

FORMS OF GOVERNMENT IN WYOMING

A HANDBOOK FOR MUNICIPAL ELECTED OFFICIALS



WYOMING ASSOCIATION OF MUNICIPALITIES 2008

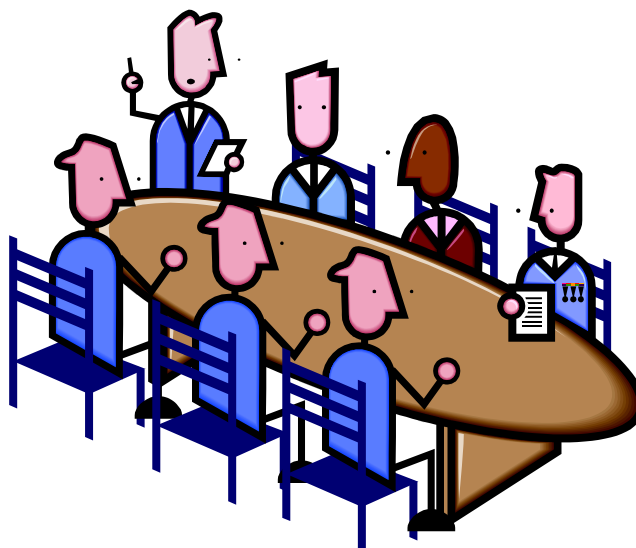


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INTRODUCTION

Wyoming law recognizes the following three forms of municipal government in Wyoming:

- mayor-council
- city manager
- commission

This handbook was designed to summarize these three forms of government, and the steps you need to take if your city or town chooses to change your form of government.

Laws regulating cities and towns in Wyoming can be found in the Wyoming State Statutes. Statutes regulating forms of government in Wyoming are summarized in the following pages.

You can access these in more detail by visiting the state website at:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title15/Title15.htm>.



MAYOR-COUNCIL GOVERNMENT

The most commonly used form of government in Wyoming is the mayor-council form of government. Positions are filled by the vote of the residents of the city or town at the general municipal election.

The elective officers of an incorporated town are one mayor and four council members. The term of office of mayor and council member is four years, and until his/her successor is qualified for office by being sworn in (W.S. §15-11-102).

The elective officers of a first class city are a mayor and the number of council members determined by the governing body of the city when they provide for the number of wards in the city.

The term of office of the mayor and a council member is four years and until his/her successor is sworn in. The mayor shall be elected at large and the council members shall be elected at-large, or by wards, or by a combination of at-large and ward election districts.

The governing body of the city shall determine by ordinance at the time wards are created or reorganized whether individual, multimember, or at large election districts