Changes
5. Elkhorn Ranch, LLC, request for consent from the City for it to change in its point of diversion of water from the “Stroud Ditch” for irrigation purposes
6. Proposed Amendments to Chapters 2.60 and 2.64 of the Casper Municipal Code pertaining to the Public Service Code of Ethics and Removal of Officials; and the creation of a new Chapter 2.82 establishing minimum bidder qualification requirements for public improvement contracts



July 10, 2014

MEMO TO: Mayor Paul Meyer and Members of Casper City Council

FROM: Casper Downtown Development Authority

SUBJECT: Tax Increment Finance (TIF) Consultant Presentation

Comments: The Downtown Development Authority is in the process of creating a Tax Increment Finance District (TIF). A TIF, also referred to as Market Driven Funding, is an economic redevelopment tool utilized to help revitalize less than desirable or blighted areas and promote economic stability and growth. This model has been used throughout the nation for over 40 years and has been successfully implemented in Cheyenne to help spur growth in their downtown. Janet Cornish, of Community Development Services of Montana, will present a PowerPoint summary of the process that the community must undertake to create a DDA municipal sales TIF district. Following the presentation, Janet will be available to address any questions the Council may have about the creation and implementation of a TIF district.



Casper Downtown Development Authority
Tax Increment Financing (TIF)
Presentation
July 22nd, 2014

The Casper DDA



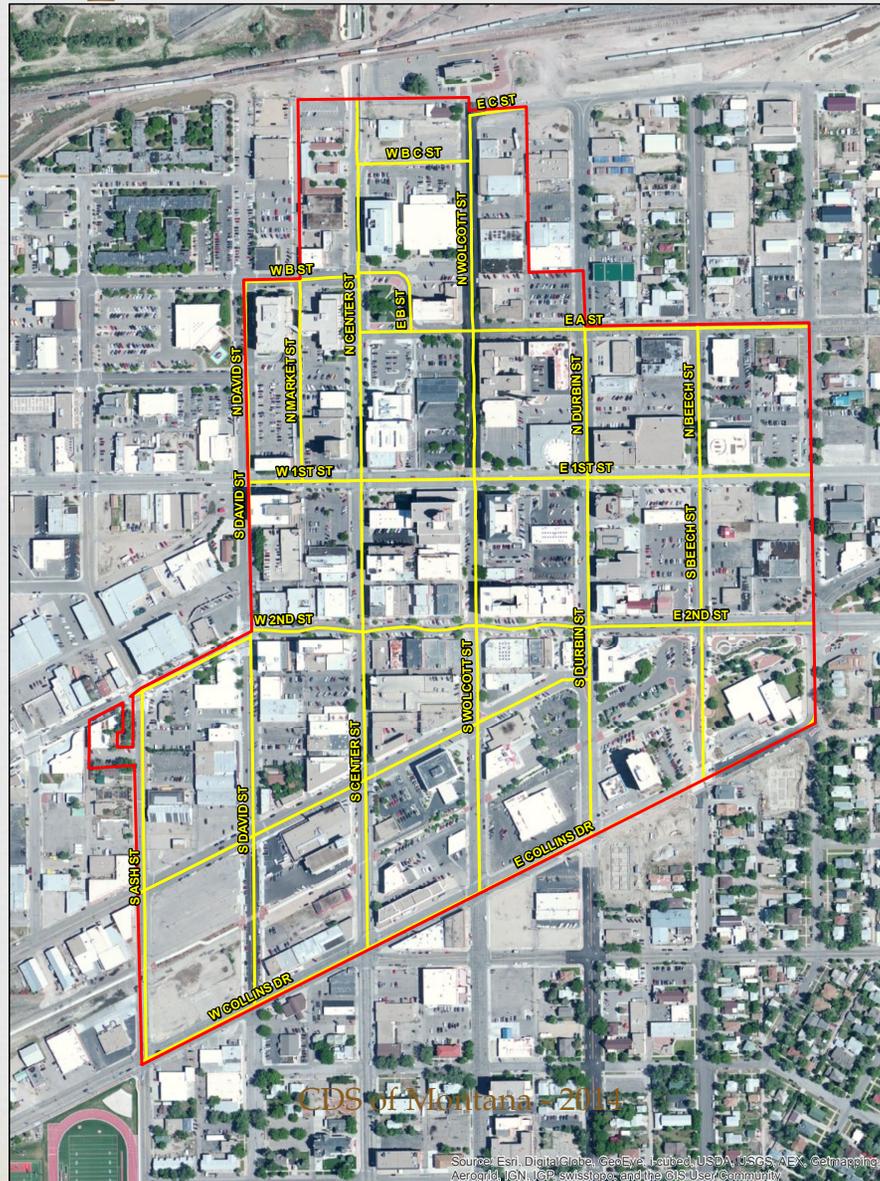
- ❧ The City Council adopted Ordinance # 4-88 on May 3rd, 1988, creating the Casper Downtown Development Authority (DDA).
- ❧ The DDA is a separate “body corporate” and is governed by an 11-member Board of Directors including one member of the Casper City Council, appointed at its pleasure.
- ❧ The DDA currently levies 16 mills in support of its programs.

Authority for DDAs



☞ (a) The Wyoming legislature declares that the organization of downtown development authorities ... will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and off the people of this state, will halt or prevent deterioration of property values or structures within central business districts, will halt or prevent the growth of blighted areas within such districts, and will assist municipalities in the development and redevelopment of such districts....” (Wyo. Stat. §15-9-201)

Casper DDA Boundary



DDA Primary Activities



- ❧ Business recruitment
- ❧ Economic development
- ❧ Public relations, advertising and promotions
- ❧ Educational programs
- ❧ Financial assistance
- ❧ Beautification enhancements

Accomplishments



The DDA has contributed over \$330,000 to:

- ❧ Graffiti Removal
- ❧ Pigeon Control
- ❧ Flower Gardens
- ❧ Sidewalk Improvements
- ❧ Sculptures:
 - ❧ Joy of Life
 - ❧ Chance of Flurries
- ❧ Street Lighting (Center & Wolcott)

Current and Proposed Activities



- ❧ Installation of way-finding signage
- ❧ Gateway development
- ❧ Grant writing assistance
- ❧ Public restroom construction
- ❧ Construction of a public plaza
- ❧ Business development and recruitment activities
- ❧ Downtown residential development
- ❧ Events and promotions
- ❧ Fire Suppression System grant application preparation
- ❧ Informational kiosks
- ❧ Expanding downtown music speaker system

A New Funding Resource



Creating a DDA Municipal Sales Tax Increment
Financing District
(TIF)

Tax Increment Financing



- ❧ TIF is authorized under Title 15, Chapter 9, Article 2 of the Wyoming State Statutes and enables local governments, for a period of not more than 25 years, to direct the following types of tax increments to a DDA for development projects within a designated blighted area:
 - ❧ A portion of the property taxes that accrue from new development occurring after a base year is established, or
 - ❧ All or a portion of the municipal sales taxes received in excess of those received in the base year, or
 - ❧ Both

Calculating a DDA Municipal Sales Tax Increment



- ❧ Step 1. - Segregate the total taxable sales within the the DDA for the current year.
- ❧ Step 2. - Subtract the total taxable sales within the DDA realized in the base year.
- ❧ Step 3. - Multiply this “incremental” increase by 1.2% (percent of the sales tax due to Natrona County).
- ❧ Step 4. - Multiply the result by 75%, which is Casper’s allocation of the Natrona County sales tax, as determined by the US Census. (Results in the incremental increase in sale taxes within the DDA.)

Looking at the numbers (for example....)

- ☞ Step 1. - Total taxable sales within the the DDA for the current year = \$52,000,000
- ☞ Step 2. - Base year taxable sales within the DDA = \$50,000,000, which means an incremental increase of \$2,000,000 in sales
- ☞ Step 3. - Multiply \$2,000,000 times 1.2% (Natrona County sales tax share) = \$24,000
- ☞ Step 4. - Multiply \$24,000 times 75% (Casper's municipal share of the sales tax) = the actual tax increment due the DDA = \$18,000

Does TIF increase our taxes?



- ✧ Tax increment financing does NOT increase the taxes we pay. Rather it ONLY affects the WAY in which new tax dollars that are generated by new economic activity are *distributed*.



Uses of TIF Funds



- ❧ Principal and interest payments on bonds and/or other indebtedness.
- ❧ Development projects within the boundaries of the DDA including:
 - ❧ Landscaping and maintenance of public areas
 - ❧ Promotion of public events
 - ❧ Business recruitment
 - ❧ Capital improvements

Oversight and Reporting



- ❧ TIF dollars may only be expended on projects and programs that have been generally identified in the long range development plan for the TIF district, which must be approved by the City Council. Each specific program or project must be approved by the Council
- ❧ TIF dollars are public funds and therefore, while the DDA is a separate “body corporate”, only the municipality has the authorization to issue TIF bonds.
- ❧ The DDA, as a publicly appointed entity should report regularly to the City Council.

Creating a TIF District



Title 15 - Chapter 9 - Article 2
Wyoming's Urban Renewal Statutes

Steps to Create a TIF Program



- ❧ Create a DDA and associated boundary by ordinance, based on a petition of 25% of the property owners in the district. (Note: Boundary changes may be made by petition at the request of the City Council.) (5-3-1988)
- ❧ Certify district to the County Assessor within 60 days of the DDA formation.
- ❧ Appoint members of the DDA Board – 5 to 11 members (City Council appoints). Currently there are 11 members serving on the DDA Board of Directors.

Steps (continued)



- ❧ Prepare, in cooperation with the Planning Board and Planning Department, a long range development plan to carry out the purposes of the DDA and promote economic growth.
 - ❧ Include documentation of blight within the DDA area as a basis for public investment.
 - ❧ Describe the process for approval of specific program/project area development plans
 - ❧ Include a TIF provision

Documenting Blight



Prepare a statement of blight in accordance with Wyo. Stat. § 15-9-202 (ii) which states that a blighted area is one which, by reason of the following, substantially impairs or arrests the sound growth of the central business district, retards the provision of housing, constitutes an economic or social liability and is a menace to the public health and safety.

Conditions of Blight



- ❧ the presence of a substantial number of deteriorated or deteriorating structures,
- ❧ a predominance of defective or inadequate street layout,
- ❧ faulty lot layout in relation to size, adequacy, accessibility, usefulness, or unsanitary or unsafe conditions,
- ❧ deterioration of site or other improvements,
- ❧ unusual topography,
- ❧ defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes,
- ❧ or any combination of such factors

The TIF Provision



- ❧ Include a tax increment financing provision in the long range development plan that identifies both the municipal sales tax and property tax options.
- ❧ Identify the base year for the purpose of calculating the increment (the 12 months preceding the effective date of the plan).
- ❧ Discuss the process for verifying and collecting the increment each year.

Steps (continued)



- ❧ Submit the long range development plan to the Planning Board for its review and recommendation.
- ❧ Hold a public hearing on the long range development plan (City Council).
- ❧ Adopt the long range development plan (City Council).
- ❧ Work with the Wyoming Department of Revenue to obtain taxable sales information within the DDA (ongoing).
- ❧ Place tax increment in a special fund and use as determined by the DDA and the City Council.



Questions



CDS of Montana - 2014

July 3, 2014

MEMO TO: John C. Patterson, City Manager
FROM: Linda L. Witko, Assistant City Manager 
SUBJECT: Hogadon Facilities Plan

Council Leadership met to discuss the revised cost estimates and proposed facilities plan for Hogadon. Based on the recommendations from staff the following option was selected for the Phase I implementation:

Construct a new Maintenance Building	
5,000 sq.ft. @ \$110.00 per square foot	\$550,000
Consulting fees 10% of cost	55,000
Lift and FFE (equipment)	<u>40,000</u>
Total Cost	\$645,000
Purchase and install a modular Ski Patrol Building	
1568 sq.ft. 28 x 56 modular building	\$150,450
Furniture, Fixtures & Equipment	5,000
Utilities and site work	<u>52,796</u>
Total Cost	\$208,246

The funding for the Ski Patrol Building is available in the FY2015 Budget based on \$165,936 of 1%#14 funds and the balance of \$42,310 from the Leisure Services Facilities Capital allocation of \$200,000 for FY2015. This project can move forward this summer and be available for use in the 2014-15 ski season.

The funding for the Maintenance Building was not budgeted and as requested I have identified 2 options for consideration by Council:

The first option would be to include this building as part of the project listing for 1%#15.

The second option would be to include this project as a proposal for the City's portion of any excess 1%#14 funding that may become available in March of 2015.

The timeline for construction of this project would be the summer of 2015 so either of the above options could be available at that time. A budget amendment would be required in order to appropriate the funding. A design contract for this building could be separated from the total construction budget and moved forward with funding from the \$200,000 that is already appropriated for Leisure Services Capital in the FY2015 budget.

I hope that this gives you some idea of what funding sources might be available for the Hogadon Facilities Plan which has been brought forward by staff.

Hogadon

History

Casper Mountain has a history in mining. Between 1910 and 1929 the Casper Mountain Mining District was rich with asbestos claims.

Mining companies included; International Asbestos Mills and Power Co., North American Asbestos Co., Wyoming Asbestos Producing Co., and Wyoming Consolidated Asbestos Co. Individual miners included Alfred Brile, Cecil Bon, and John Allen.

Several runs at Hogadon bear the names of asbestos claims; Dreadnaught (1-12), Vindicator (1-4), Morning Dew (1-6), and Patee (Mill).

Hogadon's name came from the Hogadon Trail, which is the trail that runs up the canyon below the pond and ran to the top of the mountain. The trail provided early miners a decent road up the mountain in the early 1900's. The trail was two lanes, one going up one side of the creek and one going down the other side. The trail was named after John Hogadone, a miner (September 1890 brought asbestos samples to town) who put the road in to promote mining. He also owned a restaurant, one of the first buildings in Casper.

From: John Seaver [<mailto:jseaver@stratfordbuild.com>]
Sent: Friday, May 09, 2014 3:22 PM
To: davidla@tribcsp.com
Subject: Preliminary budget for Ski Patrol building

David - this is a rough estimate and for budgetary purposes only

Preliminary Budget

Casper Mountain Ski Patrol Building

28 X 56 2 module building	1568	Sq.Ft.	
Elec heat - propane stove and HWH			
			\$ / Sq.
grid ceiling and VCT floors - Hi Alt windows			Ft.
Building fob Factory	\$117,600.00		\$ 75.00
Transport to site 834 12.5	\$ 20,850.00		\$ 13.30
Set on Pier foundation , skirt , close up	\$ 12,000.00		\$ 7.65
Complete roof and walls , floor			
<hr/>			
Total deliver and set	\$150,450.00		\$ 95.95

24 mo lease about (est.) \$ 5,000.00 per month plus set up and tear down fees and transport both ways

Site completion requires providing and hooking up
utilities Elec, water, sewer

SKI PATROL BUILDING

WATER LINE	290 l.f. @ \$40.00=		\$11,600.00
SEWER LINE	320 l.f. @ \$40.00=		\$12,800.00
ELECTRAL LINE	280 l.f.@ \$40.00=		\$11,200.00
DECK AND RAMP	456 SQ.FT. @ \$6.00=		\$2,736.00
equipment storage	448 sq.ft. @ \$20.00 a sq.ft.=		\$8,960
SITE/PAD CONST.	EAST=\$0.00	WEST=\$3000.00	\$3,000.00

NOTE; 10% IN ALL NUMBERS

DESGIN/BIDDING			\$2,500.00
		TOTAL	<u>\$52,796.00</u>



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July 2, 2014

MEMO TO: John C. Patterson, City Manager
FROM: Linda L. Witko, Assistant City Manager
SUBJECT: 1% #15

Background

City staff has been working on an educational process for 1%#15. We prepared a community survey which was sent out with all of the water bills during the month of February. We also conducted key pad polling with the same survey questions at 22 different meetings during February, March, April and May. A website devoted to the 1% Process was also set up to solicit input to the survey. In addition to the survey, the internal committee worked on a 1% Logo and Slogan (“Worth Every Penny”), and assisted with a weekly “Did You Know” email for City employees and citizen volunteers to help address the questions and concerns that were brought forward from the community and the organization. It is now time to review the feedback which has been received from our educational process and prepare a list of projects which could be funded from 1%#15 if it is approved by the voters in November.

One of the frequent questions that has been raised by citizens and media is “Are you concerned that the 1% will not pass?” Our response has always been – “ We feel that when voters are provided with the facts about the 1% and the projects which have been completed during the 37 year history of this tax, that they will continue to support its passage.”

It is important to understand where voter support for the 1% has come from in past elections. A chart attached to this report reviews the results by precincts for the 1994, 1996, 2002, 2006 and 2010 1% elections. The colors reflect less than 50% support in **red**, 50-60% support in **yellow**, 60-70% support in **white**, and greater that 70% support in **green**. The two years with the largest voter approval were in 2002 and 2010. In the other three years the passage was just slightly over 50%. This demonstrates that we cannot take anything for granted. It is interesting to note that support for the Optional 1% dropped from 64.8% in 2002 to 53.9% in 2006 which represents almost a 10% loss in voter approval.

Natrona County is unique in that the precincts within the City of Casper have traditionally carried this issue forward. However, in 2010 support for the 1% was seen in all but two rural precincts, which meant that it passed for the first time in all of the smaller communities within the county as well as most of the rural county precincts. Our educational program in 2014 again focused on involving the smaller communities in getting out the word about the importance of the Optional 1% to their local governments.

Survey Results

We received a total of **170 online responses to the survey** and these were combined with the **2,181 responses** which were returned on the written survey forms. The responses from the

group meetings totaled 618, so the combined responses from all of the surveys totaled 2,969. Although the priorities of some of the categories were different from group to group, the overall results reflect ongoing support for the top 4 areas – **Fire, Water, Streets and Police**. The remaining priorities did change somewhat from the 2010 survey results and the comparison with those results is shown in the second attachment to this report. The survey results are calculated based on a point award for each survey selection. 3 points are awarded for “Very Important”; 2 points for “Important”; 1 point for “Somewhat Important” and zero points for “Not Important”.

The 2014 survey results are compared to the 2010 results in the following listing:

<u>2014</u>	<u>2010</u>
1. Water	1. Fire/EMS
2. Fire/EMS	2. Water
3. Streets	3. Police
4. Police	4. Streets
5. Senior Citizen Services	5. Senior Citizen Services
6. Community Health Services	6. Community Health Services
7. Parks, Playgrounds, Trails & Outdoor Sports Facilities	7. Strong Local Economy
8. Human Services	8. Energy Conservation
9. Flood Control and River Restoration	9. Parks, Playgrounds, Trails
10. Strong Local Economy	10. Library Books
11. 1% Operation & Maintenance Savings Acct	11. Public Building Repairs
12. Swimming and Recreation	12. Swimming and Recreation
13. Library Books	13. Human Services
14. Public Building Repairs	14. Flood Prevention
15. Public Transportation	15. Public Transportation
16. Energy Conservation	16. Perpetual Care
17. Technology Support	17. Museum & Arts
18. Museums & Arts	18. E-Government

Estimated Revenues

The first step in preparing a list of proposed projects that reflect the priorities of the survey is to estimate the amount of revenue which might be received from 1%#15 if it is approved. The receipts from Optional 1%#14 were estimated to be \$48,000,000 and the allocations were based on those estimates. A total of \$42,000,000(87.5%) was allocated to City projects and \$6,000,000(12.5%) was allocated to Community Projects. The City Projects List for 1%#14 was adopted by the City Council and released prior to the election so that the voters would know what the Council’s intentions were. The Community Projects were determined by an application process after the issue was passed.

Staff has reviewed the receipt history for 1%#13 and 1%#14 to provide some direction with regard to potential receipts from 1%#15:

<u>1%#13</u>		<u>1%#14</u>	
FY07(March-June)	\$4,802,339	FY11 (March-June)	\$4,871,294
FY08 (July-June)	16,413,838	FY12 (July-June)	17,315,624
FY09 (July-June)	16,936,269	FY13 (July-June)	18,694,128
FY10 (July-June)	12,745,251	FY 14 (July-June)	19,105,708
FY11 (July-Feb)	9,831,900		
TOTAL RECEIPTS	\$60,711,597	40 MONTHS RECEIPTS	\$59,986,754
AVERAGE	\$15,177,899/year	AVERAGE	\$17,996,026/year

Additional funding from Sales Tax Replacement for 2007 & 2008 was \$1,292,539 which brought the total Available for allocation to \$62,004,136 Plus interest earned

Based on the trend which indicates the current issue receipts will average \$18,000,000 per year an optimistic estimate would be that the City will receive \$72,000,000 from 1%#15. However a more conservative estimate might be that we will receive \$68,000,000 from 1%#15. Taking the conservative approach allows for a downturn in revenue for a portion of the 4 years through 2018 and provides some assurance that all of the projects which are funded will be completed within that timeline.

Staff has prepared a project list which is based on \$60,000,000 over 4 years for City projects and \$8,000,000 set aside for community projects.

Proposed Project List

The City projects funded from 1%#14 were based on the priorities identified by the survey with the following dollar amounts that represented 87.5% of the total estimated receipts:

- | | |
|-----------------------------|------------------------------------|
| 1. Fire | \$4,500,000 |
| 2. Water | \$6,000,000 |
| 3. Police | \$2,000,000 |
| 4. Streets | <u>\$18,590,000</u> |
| | \$31,090,000 = 74% of \$42,000,000 |
| 5. Strong Local Economy | \$1,600,000 |
| 6. Energy Conservation | \$1,010,000 |
| 7. Playgrounds/Parks/Trails | \$3,550,000 |
| 8. Public Bldg Repairs | \$1,510,000 |

9. Swimming & Recreation	\$1,720,000
10. Flood Prevention	<u>\$1,520,000</u>
Total	\$10,910,000 = 26% of \$42,000,000

The Community Projects funded from 1%#14 based on priorities identified by the survey in the amount of \$6,000,000 or 12.5% of the total receipts addressed:

Senior Citizen Services
 Community Health Services
 Library Books
 Human Services
 Public Transportation
 Museum and Arts

The areas of Perpetual Care and E-Government were not allocated funding from 1%#14 because of the lack of public support.

The specific projects list for 1%#14 is attached to this memo.

The recommendation for allocations to specific priorities from the survey for 1%#15 is as follows:

1. Water	\$7,000,000
2. Fire/EMS	\$8,550,000
3. Street Repairs	\$22,000,000
4. Police	<u>\$3,450,000</u>
Total	\$41,000,000 = 68.3% of \$60,000,000
5. Senior Citizen Services	\$2,400,000 (includes Public Transportation)
6. Parks/Playgrounds/ Outdoor Sports Facilities	\$2,400,000
7. Flood Prevention and River Restoration	\$2,000,000
8. 1% Operation & Main- tenance Savings Acct	\$3,000,000
9. Swimming and Recreation	\$7,200,000
10. Public Building Repairs	<u>\$2,000,000</u>
Total	\$19,000,000 = 31.7% of \$60,000,000

A specific list of projects recommend in these areas is attached for Council consideration.

The Community Projects which would be funded from 1%#15 based on priorities identified by the survey in the amount of \$8,000,000 or 11.8% of the total receipts should address:

Community Health Services
 Human Services
 Strong Local Economy
 Library Books

The areas of Energy Conservation, Technology Support and Museums and Arts lacked significant public support and are not recommended for funding at this time.

Council can see from the Specific Project Lists for 1%#14 and 1%#15 that the funding has tracked with the priorities established by the Public Survey. Total funds allocated to specific areas may reflect the increased costs which we have experienced in recent bid openings. But the emphasis remains on completing the projects which have been identified in each area as part of the 5 year Capital Improvement Plan. From staff's point of view it is critical that we recognize the importance of allocating the most funding to the area of Street Repairs as it is a public infrastructure concern that has experienced higher costs in terms of both materials and labor in recent months.

Funding options which may be discussed would include increasing the funding available for Water and Sewer improvements, however the funding recommendations are based on the available Capital Reserves in both of these funds and the high priority needs which have been identified.

Council may also wish to revise the funding estimates based on taking a less conservative approach to estimates of revenues which may be received over the four years of 1%#15. It is difficult to project what may happen to sales taxes in our community in the next 4 years and it may be that Council will want to take the middle ground and increase the amount of funds available by \$2,000,000 to \$70,000,000 which would still be a conservative approach.

NATRONA COUNTY VOTING PRECINCTS

- 1-1 Roosevelt High School
- 1-2 Natrona County Library
- 1-3 Dean Morgan Middle School
- 1-4 Casper College
- 1-5 Jefferson School
- 1-6 Grant School
- 1-7 Senior Citizens Center
- 1-9. 7th Day Adventist Church
- 1-11 Crest Hill Elementary School
- 1-12 Willard Elementary School
- 2-1 Westwood Elementary School
- 2-2 McKinley Elementary School
- 2-3 CY Middle School
- 2-4 Southridge Elementary School
- 2-6 Shrine Club
- 2-7 Paradise Valley Elementary School
- 2-8 Oregon Trail Elementary School
- 2-9 Shepherd of the Valley
- 2-10 Bethel Baptist Church
- 3-2 University Park Elementary School
- 3-3 Pineview Elementary School
- 3-4 Sagewood Elementary School
- 3-5 KWHS
- 3-6 Manor Heights Elementary School
- 3-8 Prince of Peace Church
- 3-9 Verda James Elementary School
- 3-10 Centennial Middle School
- 4-1 Evansville
- 4-2 Evansville (out)
- 5-1 Hat Six
- 7-1 Midwest
- 7-2 Edgerton
- 8-1 Mills
- 8-2 Mountain View
- 8-3 Wardwell Water & Sewer District
- 8-4 Christian Church of Casper
- 8-5 Bar Nunn
- 9-1 Wyoming Game & Fish
- 11-1 Red Creek School
- 11-2 Alcova
- 11-3 Fish Hatchery
- 11-4 Poison Spider School
- 12-2 St. Stephen's
- 13-1 Bressler Ranch
- 13-2 Powder River
- 14-1 Upper Willow Creek

1994	FOR	AGAINST	% FOR	% AGAINST
1'1	211	338	38.4	61.6
1'2	246	270	47.7	52.3
1'3	495	360	57.9	42.1
1'4	458	275	62.5	37.5
1'5	476	386	55.2	44.8
1'6	494	500	49.7	50.3
1'7	316	312	50.2	49.8
1'9	355	240	59.7	40.3
1'10	340	381	47.2	52.8
2'1	435	497	46.7	53.3
2'3	464	380	55.0	45.0
2'4	287	277	50.9	49.1
2'5	571	311	64.7	35.3
2'6	493	317	60.9	39.1
2'7	540	647	45.5	54.5
2'8	285	374	43.2	56.8
2'9	324	315	50.7	49.3
2'10	578	346	62.6	37.4
3'1	291	366	44.3	55.7
3'2	254	297	46.1	53.9
3'3	528	452	53.9	46.1
3'4	437	357	55.0	45.0
3'5	540	341	61.3	38.7
3'6	649	348	65.1	34.9
3'8	618	447	58.0	42.0
3'9	384	249	60.7	39.3
3'10	514	273	65.3	34.7
4'1	245	261	48.4	51.6
4'2	246	292	45.7	54.3
5'1	17	14	54.8	45.2
7'1	78	67	53.8	46.2
7'2	60	40	60.0	40.0
8'1	249	297	45.6	54.4
8'2	224	475	32.0	68.0
8'3	140	264	34.7	65.3
8'4	283	440	39.1	60.9
8'5	155	159	49.4	50.6
9'1	439	506	46.5	53.5
11'1	33	43	43.4	56.6
11'2	42	66	38.9	61.1
11'3	76	105	42.0	58.0
11'4	28	58	32.6	67.4
12'2	126	114	52.5	47.5
13'1	19	30	38.8	61.2
13'2	17	65	20.7	79.3
14'1	6	14	30.0	70.0
TOTAL	14064	12966	52.0	48.0

1998	FOR	AGAINST	% FOR	% AGAINST
1'1	172	271	38.8	61.2
1'2	213	207	50.7	49.3
1'3	398	274	59.2	40.8
1'4	398	203	66.2	33.8
1'5	380	252	60.1	39.9
1'6	385	326	54.1	45.9
1'7	232	233	49.9	50.1
1'9	321	162	66.5	33.5
1'10	287	313	47.8	52.2
2'1	337	387	46.5	53.5
2'3	349	267	56.7	43.3
2'4	268	208	56.3	43.7
2'5	441	243	64.5	35.5
2'6	454	269	62.8	37.2
2'7	491	470	51.1	48.9
2'8	251	302	45.4	54.6
2'9	272	246	52.5	47.5
2'10	502	264	65.5	34.5
3'1	223	243	47.9	52.1
3'2	228	212	51.8	48.2
3'3	463	304	60.4	39.6
3'4	341	243	58.4	41.6
3'5	500	254	66.3	33.7
3'6	555	262	67.9	32.1
3'8	476	355	57.3	42.7
3'9	307	189	61.9	38.1
3'10	505	210	70.6	29.4
4'1	275	190	59.1	40.9
4'2	203	229	47.0	53.0
5'1	19	18	51.4	48.6
7'1	70	30	70.0	30.0
7'2	52	33	61.2	38.8
8'1	336	261	56.3	43.7
8'2	136	255	34.8	65.2
8'3	112	200	35.9	64.1
8'4	301	348	46.4	53.6
8'5	147	113	56.5	43.5
9'1	418	353	54.2	45.8
11'1	26	41	38.8	61.2
11'2	37	61	37.8	62.2
11'3	84	98	46.2	53.8
11'4	20	38	34.5	65.5
12'2	138	77	64.2	35.8
13'1	22	19	53.7	46.3
13'2	9	60	13.0	87.0
14'1	3	11	21.4	78.6
TOTAL	12157	9604	55.9	44.1

2002	FOR	AGAINST	% FOR	% AGAINST
1'1	216	189	53.3	46.7
1'2	289	158	64.7	35.3
1'3	444	216	67.3	32.7
1'4	467	180	72.2	27.8
1'5	392	125	75.8	24.2
1'6	481	283	63.0	37.0
1'7	216	158	57.6	42.4
1'9	410	167	71.1	28.9
1'11	463	130	78.1	21.9
1'12	165	127	56.5	43.5
2'1	419	313	57.2	42.8
2'2	353	241	59.4	40.6
2'3	342	213	61.6	38.4
2'4	370	174	68.0	32.0
2'6	614	229	72.8	27.2
2'7	632	375	62.8	37.2
2'8	360	236	60.4	39.6
2'9	369	194	65.5	34.5
2'10	686	256	72.8	27.2
3'2	379	212	64.1	35.9
3'3	518	256	66.9	33.1
3'4	596	364	62.1	37.9
3'5	569	217	72.4	27.6
3'6	683	212	76.3	23.7
3'8	536	270	66.5	33.5
3'9	345	149	69.8	30.2
3'10	694	248	73.7	26.3
4'1	240	233	50.7	49.3
4'2	316	226	58.3	41.7
5'1	31	20	60.8	39.2
7'1	61	52	54.0	46.0
7'2	45	33	57.7	42.3
8'1	371	244	60.3	39.7
8'2	219	153	58.9	41.1
8'3	152	186	45.0	55.0
8'4	368	304	54.8	45.2
8'5	172	110	61.0	39.0
9'1	561	324	63.4	36.6
11'1	49	38	56.3	43.7
11'2	63	51	55.3	44.7
11'3	109	86	55.9	44.1
11'4	31	35	47.0	53.0
12'2	176	72	71.0	29.0
13'1	22	25	46.8	53.2
13'2	13	51	20.3	79.7
14'1	2	13	13.3	86.7
TOTAL	15008	8148	64.8	35.2

2006	FOR	AGAINST	% FOR	% AGAINST
1'1	195	262	42.7	57.3
1'2	246	214	53.5	46.5
1'3	430	293	59.5	40.5
1'4	428	261	62.1	37.9
1'5	321	190	62.8	37.2
1'6	439	429	50.6	49.4
1'7	200	199	50.1	49.9
1'9	440	286	60.6	39.4
1'11	403	201	66.7	33.3
1'12	121	158	43.4	56.6
2'1	359	371	49.2	50.8
2'1	278	307	47.5	52.5
2'3	318	242	56.8	43.2
2'4	295	256	53.5	46.5
2'6	596	356	62.6	37.4
2'7	558	547	50.5	49.5
2'8	337	381	46.9	53.1
2'9	283	278	50.4	49.6
2'10	612	388	61.2	38.8
3'2	358	353	50.4	49.6
3'3	445	349	56.0	44.0
3'4	530	430	55.2	44.8
3'5	486	271	64.2	35.8
3'6	615	318	65.9	34.1
3'8	471	403	53.9	46.1
3'9	336	203	62.3	37.7
3'10	772	401	65.8	34.2
4'1	231	251	47.9	52.1
4'2	279	347	44.6	55.4
5'1	33	22	60.0	40.0
7'1	57	73	43.8	56.2
7'2	42	50	45.7	54.3
8'1	328	391	45.6	54.4
8'2	134	229	36.9	63.1
8'3	141	276	33.8	66.2
8'4	341	423	44.6	55.4
8'5	236	296	44.4	55.6
9'1	465	448	50.9	49.1
11'1	35	53	39.8	60.2
11'2	47	65	42.0	58.0
11'3	95	121	44.0	56.0
11'4	27	49	35.5	64.5
12'2	181	98	64.9	35.1
13'1	21	38	35.6	64.4
13'2	11	47	19.0	81.0
14'1	5	14	26.3	73.7
TOTAL	13581	11638	53.9	46.1

2010	FOR	AGAINST	% FOR	% AGAINST
1'1	250	139	64.3	35.7
1'2	242	92	72.5	27.5
1'3	492	149	76.8	23.2
1'4	442	143	75.6	24.4
1'5	330	83	79.9	20.1
1'6	588	242	70.8	29.2
1'7	254	97	72.4	27.6
1'9	558	189	74.7	25.3
1'11	413	122	77.2	22.8
1'12	136	82	62.4	37.6
2'1	452	205	68.8	31.2
2'2	350	135	72.2	27.8
2'3	331	113	74.5	25.5
2'4	371	109	77.3	22.7
2'6	661	253	72.3	27.7
2'7	721	264	73.2	26.8
2'8	557	253	68.8	31.2
2'9	274	146	65.2	34.8
2'10	628	221	74.0	26.0
3'2	356	200	64.0	36.0
3'3	510	167	75.3	24.7
3'4	595	209	74.0	26.0
3'5	462	148	75.7	24.3
3'6	679	207	76.6	23.4
3'8	549	198	73.5	26.5
3'9	334	124	72.9	27.1
3'10	1068	314	77.3	22.7
4'1	320	148	68.4	31.6
4'2	362	286	55.9	44.1
5'1	46	21	68.7	31.3
7'1	88	36	71.0	29.0
7'2	63	24	72.4	27.6
8'1	428	284	60.1	39.9
8'2	122	116	51.3	48.7
8'3	187	189	49.7	50.3
8'4	405	325	55.5	44.5
8'5	426	176	70.8	29.2
9'1	561	301	65.1	34.9
11'1	55	31	64.0	36.0
11'2	68	49	58.1	41.9
11'3	114	82	58.2	41.8
11'4	33	26	55.9	44.1
12'2	203	87	70.0	30.0
13'1	35	27	56.5	43.5
13'2	24	33	42.1	57.9
14'1	4	12	25.0	75.0
TOTAL	16147	6857	70.2	29.8

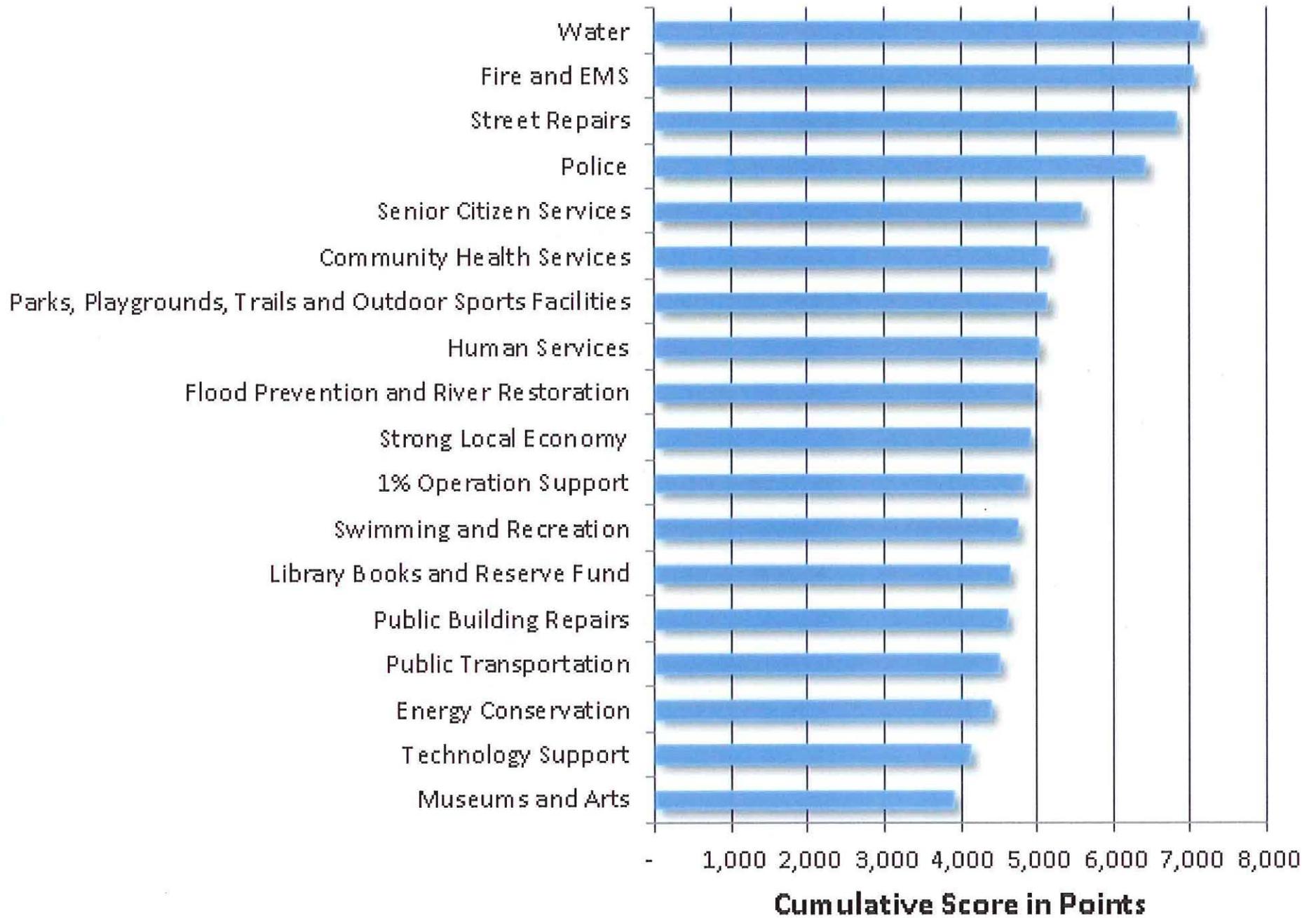
One Cent Process Survey Results

July, 2014

Priorities	Totals	% Very Important	% Important	% Somewhat Important	% Not Important
1. Water	7,114	63	26	7	4
2. Fire and EMS	7,018	60	26	9	4
3. Street Repairs	6,798	50	37	8	4
4. Police	6,413	50	30	13	7
5. Senior Citizen Services	5,582	32	40	20	7
7. Community Health Services	5,138	28	35	25	12
8. Parks, Playgrounds, Trails and Outdoor Sports Facilities	5,131	24	35	31	10
9. Human Services	5,012	28	34	25	14
11. Flood Prevention and River Restoration	4,942	22	38	29	11
10. Strong Local Economy	4,902	22	40	28	11
6. 1% Operation Support and Maintenance Savings Account	4,818	27	35	24	13
12. Swimming and Recreation	4,730	21	33	32	13
14. Library Books and Reserve Fund	4,618	25	28	28	18
13. Public Building Repairs	4,591	15	41	32	12
15. Public Transportation	4,490	19	34	31	16
16. Energy Conservation	4,382	17	33	35	15
17. Technology Support	4,109	14	32	39	16
18. Museums and Arts	3,893	14	28	38	20

Total Points High to Low

Categories



Specific 1%#15 Projects 2015-2018

1. Water and Sewer - \$7,000,000

Optional 1% funds have been used for Water and Wastewater projects since the first issue in 1976. In each of the 1% project lists funds were allocated to the Treatment Plants and line replacements for water and/or sewer systems in the City of Casper. These funds were often leveraged to secure additional funds from the State Revolving Fund and have served to hold down increases in the water and sewer rates. Water main breaks have decreased by 83% since 1985 as a result of the City's aggressive replacement program. In 2010 \$6,000,000 was allocated to waterline replacements from 1%#14. The proposal for 1%#15 is for \$4,000,000 to be allocated for waterline replacements and \$3,000,000 allocated for equipment replacement at the Wastewater Treatment Plant. Since the Wastewater Treatment Plant is a regional facility it will be important to "credit" the City of Casper with the investment of Optional 1% funds through the interagency agreement so that the other agencies may see a higher cost per unit for treatment through the allocation formula. The \$7,000,000 allocated to the Water & Sewer Funds will be leveraged to secure additional funding through the State Revolving Fund.

2. Fire/EMS – \$8,550,000

- Fire Station #6 Replacement - \$4,000,000
- Brush Truck Replacement - \$300,000
- Vehicle Replacement - \$150,000
- Miscellaneous Equipment - \$100,000
- Fire Station #5 Replacement - \$4,000,000

3. Street Repair - \$22,000,000

- Vehicle/Equipment Replacement - \$2,400,000 (\$600,000/yr)
- Ft. Caspar Neighborhood Phase III - \$6,000,000
- Poplar Street (1-25 to First Street – Local Match) - \$800,000
- Collectors and Arterials - \$10,000,000 (\$2,500,000/yr)
- Residential Streets - \$2,400,000 (\$600,000/yr)
- Traffic System Improvements - \$400,000

4. Police - \$3,450,000

- Vehicle/Equipment Replacement - \$2,000,000 (\$500,000/yr)
- Technology Improvements - \$1,000,000 (\$250,000/yr)
- Upgrade to Communication System - \$450,000

5. Senior Citizen Services - \$2,400,000

Improved Walkability (Sidewalks/Trails) - \$1,200,000 (\$300,000/yr)

Lazy River Addition to Outdoor Pool - \$400,000

Public Transportation (CATC) - \$800,000 (\$200,000/yr)

6. Parks, Playgrounds, Trails & Outdoor Sports Facilities - \$2,400,000

Irrigation System Improvements - \$500,000

Playground Equipment/Amenities - \$500,000

Equipment Replacement - \$400,000 (\$100,000/yr)

Parking Lot Improvements - \$1,000,000

7. Flood Control and River Restoration - \$2,000,000

Platte River Revival - \$1,000,000

Stormwater Project - \$1,000,000

8. 1% Operation Support and Maintenance Savings Account - \$3,000,000 (\$750,000/yr)

9. Swimming and Recreation - \$7,200,000

Mike Sedar Pool - \$4,000,000

Casper Ice Arena Refrigeration System Replacement (eliminate Freon) - \$1,200,000

Hogadon Maintenance Building - \$800,000

Swimming Fee Subsidy - \$1,200,000

10. Public Building Repairs - \$2,000,000

Roof Replacements - \$500,000 (City Hall; Recreation Center; Fire Station #1; Ft. Caspar Museum)

Service Center Crane Replacement - \$500,000

CEC Chiller Replacement - \$1,000,000

1%#14 Projects	
Energy Conservation Projects for City Buildings	
Window Replacement at the Service Center	
Arena Lighting Project at the Events Center	
Convert Lights in City Parking Lots to LED Bulbs	\$1,010,000
New Fire Station #2	\$2,500,000
Fire and Rescue Equipment	\$500,000
Replace 2 Fire Pumpers	\$1,300,000
Opticom System Improvements	\$200,000
Water Main Replacement	\$6,000,000
Police Vehicle Replacement	\$1,600,000
Police Equipment/Technology	\$400,000
Bryan Stocktrail Bridge Rehab (Local Match)	\$600,000
Residential Street Repair	\$2,000,000
Collector & Arterial Street Repair	\$8,000,000
Midwest Street Reconstruction	\$3,000,000
Collins Drive Improvements(NIC/Library)	\$1,100,000
City Fleet Equipment Replacement	\$2,500,000
East 21 st Street Extension	\$250,000
Traffic System Upgrades	\$1,500,000
Crosswalk Indicators (w/sound)	\$140,000
CAEDA	\$1,600,000
Roof Replacement & Repairs	\$600,000
Miscellaneous Building Repairs	\$243,676
Washington Park Pool Improvements	\$616,774
Marion Kreiner Park Pool Improvements	\$190,550
Aquatic Center Pool Improvements	\$209,000
Swimming Fees Subsidy	\$1,120,000
Hogadon Improvements	\$150,000
Flood Prevention Projects (Detention Ponds)	\$1,520,000
Golf Course Irrigation System	\$800,000
Historic Trails R,C&D Solar Project	\$9,500
National Historic Trails Museum Exhibits	\$60,000
Ski Patrol Building/Equipment	\$186,986
American Legion Memorial Wall	\$5,000
Boys & Girls Club Expansion	\$350,000
Community Action Partnership	\$700,000
Seton House Addition	\$400,000
Casper Youth Baseball (Field of Dreams)	\$1,000,000
Stuckenhoff Restroom Project	\$120,000
Park Irrigation System Imp	\$650,000
Parks Playground Equipment & Facility Upgrades	\$250,000
Parks Sidewalk & Trails Construction	\$300,000

Parks Field Lighting Replacement	\$650,000
New Park Development (Goodstein Park)	\$500,000
Youth Crisis Center	\$350,000
NIC Museum Building Improvements	\$269,512
Natrona County Public Library (Books/Equipment)	\$800,000
Senior Center Technology	\$16,000
CATC (Weekend Service)	\$633,002
Casper Midget Football Field Lighting	\$100,000
Platte River Parkway Trust (Morad Park, at Ft. Casper underpass, Robertson Road Pathway exptentions)	\$1,000,000
TOTAL	\$48,000,000

<u>1%#13 Projects</u>		*
Boys & Girls Club All American Center (*)		\$1,000,000
Downtown Public Restrooms and Garage Painting (*)		\$250,000
New Fire Station #2 (*)		\$400,000
Land Purchase for new Fire Station #5 (*)		\$350,000
Ft. Caspar Neighborhood Phase II	\$4,600,000	
Paradise Valley Drive Reconstruction	\$3,200,000	
David Street Extension	\$800,000	
Yellowstone Highway (David to Spruce) Local Match	\$1,000,000	
Center Street Improvements	\$1,300,000	
Residential Street Slurry Seal	\$2,000,000	
Glendale Street & Detention Pond (East 21 st -24 th St)	\$2,000,000	
Walsh Drive Extension (Local Match)	\$100,000	
Water Main Replacements	\$6,000,000	
Service Center Generator (*)		\$700,000
Golf Course Maintenance Building (*)		\$1,600,000
Golf Course Irrigation System (*)		\$613,984
Ft. Caspar Pedestrian/Bicycle Underpass at Wy Blvd (*)		\$102,000
Park Improvements	\$1,800,000	
Skate Park Improvements at YMCA and Boys & Girls Club	\$500,000	
Urban Forest Maintenance Program	\$450,000	
New Park Development (Buckboard Park)	\$500,000	
Dasher Boards for Ice Arena	\$300,000	
Hogadon Waterline for Snow Making	\$350,000	
Replace Water Slide at Paradise Valley Pool	\$350,000	
Subsidized swimming fees	\$1,000,000	
Remodel Project at Recreation Center	\$150,000	
CEC Building Upgrades (plumbing, carpeting, new stage)	\$350,000	
Raw Water Irrigation Project	\$350,000	
Police Patrol Care Replacement	\$1,000,000	
K-9 Units	\$120,000	
Additional Unmarked Vehicle	\$25,000	
Tasers for all officers	\$72,000	
Thermal Imagers (3)	\$42,000	
FATS Training System (Decision Shooting)	\$75,000	
Miscellaneous Equipment	\$66,000	
Replace 2 Fire Pumpers and a Rescue Truck	\$1,100,000	
Fire Station Repairs	\$150,000	
Miscellaneous Equipment	\$750,000	
City Fleet Light Equipment & Vehicle Replacement	\$400,000	
City Fleet Heavy Equipment Replacement	\$2,100,000	
Casper Service Center Roof Replacement	\$600,000	

Nicolaysen Art Museum Roof Replacement	\$250,000	
Casper Events Center Roof Replacement	\$500,000	
City Hall Building Improvements	\$150,000	
Replace Phone System for City with VoIP	\$150,000	
Network Upgrades for Technology Backbone	\$100,000	
Document Management System Upgrades (Laserfiche)	\$150,000	
System Software/Hardware Upgrades for Security/Connectivity	\$100,000	
Perpetual Care Contributions (*)		\$3,674,077
Perpetual Care Contributions	\$3,000,000	
Gateway Statute Project (Ft. Caspar Statute)	\$79,333	
Natrona County Public Library (Books/Equipment)	\$665,000	
CATC (Weekend Service)	\$377,800	
Community Action Partnership	\$350,000	
Platte River Parkway Trust Trails Development	\$920,367	
Mercer House (*)		\$150,000
Joshua's Storehouse (*)		\$274,800
12/24 Club (*)		\$200,000
Wyoming Food Bank (*)		\$105,000
CAEDA	\$1,600,000	
Casper Legion Baseball	\$167,500	
YMCA (Building & Equipment Upgrades)	\$500,000	
Casper Youth Baseball	\$450,000	
Community Health Center(Equipment)	\$740,000	
Senior Center Addition	\$2,100,000	
Chamber of Commerce Visitors Center (Study and Improvements)	\$50,000	
Car Per Officer (Police) (*)		\$2,000,000
Landfill Improvements	\$4,000,000	
Aerial Truck Replacement (Fire) (*)		\$1,100,000
TOTAL	\$50,000,000	\$12,519,861
*These are the projects which were funded from Unallocated 1%#13		

July 14, 2014

MEMO TO: John C. Patterson, City Manager

FROM: Andrew Beamer, Public Services Director
Pete Meyers, Assistant Public Services Director

SUBJECT: Ordinance Change to make Lake MacKensie Dog Park an Off Leash Area

Recommendation:

That Council, by Ordinance, amend City Ordinance 6.04.010, “Animal Care and Control,” to add Lake MacKensie Dog Park to the list of acceptable off-leash areas in regards to “Dog At Large” violations.

Summary:

Work is progressing on the development of Lake MacKensie Dog Park. When completed, this two acre park will feature dog watering stations, dog waste disposal stations, a paved parking area, and a walking path that runs around the perimeter of the park. The entire park will be surrounded by a six foot chain link fence so that dog owners can safely allow their pets to be run and be off-leash.

In order to make this feature of the park legal, a change to city ordinance will need to be enacted. City Ordinance 6.04.010 makes specific exemption for Morad Park to be an off leash area, along with certain parts of North Platte Park (North Platte Park is an undeveloped 978 acre area that contains the grounds of the Events Center, the Equestrian Facility, the Air Modelers Facility, and other surrounding areas). It is proposed that the phrase “or Lake MacKensie Dog Park” be added to the ordinance to specifically designate that this new dog park will be another authorized off-leash area.

Final completion of Lake MacKensie Dog Park is scheduled for August 29 of this year.

ORDINANCE NO. 15-

AN ORDINANCE AMENDING CERTAIN SECTIONS OF
TITLE 6 OF THE CASPER MUNICIPAL CODE PERTAINING
TO PERMISSIBLE OFF-LEASH AREAS.

WHEREAS, the City of Casper has identified a need to revise certain sections of the Casper Municipal Code pertaining to where it is permissible for a pet to be off leash; and,

WHEREAS, the City of Casper is in the process of constructing the Lake MacKensie Dog Park, which has the primary purpose of being a place where dogs can run without being restrained by a leash; and,

WHEREAS, the Lake MacKensie Dog Park should be added as a listed place where dogs may legally be allowed to run off-leash.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

That Section 6.04.010 of the Casper Municipal Code, pertaining to definitions relevant to animal care and control, is amended as follows:

7. At Large.
 - a. A dog is deemed "at large" if it is:
 - i. Off the premises of the owner and the dog is not under restraint or control of the owner;
 - ii. Not under physical restraint in the following portions of the North Platte Park: Casper Events Center, Airmodeler's Facility, Casper Speedway, Skeet Range, or Crossroads Park, or any other city park except Morad Park OR LAKE MACKENSIE DOG PARK and not authorized to be free of restraint under the authority of a permit as provided in Section 6.04.030;
 - iii. Under any circumstance, except as a Seeing-eye dog or guide dog working as such, on the Casper Municipal Golf Course or Highland Park Cemetery.

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED on 1st reading the ____ day of _____, 2014.

PASSED on 2nd reading the ____ day of _____, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day of _____, 2014.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

Chapter 6.04 ANIMAL CARE AND CONTROL

Sections:

6.04.010 Definitions.

As used in this chapter, the following terms shall have the meanings as set out in this section:

1. "Abandon" means the act of relinquishing the care, custody and control of an animal without provision for adequate food, water or shelter. An animal that is left in the metropolitan animal control facility for the period of time described in Sections 6.04.100 through 6.04.160 and subsection A of Section 6.04.210, shall be deemed abandoned.
2. "Altered" means spayed or neutered.
3. "Animal" means every living dumb creature, domestic or wild.
4. "Animal control district" means the city of Casper, Wyoming.
5. "Animal control officer" means any person designated by the metropolitan animal control or joint powers board as a law enforcement officer who is qualified to perform such duties under the laws of this state.
6. "Animal control shelter" means any facility operated by a municipal agency, joint powers agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
7. **At Large.**
 - a. A dog is deemed "at large" if it is:
 - i. Off the premises of the owner and the dog is not under restraint or control of the owner;
 - ii. Not under physical restraint in the following portions of the North Platte Park: Casper Events Center, Airmodeler's Facility, Casper Speedway, Skeet Range, or Crossroads Park, or any other city park except Morad Park OR LAKE MACKENSIE DOG PARK and not authorized to be free of restraint under the authority of a permit as provided in Section 6.04.030;
 - iii. Under any circumstance, except as a Seeing-eye dog or guide dog working as such, on the Casper Municipal Golf Course or Highland Park Cemetery.
 - b. A cat is deemed "at large" if it is not wearing a valid license tag attached to its collar, or does not bear a tattoo which is currently registered with the metropolitan animal control shelter.
 - c. A domesticated animal is deemed "at large" if it:
 - i. Molests people or passing vehicles (including bicycles);
 - ii. When off the premises of the owner, attacks other domestic animals;
 - iii. Trespasses on school grounds;
 - iv. Damages private or public property;
 - v. Is unrestrained and in heat;
 - vi. Presents a traffic hazard;
 - vii. Is on private property without the prior permission of the property owner.

Title 6 - ANIMALS

Chapter 6.04 ANIMAL CARE AND CONTROL

8. "Board" means the metro animal control joint powers board.
9. "Cage and aviary birds" means those exotic captive reared birds, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For the purpose of this chapter the monk parakeet (*myiopsitta monachus*) is not a cage and aviary bird.
10. "Cat" means a domesticated feline.
11. "Circus" means any nonresident variety show which features animal acts.
12. "City-county health officer" means a representative of the Natrona County-city of Casper health department, or a health official designated by the Casper city manager.
13. "Control" means an animal which:
 - a. Is physically capable of hearing normal commands and is obedient to those commands;
 - b. Is, at the time under consideration, within reasonable proximity to the controller, so that shouting or excessively loud commands are not necessary.
14. "Director" means the director of metro animal control and welfare.
15. "Dog" means a domesticated canine.
16. "Domesticated animals" means those individual animals which have been made tractable or tame.
17. "Isolation facility" means any place specified by an animal control officer, police officer or county health officer which is equipped with a pen or cage which isolates an animal from contact with other animals.
18. "Kennel" or "cattery" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or any residence or property on which is maintained more than three dogs and/or cats more than six months of age. It is illegal to maintain a kennel or cattery contrary to the terms of this code, without a license, if required, or in a zone or location in which a kennel or cattery is not permitted.
19. "Licensing authority" means the metropolitan animal control facility.
20. "MAC" means metro animal control and welfare.
21. "Marine fish" means those fish capable of living only in salt water. For purposes of this regulation, fish that migrate between fresh and salt water as part of their life history (anadromous and catadromous) are not marine fish.
22. "Owner" means any person, partnership or corporation, or their agents, owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.
23. "Proper shelter" means natural or artificial shelter appropriate to the local climatic conditions for the species concerned, as necessary for the health of the animal.
24. "Public nuisance" means any dog or cat at large, or any dog or group of dogs which, either individually or in concert, barks, whines, howls or otherwise makes noise in excessive, continuous or untimely fashion.
25. "Rabbitry" means and includes any place where more than five rabbits older than four months of age are kept. It is illegal to maintain a rabbitry contrary to the terms of this code, without a license, if required, or in a zone or location in which a rabbitry is not permitted.

Title 6 - ANIMALS

Chapter 6.04 ANIMAL CARE AND CONTROL

26. "Rabies certificate" means a certificate signed by a licensed veterinarian verifying that an animal is vaccinated against rabies, and which includes the date of immunization, the date that the immunization expires, and the type of vaccine used.
27.
 - a. "Restraint" means an animal shall be considered under "restraint" if it is within the real property limits of its owner, or secured by a leash no longer than ten feet in length.
 - b. "Tether or tethering" means to restrain a dog by tying the dog to any object or structure, including, but not limited to, a house, tree, fence, post, pole, garage, or shed or similar structure or object, by any means, including, but not limited to, a chain, rope, cord, leash, or running line. "Tethering" shall not include using a leash to walk a dog.
28. "Tattoo" means a permanent mark placed on the skin of an animal. This mark must be composed of numerical or alphabetical symbols placed in the animal's hind legs or ears. It is the owner's responsibility to keep the tattoo visible and readable, including shaving the tattooed area, if necessary.
29. "Theatrical exhibits" means any exhibition or act featuring performing animals.
30. "Tropical fish" means all those fish whose survival in water temperature below fifty degrees Fahrenheit is not documented in scientific literature.
31. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.
32. "Vicious animal" means any animal or animals that constitute a physical threat to human beings or other animals. Proof of the fact that a dog or cat has bitten or attacked a person or other animal at any place where that person or animal is legally entitled to be, is evidence that a dog or cat is vicious.
33. "Wild animal" or "exotic pet" means any live:
 - a. Monkey (nonhuman primate);
 - b. Raccoon;
 - c. Skunk;
 - d. Fox;
 - e. Wolf or wolf hybrid;
 - f. Venomous snake;
 - g. Leopard, panther, lion or lynx;
 - h. Coyote;
 - i. All amphibians in the following amphibian families:
 - i. Cane toad,
 - ii. Poison dart frog of the genus Dendrobates or Epibates;
 - j. Venomous reptile;
 - k. Crocodilian;
 - l. All spiders contained in the following spider families:
 - i. Black widow,
 - ii. Hobo,
 - iii. Recluse,

Title 6 - ANIMALS

Chapter 6.04 ANIMAL CARE AND CONTROL

- iv. Balboa,
 - v. Wandering Huntsman,
 - vi. Funnel Web,
 - vii. Australian White Rump and the Australian White Tailed;
 - m. All of the following scorpion species:
 - i. Buthus,
 - ii. Parabuthus,
 - iii. Androctonus,
 - iv. Leiurus Quinquestriatus,
 - v. Centuroides,
 - vi. Hottentotta,
 - vii. Mesobuthus;
 - n. All Centipedes;
 - o. All Monitors exceeding three feet in overall length;
 - p. All Boa and Python snakes;
 - q. Any other animal which can normally be found in the wild state.
34. "Working day" means a day that the animal control shelter is open to the public.
35. "Zoological garden" means any facility, other than a pet shop or kennel, displaying or exhibiting one or more of nondomesticated animals by a person, partnership, corporation or government agency.

(Ord. No. 4-14, § 1, 2-4-2014; Ord. 21-06 § 1, 2006; Ord. 23-97 § 1 (part), 1997; Ord. 33-95 § 1, 1995; Ord. 15-95 § 1, 1995; Ord. 21-94 (part), 1994; Ord. 17-94 § 1 (part), 1994; Ord. 6-90 § 1, 1990; Ord. 21-84 § 1, 1984)

July 14, 2014

TO: John C. Patterson, City Manager.
FROM: William C. Luben, City Attorney. *WCL*
RE: East Elkhorn Ranch, LLC Requested Changes to its Point Of Diversion On The
"Stroud Ditch."

Recommendation:

No recommendation is being made at this time, as this matter is being submitted to the City Council for its review and consideration.

Summary:

East Elkhorn Ranch, LLC (hereinafter "Elkhorn") has filed a Petition before the State Board of Control to change its point of diversion of water on the Stroud (irrigation) Ditch which draws its water from Elkhorn Creek. Elkhorn is proposing to abandon its current point of diversion and move it approximately 85 feet upstream. Elkhorn is further requesting an additional point of diversion approximately 475 feet downstream from its current point of diversion.

As the City holds water rights along with others in the Elkhorn Creek drainage, it is necessary for the City to either join in, by consenting to, or to otherwise contesting this change.

The request being made by Elkhorn will not enlarge the amount of water to which it is entitled, but simply establishes new points for it to divert water from the Stroud Ditch, and will not impact the City's rights to its appropriation.

Elkhorn has requested that the City consent to this diversion point change. A copy of the petition filed before the State Board of Control, as well as the consent form that would be necessary for the City to approve are attached for your reference and review.



LEGEND EXISTING CONDITIONS

- LANDS UNDER THE CARROLL DITCH, TERRITORIAL APPROPRIATION, DIVERTING FROM ELKHORN CREEK WITH A PRIORITY OF APRIL, 1966, 462.46 ACRES "BLANKET" DESCRIPTION, ONLY LANDS IN SECTIONS 7 AND 18, T.33N., R.78W., SHOWN HEREON.
- LANDS UNDER THE STROUD DITCH, TERRITORIAL APPROPRIATION, DIVERTING FROM ELKHORN CREEK WITH A PRIORITY OF APRIL, 1966, 209.46 ACRES "BLANKET" DESCRIPTION, ALL LANDS SHOWN IN SECTIONS 7 AND 18, T.33N., R.78W.
- INTERVENING POINT OF DIVERSION OF RECORD.

CERTIFICATE OF SURVEYOR

I, JAMES F. JONES, A WYOMING PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES TAKEN DURING ACTUAL SURVEY'S DONE UNDER MY DIRECT SUPERVISION IN MARCH OF 2014, AND IT CORRECTLY SHOWS THE LOCATION OF THE DITCHES, PIPELINES, AND POINTS OF USE AT THE TIME OF THIS SURVEY.



T.33N., R.78W.

AGENT:
MS. STACIA C. BERRY, ATTORNEY AT LAW
HAGEMAN LAW, PC
CHEYENNE, WY 82001

CONSENT

FOR A PETITION FOR AN ADDITIONAL POINT OF DIVERSION AND FOR A CHANGE OF POINT OF DIVERSION AND MEANS OF CONVEYANCE OF THE JOSHUA STROUD APPROPRIATION, TERRITORIAL APPROPRIATION, DIVERTING FROM ELKHORN CREEK, TRIBUTARY NORTH PLATTE RIVER, THROUGH THE STROUD NO. 1 DITCH, WITH PRIORITY OF APRIL 30, 1886, TO BE CHANGED TO A SERIES OF DITCH AND PIPELINE FACILITIES THROUGH THE MCMURRY POND RESERVOIR (PERMIT NOS. 5556 RES. AND 11687 RES.)

O.R. 1, P. 342; NO C.R. OF RECORD; PROOF NO. 994

The following individual is an authorized representative of lands owned by the City of Casper (Consenter) who may have an interest in the above listed appropriations.

The Consenter hereby gives its consent to East Elkhorn Ranch, LLC (Petitioner/Consentees) for changes as described in the above referenced Petition.

The Consenter does not waive sovereign immunity by entering into this Consent and specifically retains immunity and all defense available to it as a sovereign pursuant to Wyo. Stat. § 1-39-104(a) and all other state law.

By: _____ Date _____
Paul Meyer
Mayor, City of Casper

Subscribed and sworn to before me by Paul Meyer this _____ day of _____, 2014.

(Evidence of ownership for the persons giving consent is attached.)

PETITION FOR AN ADDITIONAL)
POINT OF DIVERSION AND FOR A)
CHANGE OF POINT OF DIVERSION)
AND MEANS OF CONVEYANCE OF)
THE JOSHUA STROUD)
APPROPRIATION, TERRITORIAL)
APPROPRIATION, DIVERTING FROM)
ELKHORN CREEK, TRIBUTARY)
NORTH PLATTE RIVER, THROUGH)
THE STROUD NO. 1 DITCH, WITH)
PRIORITY OF APRIL 30, 1886, TO BE)
CHANGED TO A SERIES OF DITCH)
AND PIPELINE FACILITIES)
THROUGH THE MCMURRY POND)
RESERVOIR (PERMIT NOS. 5556 RES.)
AND 11687 RES.))

BEFORE THE
STATE BOARD OF CONTROL
CHEYENNE, WYOMING

DOCKET NO.: _____

O.R. 1, P. 342; NO C.R. OF RECORD; PROOF NO. 994

STATE OF WYOMING)
) s.s.
COUNTY OF LARAMIE)

COMES NOW, East Elkhorn Ranch, LLC, acting through its attorney, Stacia Berry, Hageman Law P.C., 222 East 21st Street, Cheyenne, Wyoming 82001; SKM Properties, LLC and Blackmore Market Place Shops, LLC, P.O. Box 2390, Casper, Wyoming 82602, each acting through Neil A. McMurry; Eastgate Ranch, LLC and V.A. Resources, LLC, P.O. Box 50790, Casper, Wyoming 82605, each acting through Robert McMurry; Betty and Bill Luker Nature Conservancy, Inc. and Elkhorn Limited Liability Company, 4221 East 2nd Street, Casper, Wyoming 82609, each acting through William B. Luker; Highland Park Community Church of God, Inc., 5725 Highland Drive, Casper, Wyoming 82609, acting through Leslie Bromley; Wyoming Department of Transportation, 5300 Bishop Blvd., Cheyenne, Wyoming 82009, acting through Peter Brennan; City of Casper, 200 N. David, Casper, Wyoming 82601, acting through Paul Meyer, Mayor; Town of Evansville, P.O. Box 158, Evansville, Wyoming 82636, acting through Phil Hinds, Mayor; Natrona County, 200 North Center Street, Casper, Wyoming 82601, acting through Bill McDowell; True Land and Realty LLC, P.O. Box 2360, Casper, Wyoming 82602, acting through John J. Blomstrom; YO Livestock Co., Inc., P.O. Box 2373, Casper, Wyoming 82602, acting through Gary C. Lathrop; David B. and Joy M. Gallup, 2707 Palmer Drive, Casper, Wyoming 82601; Patrick L. and Suzanne D. Bower, 6108 Coronado Drive, Casper, Wyoming 82609; Curtis W. and Misti G. Cole, 6117 Coronado Drive, Casper, Wyoming, 82609; Dan W. Guerttman, 3100 Garden Creek

Road, Casper, Wyoming 82601; and Richard J. Fairservis Living Trust Dated February 26, 2002, P.O. Box 50730, Casper, Wyoming 82605, acting through Richard J. Fairservis; who being duly sworn on oath according to law do hereby make the following statement of facts and petition:

1. THAT they are the owners of the lands and the appropriation for which an additional point of diversion and a change of point of diversion and means of conveyance are sought, as evidenced by recorded warranty deeds and other proof of ownership from the County Clerk of Natrona County, Wyoming, which are attached hereto as Exhibit A.
2. THAT the appropriation involved and for which the amendments are sought is the Joshua Stroud Appropriation, Territorial Appropriation, adjudicated under Proof No. 994, in the amount of 2.85 c.f.s. for the irrigation of 200.0 acres, diverting from Elkhorn Creek, a tributary of the North Platte River, through the Stroud No. 1 Ditch, with priority of April 30, 1886, and of record in Order Record 1, Page 342 describing the lands irrigated as follows:

<u>Township 33 North, Range 78 West</u>	
Section 7:	SE ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ S ¹ / ₂ NE ¹ / ₄
Section 18:	NE ¹ / ₄ SW ¹ / ₄ W ¹ / ₂ NE ¹ / ₄
TOTAL	200.0 Acre "Blanket Description"

3. THAT by and through this Petition, the Petitioners request a change of point of diversion and means of conveyance of the Joshua Stroud Appropriation, Territorial Appropriation, which diverts from Elkhorn Creek through the Stroud No. 1 Ditch, at a point described as North 89° 10' West, 837.0 feet distant from the center-south one-sixteenth corner of Section 18, Township 33 North, Range 78 West, and situated in the NE¹/₄SW¹/₄ of Section 18 (Latitude 42° 49' 27.98" North, Longitude 106° 15' 07.13" West), to a series of facilities described below, diverting from the same source of supply approximately 85 feet upstream at a point described as South 85° 24' West, 899 feet distant from the center-south one-sixteenth corner of Section 18, Township 33 North, Range 78 West, and situated in the SE¹/₄SW¹/₄ of Section 18 (Latitude 42° 49' 28.20" North, Longitude 106° 15' 08.90" West). The proposed new means of conveyance includes the following facilities:

A. The Elkhorn Ditch, a new facility;

- B. The McMurry Pond Reservoir Supply Pipeline, Permit No. 5390 Enl.;
- C. The McMurry Pond Reservoir, Permit Nos. 5556 Res. and 11687 Res.; and
- D. The Stroud Pipeline, a new facility, conveying water from the McMurry Pond Reservoir through a pump house to the irrigated lands.

4. THAT by and through this Petition, the Petitioners request an additional point of diversion of the Joshua Stroud Appropriation, Territorial Appropriation, diverting from the same source of supply approximately 475 feet downstream at a point described as North 80° 56' West, 1294 feet distant from the center-south one-sixteenth corner of Section 18, Township 33 North, Range 78 West, and situated in the NE¼SW¼ of Section 18 (Latitude 42° 49' 30.94" North, Longitude 106° 15' 13.96" West).

A. The lands for which the additional point of diversion and change of point of diversion and means of conveyance are requested are described as follows:

<u>Township 33 North, Range 78 West</u>	
Section 7:	SE¼ NE¼NE¼ S½NE¼
Section 18:	NE¼SW¼ W½NE¼
TOTAL	200.0 Acre "Blanket Description"

B. By a companion petition, Petitioner East Elkhorn Ranch, LLC is also seeking an additional point of diversion and a change of point of diversion and means of conveyance of the McMurry Pond Reservoir Supply Pipeline, Permit No. 5390 Enl., in part to the Elkhorn Ditch, a new facility, at the same new point of diversion and additional point of diversion.

5. THAT the reasons for these requested changes are to correct the records to agree with the actual situation on the ground and to make a matter of record to the additional point of diversion on the ground. The requested changes will also provide a more economical means of conveyance for irrigation through a sprinkler system.

6. THAT Petitioner East Elkhorn Ranch, LLC is the sole owner of the Elkhorn Ditch, the McMurry Pond Reservoir Supply Pipeline, the McMurry Pond Reservoir, and the Stroud Pipeline, so its consent to the requested changes is implicit. The historical point of diversion for the Stroud No. 1 Ditch has been closed to the passage of water and the ditch facility will be abandoned.

7. THAT there are no record intervening points of diversion between the historical point of diversion of the Stroud No. 1 Ditch and the proposed new point of diversion. There are also no record intervening points of diversion between the historical point of diversion of the Stroud No. 1 Ditch and the proposed additional point of diversion.
8. THAT there are no intervening tributaries or other sources of supply which might affect the rights of other appropriators.
9. THAT a map prepared by a registered professional surveyor showing the actual situation on the ground accompanies this Petition.
10. THAT the granting of this Petition will in no way affect the rights of other appropriators diverting from the same source of supply.

It is the PRAYER of the Petitioners that this Petition for an additional point of diversion and a change of point of diversion and means of conveyance, as outlined in paragraphs 3 and 4 above, be granted without loss of priority, and that a proper Order of the Board be entered recording same.

Respectfully submitted,

EAST ELKHORN RANCH, LLC

By: _____
Stacia Berry, Attorney for the Petitioner

The foregoing instrument was acknowledged before me by Stacia Berry, attorney for East Elkhorn Ranch, LLC, a Wyoming Limited Liability Company, on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

SKM PROPERTIES, LLC

BLACKMORE MARKET PLACE SHOPS, LLC

By: _____

Neil A. McMurry, Member

The foregoing instrument was acknowledged before me by Neil A. McMurry as a Member and on behalf of SKM Properties, LLC and Blackmore Market Place Shops, LLC on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

EASTGATE RANCH, LLC

V.A. RESOURCES, LLC

By: _____

Robert McMurry, Member

The foregoing instrument was acknowledged before me by Robert McMurry as a Member and on behalf of Eastgate Ranch, LLC and V.A. Resources, LLC on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

BETTY AND BILL LUKER NATURE
CONSERVANCY, INC.

ELKHORN LIMITED LIABILITY COMPANY

By: _____
William B. Luker, Owner/Member

The foregoing instrument was acknowledged before me by William B. Luker as an Owner/Member and on behalf of Betty and Bill Luker Nature Conservancy, Inc. and Elkhorn Limited Liability Company on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

HIGHLAND PARK COMMUNITY CHURCH OF
GOD, INC.

By: _____
Leslie Bromley, Agent

The foregoing instrument was acknowledged before me by Leslie Bromley on behalf of Highland Park Community Church of God, Inc. on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

WYOMING DEPT. OF TRANSPORTATION

By: _____
Peter Brennan,
Principal Property Management Agent

The foregoing instrument was acknowledged before me by Peter Brennan as the Principal Property Management Agent and on behalf of the Wyoming Department of Transportation on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

CITY OF CASPER, WYOMING

By: _____
Paul Meyer, Mayor

The foregoing instrument was acknowledged before me by Paul Meyer as the Mayor and on behalf of the City of Casper, Wyoming on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

TOWN OF EVANSVILLE, WYOMING

By: _____
Phil Hinds, Mayor

The foregoing instrument was acknowledged before me by Phil Hinds as the Mayor and on behalf of the Town of Evansville, Wyoming on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

NATRONA COUNTY, WYOMING

By: _____
Forrest Chadwick, Chairman

The foregoing instrument was acknowledged before me by Forrest Chadwick as the Chairman of the Board of County Commissioners and on behalf of Natrona County, Wyoming on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

TRUE LAND AND REALTY LLC

By: _____
John J. Blomstrom, Agent

The foregoing instrument was acknowledged before me by John J. Blomstrom as Agent and on behalf of True Land and Realty LLC on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

YO LIVESTOCK CO., INC.

By: _____
Gary C. Lathrop, Owner

The foregoing instrument was acknowledged before me by Gary C. Lathrop as an Owner and on behalf of YO Livestock Co., Inc. on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

DAVID B. AND JOY M. GALLUP

By: _____
David B. Gallup

The foregoing instrument was acknowledged before me by David B. Gallup on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

By: _____
Joy M. Gallup

The foregoing instrument was acknowledged before me by Joy M. Gallup on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

PATRICK L. AND SUZANNE D. BOWER

By: _____
Patrick L. Bower

The foregoing instrument was acknowledged before me by Patrick L. Bower on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

By: _____
Suzanne D. Bower

The foregoing instrument was acknowledged before me by Suzanne D. Bower on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

CURTIS W. AND MISTI G. COLE

By: _____
Curtis W. Cole

The foregoing instrument was acknowledged before me by Curtis W. Cole on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

By: _____
Misti G. Cole

The foregoing instrument was acknowledged before me by Misti G. Cole on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

DAN W. GUERTTMAN

The foregoing instrument was acknowledged before me by Dan W. Guerttman on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

Respectfully submitted,

RICHARD J. FAIRSERVIS LIVING TRUST DATED
FEBRUARY 26, 2002

By: _____
Richard J. Fairservis, Trustee

The foregoing instrument was acknowledged before me by Richard J. Fairservis as Trustee and on behalf of the Richard J. Fairservis Living Trust Dated February 26, 2002 on this _____ day of July, 2014.

Witness my hand and official seal.

Notary Public

My Commission expires:

July 14, 2014

TO: John C. Patterson, City Manager.

FROM: William C. Luben, City Attorney. *WCL*

RE: Proposed Amendments to Chapter 2.60 and 2.64 regarding the Public Service Code of Ethics and Removal of Officials; and a New Ordinance Establishing Minimum Bidder Qualifications for Public Improvement Projects.

Recommendation:

No recommendation is being made at this time, and the proposed Amendments to Chapters 2.60 and 2.64 regarding the Public Service Code of Ethics and Removal of Officials, as well as a new ordinance creating minimum bidder qualifications for public improvement projects are being submitted to the City Council for its review and comment.

Summary:

Council had requested amendments to Chapter 2.60, the "Public Service Code of Ethics," and Chapter 2.64, "Removal of Officials" of the Casper Municipal Code. In addition, a new ordinance was requested to establish minimum bidder qualifications for public improvement projects. Judith Studer has been representing the City Council on related matters, and was asked, along with the Casper City Attorney's Office to bring the proposed amendments forward for review and discussion by Council. These proposed ordinance amendments are attached for your review, along with copies of the Wyoming statutory provisions that are referenced in these amendments.

The ordinance amending Chapter 2.60 regarding the Public Service Code of Ethics basically provides that City councilmen may be removed from office for violation of the Ethics Code by following new due process procedures which are set forth in the proposed amendment to Chapter 2.64.

The proposed amendments to Chapter 2.64 would amend the "For Cause" criteria for removal of a City councilman from office. The additional changes to the "for cause" definition would now include violation of the Public Service Code of Ethics, as well as for a councilman sexually harassing, committing a workplace violence act against, or creating a hostile work environment for any agent or employee of the City. In the event of an alleged violation, the matter would be referred to an independent hearing officer who would hold an administrative hearing pursuant to the Wyoming Administrative Procedures Act. By having a separate hearing, a councilman would be afforded due process and the ability to contest the complaint lodged against him or her.

In the event the hearing officer finds that the conduct occurred, the hearing officer is to render a final decision which is to be forwarded back to Council for consideration, upon which, the

Council may remove the councilman by a two-thirds vote of all members of the Council. Although the decision by the administrative hearing officer would be appealable, the vote by Council to remove the councilman would not be appealable.

Please note that under the specific provisions of Wyoming Statute Section 15-1-113(j) and (k), the removal of a councilman for bidding collusion would require a hearing before the City Council itself, and not by a separate hearing officer. As such, this statutory procedure has been excepted out of the "for cause" provisions of the amendment to Chapter 2.64 of the City Code. However, the remedy still survives through a separate hearing before Council for this specific violation. I would also note that a councilman could still be removed under the procedures of Chapter 2.64 in the event a councilman would be "convicted" of a crime for collusion, under the provisions of Wyoming Statute Section 15-1-113(m).

These amendments would also allow Council to remove, at will at any time, by a majority vote, any individual appointed to a board appointment. Currently, removal of a board member requires a formal hearing. There seems little justification to have formal removal proceedings for appointed board members, who should serve at the pleasure of the Council.

In addition to the above, an ordinance is being proposed to establish minimum bidder qualification requirements of public improvement contracts. A draft of this ordinance is attached for your review. Please note that this ordinance will retain the City Council's rights to determine, in a sole discretion, who is a qualified and responsible bidder for any given project as otherwise provided in Wyoming Statute § 15-1-113. Council, regardless of the minimum requirements set forth in this ordinance is free to consider other matters that would bear on the responsibility of a given bidder in making its decision as to whether or not the bidder is a qualified and responsible bidder under the circumstances.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2.60
OF THE CASPER MUNICIPAL CODE.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF CASPER, WYOMING:

Section 1:

That paragraph C of Section 2.60.100 of the Casper Municipal Code shall be amended to read as follows:

- C. Violation of any provisions of this code of ethics should raise conscientious questions for A CITY ~~the councilman or other official or employee OF THE CITY concerned~~ as to whether voluntary resignation or other action is indicated to promote the best interests of the city. ~~Violation by any appointed official, employee or councilman, may result in discipline up to and including termination or constitute a reason for suspension, removal from office or employment or other disciplinary action at the discretion of the appointing authority.~~

Section 2:

That a new paragraph D of Section 2.60.100 of the Casper Municipal Code shall be created to read as follows:

- D. VIOLATION OF THIS CHAPTER BY ANY APPOINTED OFFICIAL OR EMPLOYEE MAY RESULT IN DISCIPLINE UP TO AND INCLUDING TERMINATION OR CONSTITUTE A REASON FOR SUSPENSION, REMOVAL FROM OFFICE OR EMPLOYMENT, OR OTHER DISCIPLINARY ACTION AT THE DISCRETION OF THE APPOINTING AUTHORITY.

Section 3:

That a new paragraph E of Section 2.60.100 of the Casper Municipal Code shall be created to read as follows:

- E. A CITY COUNCILMAN VIOLATING ANY OF THE PROVISIONS OF THIS CODE OF ETHICS SHALL BE SUBJECT TO REMOVAL FROM OFFICE PURSUANT TO CHAPTER 2.64 OF THE CASPER MUNICIPAL CODE.

PASSED on 1st reading the ____ day of _____, 2014.

PASSED on 2nd reading the ____ day of _____, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day
of _____, 2014.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2.64
OF THE CASPER MUNICIPAL CODE.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF CASPER, WYOMING:

Section 1: Section 2.64.005 of the Casper Municipal Code shall be amended to read as follows:

~~For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them:~~

~~"For cause" means: when one of the following has happened to a councilman:~~

1. Gross and persistent delinquency in being absent from regular meetings of the council. Absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Casper Municipal Code Section 2.04.030;
4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of office;
6. Refusing to take the oath of office or to give or renew an official bond if required by law;
7. Conviction of any CRIME law involving ethics OR MALFEASANCE; INCLUDING, BUT NOT LIMITED TO CONVICTION OF THE CRIME OF MALFEASANCE PURSUANT TO W.S. § 15-1-113(m), AS IT MAY, FROM TIME TO TIME, BE AMENDED;
8. ~~Conviction of any of~~ Violation of Wyoming State Statute Sections **9-13-101 ET SEQ.**, 12-4-103(a)(i), ~~15-1-113~~, 15-1-127, 15-1-128, or 16-6-118, or Casper Municipal Code Section 5.08.100(A)(1), AS THEY MAY, FROM TIME TO TIME, BE AMENDED;
9. VIOLATION OF ANY PROVISION OF THE PUBLIC SERVICE CODE OF ETHICS AS SET FORTH IN CHAPTER 2.60 OF THE CASPER MUNICIPAL CODE, OR VIOLATION OF ANY OTHER LAW OR ORDINANCE INVOLVING ETHICS, AS THEY MAY, FROM TIME TO TIME, BE AMENDED;
10. SEXUALLY HARASSMENT OF, WORKPLACE VIOLENCE ACT AGAINST, OR CREATION OF A HOSTILE WORK ENVIRONMENT FOR ANY AGENT OR EMPLOYEE OF THE CITY OF CASPER AS SET FORTH IN THE CITY OF

CASPER PERSONNEL RULES AND REGULATIONS MANUAL, DATED AUGUST 20, 2002, AS IT MAY, FROM TIME TO TIME, BE AMENDED.

Section 2: Section 2.64.010 of the Casper Municipal Code shall be amended to read as follows:

~~Any joint powers board member or other board member appointed by the Casper city council may be removed from office at will by a vote of a majority of all the elected members of the city council. Any city councilman may be removed from office, for cause, by a vote of a two-third's majority of all members of the city council. The city council shall follow the procedures set forth in Section 2.64.020 of this chapter in removing any such appointee or councilman.~~

A. ANY JOINT POWERS BOARD MEMBER OR OTHER BOARD MEMBER APPOINTED BY THE CASPER CITY COUNCIL MAY BE REMOVED FROM OFFICE AT WILL AT ANY TIME BY A VOTE OF A MAJORITY OF ALL THE ELECTED MEMBERS OF THE CITY COUNCIL.

B. ANY CITY COUNCILMAN MAY BE REMOVED FROM OFFICE, FOR CAUSE, BY A VOTE OF A TWO-THIRD'S MAJORITY OF ALL MEMBERS OF THE CITY COUNCIL AFTER FOLLOWING THE PROCEDURES SET FORTH IN SECTION 2.64.020 OF THIS CHAPTER FOR THE REMOVAL OF ANY SUCH CITY COUNCILMAN.

Section 2: Section 2.64.020 of the Casper Municipal Code shall be amended to read as follows:

~~City council shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. 16-3-101 et. seq.) in any removal proceeding pursuant to Section 2.64.010 of this chapter. However, such decision of city council shall not be appealable.~~

THE FOLLOWING PROCEDURES SHALL BE FOLLOWED FOR THE REMOVAL OF ANY CITY COUNCILMAN BY THE CASPER CITY COUNCIL FOR ANY OF THE "FOR CAUSE" REASONS SPECIFIED IN SECTION 2.64.005 OF THIS CHAPTER:

1. THE CITY COUNCIL SHALL, BY RESOLUTION, REFER ANY ALLEDGED "FOR CAUSE" CONDUCT TO AN INDEPENDENT HEARING OFFICER WHO SHALL BE A CURRENT MEMBER OF THE WYOMING STATE BAR ASSOCIATION. SAID HEARING OFFICER SHALL BE RETAINED BY THE CITY FOR HEARING THE ALLEGATIONS AS SPECIFIED, AND SET FORTH IN THE RESOLUTION.
2. THE HEARING OFFICER SHALL FOLLOW THE HEARING PROCEDURES OF A CONTESTED CASE PURSUANT TO THE WYOMING ADMINISTRATIVE PROCEDURE ACT (W.S. 16-3-101 *ET SEQ.*) IN ANY REMOVAL PROCEEDING.
3. RECOGNIZING THAT THE CASPER CITY ATTORNEY'S OFFICE HAS A CONFLICT OF INTEREST IN PROSECUTING THE CITY'S POSITION IN ANY SUCH HEARING, THE CITY SHALL BE REPRESENTED BY A SPECIAL CITY ATTORNEY RETAINED BY THE CITY COUNCIL FOR THE PURPOSES OF THIS HEARING.

4. THE HEARING OFFICER SHALL STATE HIS OR HER FINDINGS IN WRITING AND WHETHER OR NOT "FOR CAUSE" EXISTS FOR THE REMOVAL OF SUCH COUNCILMEMBER, WHICH SHALL BE FORWARDED TO THE MEMBERS OF THE CASPER CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE CONCLUSION OF THE HEARING. THE DECISION OF THE HEARING OFFICER SHALL BE APEALABLE UNDER THE PROVISIONS OF THE WYOMING ADMINISTRATIVE PROCEDURES ACT,
5. UPON A FINAL DECISION BY THE HEARING OFFICER FINDING THAT THE ALLEDGED "FOR CAUSE" CONDUCT HAS OCCURRED, THE COUNCILMAN MAY BE REMOVED FROM OFFICE BY A TWO-THIRDS MAJORITY VOTE OF ALL OF THE ELECTED MEMBERS OF THE CITY COUNCIL. THE VOTE TO REMOVE A COUNCILMAN BY THE CITY COUNCIL IS A FINAL DECISION, SHALL NOT BE APPEALABLE, AND THE SEAT HELD BY SUCH COUNCILMAN SHALL BE VACATED.

PASSED on 1st reading the ____ day of _____, 2014.

PASSED on 2nd reading the ____ day of _____, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day of _____, 2014.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

ORDINANCE NO. _____

AN ORDINANCE CREATING CHAPTER
2.82 OF THE CASPER MUNICIPAL CODE
AND ESTABLISHING MINIMUM BIDDER
QUALIFICATION REQUIREMENTS FOR
PUBLIC IMPROVEMENT CONTRACTS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF CASPER, WYOMING:

Section 1:

A new Chapter 2.82 is hereby established in the Casper Municipal Code entitled: Chapter 2.82, Minimum Bidder Qualification Requirements for Public Improvement Projects with the following recitals:

RECITALS

WHEREAS, W.S. § 15-1-113 requires that certain contracts for public improvements have to be advertised for bid; and,

WHEREAS, W.S. § 15-1-113(c) provides that contracts let for bid shall be let to the lowest bidder who shall be determined qualified and responsible in the sole discretion of the governing body; and,

WHEREAS, the Casper City Council desires to establish minimum requirements that must be met by a bidder in order to be considered for the letting of a bid; and,

WHEREAS, the Casper City Council finds that the following minimum requirements shall be met by any bidder on a public improvement project for the City in order to be considered for the letting of any bid; and,

WHEREAS, the Casper City Council, as the governing body for the City of Casper, retains all rights to determine, in its sole discretion, whether any given bidder who meets the following minimum bidding requirements is a qualified and responsible bidder for any given project pursuant to W.S. § 15-1-113.

Section 2:

The following minimum requirements shall be met by a bidder in order to be considered for the letting of a bid pursuant to W.S. § 15-1-113 for a public improvement project:

1. Any bidder on a highway or street improvement project for which the City's estimated cost exceeds the sum of Five Hundred Thousand Dollars (\$500,000) shall be pre-qualified as a bidder for transportation projects by and through the Wyoming Department of Transportation (WYDOT) under its rules and regulations. A Contractor shall not be eligible to bid on a project for which the bidder is not pre-qualified for the type of work constituting the major portion of the project.
2. All bidders for any public improvement project with the City shall make written disclosure of all litigated, arbitrated, or mediated claims for defective or negligent work brought or made against the bidder within the five (5) year period immediately preceding the bid opening date for any given bid. This disclosure shall include the date of the claim, the claimant's current name, address, and phone number and the resolution of the claim.
3. All bidders for any public improvement project shall make written disclosure of any and all claims made against any bond held by the bidder within the five (5) year period immediately preceding the bid opening date for any given bid. This disclosure shall include the date of the claim, the current name, address, and phone number of the claimant and the bonding company, and the resolution of the claim.
4. All bidders for any public improvement project shall submit to the City, in writing, the names of three (3) projects completed for governmental entities that the bidder has performed work for within the five (5) year period immediately preceding the bid opening date for any given bid. The bidder shall further submit the current name, address, and phone number of the principal agent or department of any such governmental entity who was responsible for managing each project. In the event a bidder has not performed public improvement projects for a governmental entity in the last five (5) years, or has done less than three (3) such projects in this time period, then, any such bidder shall submit the names of three additional references that the bidder performed work for within this five (5) year period. The bidder shall list any such references' name, current address and phone number, and a description of the work performed by the bidder.
5. No bidder for any public improvement project shall have failed to pay, for a period longer than thirty (30) calendar days any monies due the City. In the event any such bidder has failed to timely pay any such amount as set forth herein, such bidder shall supply with its bid the reason or justification as to why any such monies were not paid to the City within the stated thirty (30) day period.
6. Bidders shall have sufficient resources to complete the project for which the bid is being submitted. No bidder shall have an outstanding commitment to uncompleted work that, in the judgment of the City, could prevent the timely completion of a new project.

Section 3:

The Casper City Council, as the governing body for the City of Casper, retains all rights to determine, in its sole discretion, whether any given bidder who meets the above stated minimum bidding criteria is a qualified and responsible bidder for any given public improvement project pursuant to W.S. § 15-1-113.

PASSED on 1st reading the ____ day of _____, 2014.

PASSED on 2nd reading the ____ day of _____, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day of _____, 2014.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

CURRENT STATUTORY, ORDINANCE AND CITY PERSONNEL POLICY REFERENCES

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Title 9. ADMINISTRATION OF THE GOVERNMENT

Chapter 13. GOVERNMENT ETHICS

Article 1. PUBLIC OFFICIALS, MEMBERS AND EMPLOYEES ETHICS

Current through 2014, ch. 128

§ 9-13-101. Short title

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

Cite as W.S. 9-13-101

§ 9-13-102. Definitions

(a) As used in this article:

(i) "Anything of value" means:

- (A) A pecuniary item, including money or a bank bill or note;
- (B) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;
- (C) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;
- (D) A stock, bond, note or other investment interest in an entity;
- (E) A right in action;
- (F) A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;
- (G) A work of art, antique or collectible;
- (H) An automobile or other means of personal transportation;
- (J) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;
- (K) An honorarium or compensation for services arising out of the person's service as a public official, public member or public employee;
- (M) The sale or trade of anything of value:
 - (I) For reasonable consideration that would ordinarily not be available to a member of the public; or
 - (II) With a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, public member or public employee.
- (N) A promise or offer of employment;
- (O) Any other thing of value that is pecuniary or compensatory in value to a person.

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

- (iii) "Compensation" includes:
 - (A) An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or
 - (B) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.
- (iv) "Compensation" does not include:
 - (A) Reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or
 - (B) Per diem payments or mileage allowances paid by the employing government entity in accordance with applicable law.
- (v) "Family member" means an individual:
 - (A) Who is the spouse, parent, sibling, child, grandparent or grandchild; or
 - (B) Is a member of the individual's household.
- (vi) "Gift" means anything of value to the extent that consideration of equal or greater value is not received, but excludes the following:
 - (A) Printed informational, educational or promotional material;
 - (B) A gift that:
 - (I) Is not used; and
 - (II) No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes.
 - (C) A gift, devise or inheritance from any of the following, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph:
 - (I) An individual's spouse;
 - (II) An individual's child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin;
 - (III) The spouse of any individual listed in subdivision (II) of this subparagraph;
 - (IV) Any person, including an organization, which has a bona fide social or private business relationship with the individual, where the circumstances demonstrate that the motivation for the gift arises out of that relationship and not from the recipient's holding of public office or employment. For the purposes of this subdivision, relevant circumstances include but are not limited to the source of funds used by the donor to acquire the gift;
 - (V) Any person, including an organization, where the gift does result from the person's holding an office or position, but where the gift is of nominal value, is made voluntarily by the donor and is made in recognition of a special occasion, such as marriage, illness or retirement.
 - (D) A certificate, commemorative token or item, or plaque with a value that does not exceed two hundred fifty dollars (\$250.00);
 - (E) Food and beverage;
 - (F) Compensation, per diem or other payments or benefits which the public official, public member or public employee receives in the performance of services for the governmental entity;
 - (G) Repealed By Laws 1999, ch. 140, § 2.
 - (H) Any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars (\$250.00) or less; or
 - (I) Travel, registration and lodging for any conference or meeting while attending in his official capacity as a public official, public member or public employee.
- (vii) "Local office" means the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, mayor and member of the council of a

municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under W.S. 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of this state;

- (viii) "Negotiating" or "negotiate for employment" means a communication, directly or indirectly, with a prospective employer to discuss rendering services for compensation to that prospective employer;
- (ix) "Negotiation for employment" means the period that begins with a communication to a prospective employer to discuss rendering services for compensation to the prospective employer;
- (x) "Official responsibility or official capacity" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action;
- (xi) "Participation" includes decision, approval, disapproval or vote;
- (xii) "Public employee" means any of the following state employees:
 - (A) The attorney general and the director of any department of the executive branch appointed by the governor under W.S. 9-2-1706 , or the director of any legislative agency;
 - (B) The chief executive officer of any separate operating agency under W.S. 9-2-1704(d) , except those listed in paragraphs (d)(vi) and (x) of that section;
 - (C) To the extent the incumbent in the position serves at the pleasure of persons listed in subparagraphs (A) and (B) of this section, administrators of department or agency divisions, and deputy directors of departments;
 - (D) Commissioners of the public service commission and members of the state board of equalization;
 - (E) Deputies and administrators of divisions within the offices of state elected officials under W.S. 9-2-1704(a) . The positions, in the governor's office, of chief of staff, attorney for intergovernmental affairs and chief of policy are included within this subparagraph.
- (xiii) "Public member" means a member appointed to a part-time position on a state board, commission or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services. The term includes a member of the board of trustees of the University of Wyoming and the community college commission. The term does not include a public member of an advisory board, advisory commission or advisory council;
- (xiv) "Public official" means an individual elected to a state or local office, or an individual who is appointed to fill a vacancy in a state or local office, whether or not the individual has yet assumed the office;
- (xv) "State entity" means a state agency, office, department, division, bureau, board, commission or council, including the legislature, Wyoming community development authority and Wyoming science, technology and energy authority. The term does not include a court or an agency in the judicial branch;
- (xvi) "State office" means the state offices of governor, treasurer, superintendent of public instruction, auditor, secretary of state and member of the state legislature;
- (xvii) "This act" means W.S. 9-13-101 through 9-13-109 .

Cite as W.S. 9-13-102

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

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

Cite as W.S. 9-13-103

§ 9-13-104. Nepotism

- (a) No public official, public member or public employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality

or a school district. A public official, public member or public employee shall not supervise or manage a family member who is in an office or position of the state, a county, municipality or school district.

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

Cite as W.S. 9-13-104

§ 9-13-105. Misuse of office

- (a) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for his private benefit or that of another unless the use is authorized by law.
- (b) A public official, public member or public employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is:
- (i) Authorized by law; or
 - (ii) Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates and reimburses the governmental entity for any additional costs incurred for that portion of the activity not required or authorized by law.
- (c) A public official, public employee or public member shall not disseminate to another person official information which the public official, public employee or public member obtains through or in connection with his position, unless the information is available to the general public or unless the dissemination is authorized by law.

Cite as W.S. 9-13-105

§ 9-13-106. Official decisions and votes

- (a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:
- (i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and
 - (ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.
- (b) A public official, public member or public employee described by subsection (a) of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's, public member's or public employee's abstention from voting must be recorded in the governmental entity's official records.
- (c) This section shall not be construed to supersede W.S. 15-9-220 , 16-6-118 or 16-9-203(f) . Those provisions shall control to the extent inconsistent with this section.

Cite as W.S. 9-13-106

§ 9-13-107. Actions taken while negotiating for employment

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

Cite as W.S. 9-13-107

§ 9-13-108. Disclosure required

- (a) Not later than January 31 annually, each of the state's five (5) elected officials and each member of the Wyoming legislature shall file a financial disclosure form with the secretary of state. The form shall be signed by the elected

official or legislator filing it and under a certification that it is accurate. The financial disclosure form shall contain the following information current as of January 15 of that year:

- (i) A list of all offices, directorships and salaried employment held by the person filing the form in any business enterprise, but excluding offices and directorships in a nonprofit corporation where no compensation is received for service;
 - (ii) A list generally describing the sources of, but not the amount of, the member's income.
- (b) Forms may be submitted by facsimile transmission under the same terms and conditions specified for campaign reports under W.S. 22-25-106 . For the purposes of this section, "salaried employment" means an employment relationship under which the employee is compensated, at least in part, by payment of a specified dollar amount for each month, or longer period, of service.
- (c) The disclosure form shall be as prescribed by the secretary of state but in substantially the following form:
"State Elected Official Financial Disclosure Form

Name of Official:

Office held:

Business address:

Business phone number:

Home address:

Home phone number:

I. Offices, directorships and employment

- a. Offices held in business enterprises (includes partnerships)
Office Name and address of business enterprise
- b. Directorships held in business enterprises
Name and address of business enterprise
- c. Salaried employment
Job Title Name and address of business enterprise

II. Sources of income

- a. Employment Name and address of Employer
- b. Business Interests Name and address of all business entities but excluding interests if less than ten percent (10%) of the entity is owned, or sole proprietorship from which income is earned, or describe generally
- c. Investments Income earned
Yes No
 - i. Any security or
interest earnings ____ ____
 - ii. Real estate,
leases, royalties ____ ____
- d. Other (Describe generally)".

Cite as W.S. 9-13-108

§ 9-13-109. Penalties

- (a) Any person who violates this act is guilty of a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$1,000.00).
- (b) Violation of any provision of this act constitutes sufficient cause for termination of a public employee's employment or for removal of a public official or public member from his office or position.
- (c) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

Cite as W.S. 9-13-109

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Wyoming Statutes
Title 12. ALCOHOLIC BEVERAGES
Chapter 4. LOCAL LICENSES
Article 1. APPLICATIONS

Current through 2014, ch. 128

§ 12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person

- (a) A license or permit authorized by this title shall not be held by, issued or transferred to:
- (i) Any mayor, member of a city or town council or county commissioner within their respective jurisdiction;
 - (ii) Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;
 - (iii) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection;
 - (iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two (2) years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two (2) years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority;
 - (v) Repealed By Laws 1996, ch. 122, § 3.
 - (vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages;
 - (vii) A person under eighteen (18) years of age;
 - (viii) A college fraternity or organization created by one (1) or more college fraternities;
 - (ix) A chamber of commerce, except for twenty-four (24) hour malt beverage permits issued pursuant to W.S. 12-4-502 ;
 - (x) A corporation, limited liability company, limited partnership, or limited liability partnership which has not qualified to do business in Wyoming;
 - (xi) An individual who is not a resident; or
 - (xii) Any general partnership or group of two (2) or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in this state.
- (b) Except as provided in W.S. 12-4-301(e) , no licensing authority shall issue more than one (1) license or permit to any one (1) person.
- (c) Except as provided in subsection (d) of this section, a license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one (1) year term of the license or permit, purchase at least five hundred dollars (\$500.00) of alcoholic or malt beverages or a combination thereof from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one (1) year term of the license, purchase at least two thousand dollars (\$2,000.00) of alcoholic or malt beverages or a combination thereof from the commission or any authorized malt beverage wholesaler.
- (d) Subsection (c) of this section shall not apply to:
- (i)

Any licensee or permittee having a planned but not physically functional building pursuant to paragraph (a) (iv) of this section;

(ii) Holders of special permits issued under article 5 of this chapter;

(iii) Holders of a limited transportation liquor license under W.S. 12-2-202 .

Cite as W.S. 12-4-103

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Wyoming Statutes
Title 15. CITIES AND TOWNS
Chapter 1. GENERAL PROVISIONS
Article 1. POWERS AND MISCELLANEOUS MATTERS

Current through 2014, ch. 128

§ 15-1-113. Contracts for public improvements

- (a) All contracts for any type of public improvement, excluding contracts for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design-builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of thirty-five thousand dollars (\$35,000.00), except that a contract for the purchase or lease of a new automobile or truck shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S. 15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.
- (b) The advertisement shall be published on two (2) different occasions, at least seven (7) days apart, in a newspaper having general circulation in the city or town, or if a joint powers board in any city or town which is a member of the board. The published notice shall state the place, date and time when the bids or proposals will be received and bids will be publicly opened and the place where interested persons may obtain complete specifications of work to be performed.
- (c) If the contract is let for bid, the contract shall be let to the lowest bidder who shall be determined qualified and responsible in the sole discretion of the governing body. The governing body may use alternate design and construction delivery methods as defined under W.S. 16-6-701 if deemed appropriate. The governing body may reject all bids or responses submitted if it finds that none of them would serve the public interest. For contracts in excess of five hundred thousand dollars (\$500,000.00), cities, towns and joint powers boards may prequalify contractors who wish to submit bids or responses based on such criteria as the project type and experience, expertise, professional qualifications, past performance, staff proposed, schedule proposed, financial strength, qualification of supervisors proposed to be used, technical solutions proposed or references.
- (d) Every contract shall be executed by the mayor or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk or designee of the governing body. The successful bidder or respondent shall furnish to the city, town or joint powers board a bond as specified in the advertisement, or if the contract price is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of financial guarantee satisfactory to the city, town or joint powers board. The bond or other form of financial guarantee shall meet the requirements of W.S. 16-6-112.
- (e) Before advertising for a bid for any work on the construction of any public improvements and except as provided under W.S. 16-6-707 for alternate design and construction delivery methods, detailed plans and specifications shall be prepared, together with an estimate of the probable cost and a form of the proposed contract. Except as provided under W.S. 16-6-701 through 16-6-706, no contract may provide for the monthly retention of more than ten percent (10%) of the contract price on the amount of work done during the month, as shown by the estimate of the city or town engineer or designated local official. No progress payment may be made until the city or town engineer or designated local official has furnished the estimate, together with a certificate that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract. A joint powers board may designate an official of any member city or town to perform the functions required by this subsection.
- (f) In advertising for any bid, the forms of guarantee required under this section and approved by the city, town or joint powers board shall be specified. In addition, bidders shall be required to accompany each bid with a bid bond or if the bid is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of bid guarantee approved by the city, town or joint powers board, equal to at least five percent (5%) of the total bid amount, with sufficient surety and payable to the city, town or joint powers board. The bid guarantee shall be forfeited as liquidated damages if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The bid guarantee shall be retained by the city, town or joint powers board until proper bond or other form of security

satisfactory to the city, town or joint powers board to secure performance of the contract has been filed and approved. The right to reject any bid is reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after the advertised time of opening bids and any bid is publicly opened. The city, town or joint powers board shall give all persons who desire an opportunity to inspect all bids when they are opened. No bid may be considered unless accompanied by a bid guarantee in the required amount.

- (g) No contract for which a bond or other form of financial guarantee approved by the city, town or joint powers board is required may be assigned or transferred in any manner except by operation of law or consent of the governing body endorsed on the contract. Assignment by any other means renders the contract null and void as to any further performance by the contractor or the assignee, without any act on the part of the city, town or joint powers board. The city, town or joint powers board may at once proceed to relet the contract or may at its discretion proceed to complete the contract as agent at the expense of the contractor and his sureties.
- (h) Before any contractor or his representative receives a final payment on any contract for which a bond or other financial guarantee is required, the city, town or joint powers board shall publish in a newspaper of general circulation in the city or town, or in the case of a joint powers board in any member city or town, at least ten (10) days prior to the final payment, a notice to the effect that persons having claims for labor and material furnished the contractor shall present them to the city, town or joint powers board prior to the date specified for payment.
- (j) Any officer or employee of the city, town or joint powers board who aids any bidder or respondent in securing a contract to furnish labor, material or supplies at a higher or lower price than that proposed by any other bidder or respondent, or who favors one bidder or respondent over another by giving or withholding information, or who willfully misleads any bidder or respondent in regard to the character of the material or supplies called for, or who knowingly certifies to a greater amount or different kind of material or supplies than has been actually received, is guilty of malfeasance, which renders his office vacant.
- (k) If an officer or employee is charged under subsection (j) of this section:
 - (i) The officer or employee:
 - (A) Is entitled to a hearing before the governing body;
 - (B) Shall be served a copy of the charge at least ten (10) working days before the hearing;
 - (C) May present a defense in person or by counsel; and
 - (D) May have the finding of the governing body appealed to the district court.
 - (ii) The governing body of the city, town or joint powers board shall hold a hearing on its own motion or when the charge is signed by at least ten (10) qualified electors of the city or town, or in the case of a joint powers board ten (10) qualified electors of any member city or town and:
 - (A) May compel attendance and testimony of witnesses and production of papers;
 - (B) Shall make findings of fact and conclusions of law; and
 - (C) Shall render a conclusive decision upon a majority vote of the governing body.
- (m) Any officer or employee of the city, town or joint powers board found guilty of malfeasance with regard to a contract shall be punished by a fine of not more than one thousand dollars (\$1,000.00).
- (n) If any person to whom a contract has been awarded has colluded with any person to prevent any other competing bids being made, or has entered into an agreement by which he has made a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two (2) or more bidders, the contract is null and void, and the mayor or manager or joint powers board shall advertise for new bids or upon approval of the governing body provide for the work to be done under the mayor's, manager's or board's own supervision and control.
- (o) Any contract made in violation of the provisions of this section is void, and any money paid on account of the contract by the city, town or joint powers board may be recovered without restitution of the property or benefits received or retained.
- (p) Every contract of the kind specified in this section shall contain a provision expressly referring to this section and making it a part of the contract.
- (q) A public improvement shall not be divided into smaller units for the sole purpose of avoiding the advertising requirement of this section.
- (r) For purposes of this section "related costs" includes, but are not limited to, labor, labor burden, materials, transportation, storage, equipment, associated overhead and associated depreciation.

- (s) As used in this section, a contract for public improvement shall not include an arrangement in which a municipality can accomplish an energy or water efficiency project without upfront capital costs or capital appropriations by compensating an energy or water efficiency contractor over time from guaranteed savings in energy or water costs that result from the project.

Cite as W.S. 15-1-113

History. Amended by Laws 2012, ch. 106, §1, eff. 3/21/2012.

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Wyoming Statutes
Title 15. CITIES AND TOWNS
Chapter 1. GENERAL PROVISIONS
Article 1. POWERS AND MISCELLANEOUS MATTERS

Current through 2014, ch. 128

§ 15-1-127. Prohibitions; interest in contracts; exception; extra pay; compensation to nonofficers; exception

- (a) No qualified member of the governing body of any city or town or any member of that qualified member's immediate family may receive any monetary or other economic benefit from any contract to which the city or town or anyone for its benefit is a party. The obligation on the part of the city or town is void in any contract in which a monetary or other economic benefit will be received by a qualified member of the governing body or his family who does not comply with subsection (b) of this section. Any money paid on the contract may be recovered by the city or town from any persons by an action brought in the name of the city or town.
- (b) Subsection (a) of this section does not apply to any qualified member of a governing body or any member of that qualified member's immediate family who may receive any monetary or other economic benefit from any contract made by the governing body if the qualified member complies with the following:
- (i) The qualified member:
 - (A) Shall not participate in the consideration or discussion relating to the contract;
 - (B) Shall not attempt to influence the other members of the governing body in any way relating to the contract;
 - (C) Shall reveal the nature and extent of any monetary or other economic benefit he or any member of his immediate family may receive to the other members of the governing body prior to consideration of the contract;
 - (D) Shall not vote on the matter of granting the contract;
 - (E) Shall absent himself during the consideration, discussion and vote on the contract; and
 - (F) Shall not act, directly or indirectly, for the governing body in inspection, operation, administration or securing performance under the contract in which he or any member of his immediate family may receive any monetary or other economic benefit.
 - (c) The governing body, by ordinance, shall prescribe requirements governing conflicts of interest by any employee and any member of his immediate family and procedures by which any employee and any member of his immediate family may be exempt from those requirements.
 - (d) No qualified member of the governing body, officer or employee may receive any pay or perquisites from the city other than his salary for any work coming within the scope of his duties as provided by ordinance and the law. The governing body shall not pay or appropriate any money or other valuable thing to any person not a qualified member of the governing body, officer or employee for the performance of any act, service or duty which is within the proper scope of the duties of any qualified member of the governing body, officer or employee of the city or town, unless specially appropriated and ordered by a vote of three-fourths (3/4) of all members elected to the governing body.

Cite as W.S. 15-1-127

Wyoming Statutes
Title 15. CITIES AND TOWNS
Chapter 1. GENERAL PROVISIONS
Article 1. POWERS AND MISCELLANEOUS MATTERS

Current through 2014, ch. 128

§ 15-1-128. Officers and employees; prohibitions; gratuities; exceptions; violations; results therefrom

- (a) No officer or employee of any city or town shall:
- (i) Solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city or town, or any contract to which it is a party, except his lawful compensation as an officer or employee and except as otherwise provided in W.S. 15-1-127(b) and (c) ;
 - (ii) Solicit, accept or receive, directly or indirectly, from any public service corporation, or the owner of any public utility or franchise of the city, any pass, frank, free ticket, free service or any other favor upon terms more favorable than those granted the public generally, except that councilmen who are regularly employed by any public service corporation or owner of a public utility or franchise may receive free service or favor as is given to all other similar employees.
- (b) Any officer or employee who violates this section shall be subject to removal from his position or other disciplinary action after hearing.

Cite as W.S. 15-1-128

Wyoming Statutes

Title 16. CITY, COUNTY, STATE AND LOCAL POWERS

Chapter 6. PUBLIC PROPERTY

Article 1. PUBLIC WORKS AND CONTRACTS

Current through 2014, ch. 128

§ 16-6-118. Unlawful interest of officeholders in public contracts or works; exception

- (a) It is unlawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution or laws of this state, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, 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. It is unlawful for any officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which the officer may be called upon to vote or to take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or means of influencing his vote or action in his official character. Any contracts made and procured in violation of this subsection are null and void and the person violating this subsection may be removed from office.
- (b) Notwithstanding subsection (a) of this section, if any person is interested in any public contract or shall represent any person, company or corporation, but shall disclose the nature and extent thereof to all the contracting parties concerned therewith and shall absent himself during the considerations and vote thereon and not attempt to influence any of the contracting parties and not act directly or indirectly for the governing body in inspection, operation, administration or performance of any contract, then the acts are not unlawful under this section. This section does not apply as to the operation, administration, inspection or performance of banking and deposit contracts and relationships after the selection of a depository.

Cite as W.S. 16-6-118

2.04.030 Election from wards—Term of office—Qualifications.

Except as otherwise provided in this section and pertinent provisions of state law, each councilman shall hold office for a term of four years commencing on the first day of January following his/her election and until his/her successor is elected or appointed and qualified. The same number of councilmen shall be elected by wards as there are council terms expiring. Councilmen shall be residents of the wards from which they are elected and if any councilman removes from the ward from which he/she is elected, his/her seat shall be declared vacant.

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

Casper, Wyoming, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter
2.60 PUBLIC SERVICE CODE OF ETHICS >>

Chapter 2.60 PUBLIC SERVICE CODE OF ETHICS

Sections:

2.60.010 Designation of provisions.

2.60.015 Definitions.

2.60.020 Established—Purpose.

2.60.030 Standards for conduct of duties.

2.60.040 Work and performance standards—Exceeding authority.

2.60.050 Preferential treatment prohibited—Use of public property.

2.60.060 Conflict of interest.

2.60.080 Political activity.

2.60.090 Applicability—Advisory opinions.

2.60.100 Enforcement—Violation—Penalty.

2.60.010 Designation of provisions.

The provisions of this chapter shall be designated as the "code of ethics for the city of Casper, its employees and public officials."

(Ord. 21-02 § 1, 2002; prior code § 2-61)

2.60.015 Definitions.

The terms used in this chapter are defined as follows:

- A. "Business" means a corporation, partnership, sole proprietorship, firm, organization or other legal entity engaged in buying, selling or exchanging commodities or services.
- B. "Confidential information" means information which, by law or practice, is not available to the general public.
- C. "Employee" means every appointed, classified or unclassified, full-time or part-time employee of the city who receives compensation in the form of a salary or wage.
- D. "Financial interest" means any interest which yields, directly or indirectly, a monetary or other material benefit (other than the duly-authorized salary or compensation for services to the city) to the employee or to any person employing or retaining the services of the employee.
- E. "Personal interest" means any interest arising from blood, marital or adoptive relationship, whether or not any financial interest is involved.
- F. "Public official" or "official" means:
 - 1. Every elected councilman; and
 - 2. Appointed board or commission member.

(Ord. 21-02 § 2, 2002; Ord. 39-00 § 1, 2000)

2.60.020 Established—Purpose.

The proper operation of democratic local government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in and respect for the integrity of its government. In recognition of these goals, there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, full-time or contractual. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city.

(Ord. 21-02 § 3, 2002; Ord. 39-00 § 2, 2000; prior code § 2-62)

2.60.030 Standards for conduct of duties.

- A. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of Wyoming and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for city government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.
- B. Public officials and employees shall conduct their official duties with integrity, impartiality and in the public interest. They shall also conduct both their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of their official duties. Such official or employee shall conduct themselves as to maintain public confidence in their public trust and in the city. They should not be a source of embarrassment to the city and should avoid even the appearance of both actual and potential conflict between their public duties and private interests.
- C. Disclosure of Confidential Information. No councilman or other official or employee shall, without proper legal or council authorization, disclose confidential information concerning any city official, employee or any other person, the property or any government affairs of the city. Nor shall they use such information to advance the financial or other private interests of themselves or others. This provision does not pertain to "public records" as defined by state law.
- D. Gifts and Favors. No councilman or other official or employee, as a result of holding such office or position, shall accept any gift, loan, service, certificate, plaque, commemorative token, gratuity, special discount, or item with a value in excess of two hundred fifty dollars from any person, firm or corporation. The provisions and definitions of Wyoming Statutes Section 9-13-101 et. seq. regarding "Government Ethics" relating to the receipt of gifts by public officials, as they may, from time to time be amended shall apply to city councilmen, officials, and employees, said provisions being incorporated herein at this point as if fully set forth.

(Ord. 21-02 §§ 4, 5, 2002; Ord. 39-00 § 3, 2000; prior code § 2-63)

2.60.040 Work and performance standards—Exceeding authority.

Appointed officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Ord. 21-02 § 6, 2002; prior code § 2-64)

2.60.050 Preferential treatment prohibited—Use of public property.

- A. Interest in Appointments. A candidate for advancement or promotion within the municipal service shall not directly or indirectly solicit any member of the city council to obtain preferential treatment in connection with the advancement or promotion. This prohibition does not apply to positions filled by appointment of the city council.
- B. Use of Public Property. No official or employee shall request or permit the use of publicly-supported property, city-owned vehicles, equipment, materials, labor or service for personal convenience or profit, or the private advantage of themselves or any other person. This rule does not prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supported property, vehicles, equipment, materials, labor or service which is made available to the public at large, or by stated public policy for the use of officials or employees in the conduct of city business, or which is provided as a matter of contract.
- C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, advantage or favor to any citizen beyond that which is available to the public at large, or which is available to every other citizen.

(Ord. 21-02 §§ 7, 8, 2002; Ord. 39-00 § 4, 2000; prior code § 2-65(a), (b), (c))

2.60.060 Conflict of interest.

- A. Subject to the disclosure requirements of this section, no councilman or other city official or employee, either on his or her own behalf or on behalf of any other person, whether paid or unpaid, shall engage in any business or transaction or shall have any financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction or contract with the city, or in the sale of real estate, materials, supplies or services to the city, shall disclose such interest in any matter on which they may be called to act in their official capacity. They shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into or authorized by him or her in their official capacity.

A councilman who has a financial or other private interest in any action, matter, or legislation pending before council shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies him

or herself from voting on any such matter or action, and recuses himself or herself from the chamber while such matter or action is pending.

- B. No employee, either on his or her own behalf, or on behalf of any other person, shall have any financial or personal interest in any business transaction with the city unless he or she first makes full public disclosure of the nature and extent of such interest. An employee who has a financial or personal interest which he or she believes, or has reason to believe, may be affected by an official act made while within the scope of his or her employment or duties, shall make full public disclosure of the precise nature and value of such interest. The disclosure shall be made in writing to the city clerk at the time the conflict first occurs. An employee shall inform his or her department head of any such financial or personal interest at the time he or she acquires it. Information contained in written disclosures, filed with the city clerk, except for the valuations attributed to the reported interest, shall be made available by the city clerk for public inspection; provided, however, the valuation shall be confidential. The filing of disclosures pursuant to this section is a condition of entering upon and continuing in city employment.

Whenever the performance of a city employee's duty requires such said employee to make any decision upon any matter involving his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest, after which he or she may only proceed with the permission of the city manager or shall disqualify himself or herself from participating in the decision. "Participation in a decision" includes discussions and deliberations leading up to a decision.

- C. Any official or employee who has a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, and who participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

- D. Specific conflicts of interest are enumerated below for the guidance of officials and employees:

1. **Incompatible Employment.** No councilman, official, or employee shall engage in private employment when such employment is incompatible with, or give the appearance of incompatibility with, the proper discharge of their official duties, or would tend to impair their independence of judgment or action in the performance of their official duties.

In the case of a city employee, he or she shall first make full and public disclosure of the nature and extent of such employment and receive written permission from the city manager to engage in such employment. Other city restrictions concerning private or outside employment of city employees shall not be affected by this provision.

2. Repealed.
3. Repealed.
4. **Representing Private Interests Before City Agencies or Courts.** No councilman or other official or employee shall appear on behalf of private interests before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a part. A councilman may appear before city agencies on behalf of constituents in the course of their duties as a representative of the electorate or in the performance of public or

civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

5. Repealed.

(Ord. 21-02 § 10, 2002; Ord. 39-00 § 5, 2000; prior code § 2-66)

2.60.080 Political activity.

- A. No city appointive official or employee shall use the prestige of his position in behalf of any political party.
- B. A city appointive official or employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is:
 - 1. Authorized by law; or
 - 2. Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates or reimburses the city for any additional costs incurred for that portion of the activity not required or authorized by law.
- C. No city official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

(Ord. 21-02 § 11, 2002; prior code § 2-67)

2.60.090 Applicability—Advisory opinions.

When a councilman or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, they shall apply to the city attorney for an advisory opinion and be guided by that opinion when given. The councilman or other official or employee shall have the opportunity to present their interpretation of the facts at issue and of the applicable provision of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by its provisions except when superseded by an applicable statutory, city code provision or policy, and statutory or city code action is mandatory, or when the application of a statutory or city code provision is discretionary, but determined to be more appropriate or desirable.

(Ord. 21-02 § 12, 2002; prior code § 2-68)

2.60.100 Enforcement—Violation—Penalty.

- A. Failure to comply with this chapter constitutes improper conduct.
- B. As it relates to city employees, upon the complaint of any person alleging facts, which, if true would constitute improper conduct under the provisions of this chapter, the employee may be disciplined up to and including termination, pursuant to the city's personnel rules and regulations and any other applicable rules, regulations or law.
- C. Violation of any provisions of this code of ethics should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation by any appointed official, employee or councilman, may result in discipline up to and including termination or constitute a reason for suspension, removal from office or employment or other disciplinary action at the discretion of the appointing authority.

(Ord. 39-00 § 6, 2000; prior code § 2-69)

Casper, Wyoming, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.64 REMOVAL OF OFFICIALS >>

Chapter 2.64 REMOVAL OF OFFICIALS

Sections:

2.64.005 Definitions.

2.64.010 Authorization.

2.64.020 Procedure.

2.64.005 Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them:

"For cause" means when one of the following has happened to a councilman:

1. Gross and persistent delinquency in being absent from regular meetings of the council. Absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Casper Municipal Code Section 2.04.030
4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of office;
6. Refusing to take the oath of office or to give or renew an official bond if required by law;
7. Conviction of any law involving ethics;
8. Conviction of any of Wyoming State Statute Sections 12-4-103(a)(i), 15-1-113, 15-1-127, 15-1-128, 16-6-118 or Casper Municipal Code Sections 3.04.010 or 5.08.100(A) (1).

(Ord. 11-99 § 2, 1999)

2.64.010 Authorization.

Any joint powers board member or other board member appointed by the Casper city council may be removed from office at will by a vote of a majority of all the members of the city council. Any city councilman may be removed from office, for cause, by a vote of a two-third's majority of all members of the city council. The city council shall follow the procedure set forth in Section 2.64.020 of this chapter in removing any such appointee or councilman.

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

2.64.020 Procedure.

City council shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. 16-3-101 et. seq.) in any removal proceeding pursuant to Section 2.64.010 of this chapter. However, such decision of city council shall not be appealable.

(Ord. 11-99 § 5, 1999)

5.08.100 License holder restrictions.

- A. A license or permit authorized by this chapter shall not be held by, issued or transferred to:
1. Any member of the city council or county commissioners;
 2. Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;
 3. Any party who does not own the building in which the licensed room is located or hold a written lease for a period for which the license will be effective, containing an agreement by the lessor that alcoholic liquor or malt beverages may be sold upon the leased premises, except as provided by subdivision 4 of this subsection;
 4. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the city council;
 5. Any licensee who does not annually purchase at least two hundred fifty dollars of alcoholic liquors or malt beverages from the commission or any authorized malt beverage wholesaler, except any licensee having a planned building not in existence or operational pursuant to subdivision 4 of this subsection;
 6. A manufacturer of alcoholic beverages or wholesaler of malt beverages; provided, however, this prohibition is not intended to prevent the manufacture or sale of malt beverages under a microbrewery license issued pursuant to this chapter;
 7. A person under twenty-one years of age;
 8. A college fraternity or organization created by one or more college fraternities;
 9. A chamber of commerce;
 10. A corporation or a limited liability company which has not qualified to do business in Wyoming;
 11. An individual who is not a resident; or
 12. Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.
 13. Except as provided in subsection 14 of this section, a license or permit authorized by this chapter shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least two hundred fifty dollars of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars of alcoholic beverages from the commission, excluding malt beverage purchases;
 14. Subsection 13 of this section shall not apply to:
 - a. Any licensee or permittee having a planned but not physically functional building pursuant to subsection 4 of this section;

- b. Holders of special permits issued under Sections 5.08.080 and 5.08.090 of this code.
- B. No more than one license or permit shall be issued to any one person, except for malt beverage or catering permits, or in conjunction with a microbrewery license as hereinafter provided.

(Ord. 24-96 § 7, 1996; Ord. 22-93 § 6, 1993; Ord. 8-88 § 2, 1988; Ord. 25-86 (part), 1986; prior code § 3-12)

EMPLOYMENT OF RELATIVES

Immediate family members of City employees may be employed by the City of Casper, though they cannot report to the same supervisor. Exceptions to this policy may be granted by the City Manager.

HARASSMENT

It is an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, sexual orientation, or national origin.

POLICY

The City of Casper is committed to offering employment opportunity based on ability, merit and performance, and in a productive environment, free of discrimination and harassment. Harassment in any form by supervisors, Department Heads and/or co-workers will not be tolerated. This policy applies to all City of Casper employees.

The City of Casper will not tolerate any form of harassment or discrimination from outside contractors, the general public, or any other individuals coming in contact with the City's employees while engaged in the scope of their employment.

1. Defining harassment - In general, slurs and other verbal or physical conduct relating to a person's race, color, age, medical condition, protected disabilities, ancestry, religion, sex, national origin, or marital status constitute harassment when they interfere with the person's work performance or create an intimidating work environment.
2. Retaliation against anyone who complains of harassing behavior or who participates in a harassment investigation will not be tolerated, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).
3. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).

SEXUAL HARASSMENT

1. Defining sexual harassment - Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000E(a)(1). The Equal Employment Opportunity Commission (EEOC) has adopted the following definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes

with an individual's work performance or creates an intimidating, hostile or offensive work environment.

PROCEDURE

The City of Casper will not tolerate any form of harassment and will exercise reasonable care to promptly prevent and correct any sexually harassing behavior. However, the offensive behavior must first be brought to the attention of the employee's supervisor or those parties listed below in Subsection 1.A. The employee subject to the unwelcome harassing behavior must take advantage of the preventive or corrective opportunities provided by the City of Casper in an effort to stop the harassing behavior.

In order for sexual harassment to be actionable, the behavior must be unwelcome.

1. Any employee who has been subjected to sexual harassment must immediately report the behavior to one of the persons below with whom the employee feels the most comfortable.
 - A. Complaints may be made orally or in writing to:
 - (1) The employee's immediate supervisor, or
 - (2) The employee's Department Head, or
 - (3) The Human Resources Director, or;
 - (4) The City Manager
 - B. Employees have the right to ignore the normal chain of command in selecting which person to whom to make a complaint.
2. All complaints will be thoroughly investigated and will be treated with the utmost confidence consistent with resolution of the problem. If the allegations are found to be true following an investigation, appropriate corrective and/or disciplinary action will be taken, up to and including the discharge of offending employees.
3. Retaliation against anyone who complains of sexual harassment or who participates in a sexual harassment investigation will not be tolerated, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).
4. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).

WORKPLACE VIOLENCE

Defining workplace violence – Workplace violence is when a person commits any crime of physical violence against, or otherwise threatens, intimidates, or attempts to coerce an employee in a violent manner in or at the workplace.

PROCEDURE

The City of Casper will exercise reasonable care to promptly prevent or correct workplace violence occurring in or at the workplace. However, the offensive behavior must first be brought to the attention of the employee's supervisor or those parties listed below in Subsection 1.A. The employee subject to the unwelcome behavior must take advantage of the preventive or corrective opportunities provided by the City of Casper in an effort to stop the threatening behavior.

1. Any employee who has been subjected to threatening behavior must immediately report the behavior to one of the persons below with whom the employee feels the most comfortable.
 - A. Complaints may be made orally or in writing to:
 - The employee's immediate supervisor, or
 - The employee's Department Head, or
 - The Human Resources Director, or;
 - The City Manager
 - B. Employees have the right to ignore the normal chain of command in selecting which person to whom to make a complaint.
2. All complaints will be thoroughly investigated and will be treated with the utmost confidence consistent with resolution of the problem. If the allegations are found to be true, appropriate corrective and/or disciplinary action will be taken, which may include the discharge of the offending employee or employees, as well as a recommendation for criminal prosecution of the individual or individuals responsible.
3. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action will be taken, up to and including the discharge of offending employee(s).
4. Retaliation against anyone who complains of workplace violence or who participates in a workplace violence investigation will not be tolerated, and appropriate corrective and/or disciplinary action will be taken, which may include the discharge of the retaliator(s).

POLICE AND FIRE DEPARTMENT EMPLOYEES

1. All Police and Fire Department Employees, sworn and unsworn, are subject to the same sexual harassment and workplace violence policies as all other City of Casper employees.

DRUG AND ALCOHOL POLICY

1. PURPOSE

In compliance with the Drug-free Workplace Act of 1988 and in recognition of the City's compelling interest in providing a work environment that is safe, healthy, and productive for employees and the public, the following policy has been adopted: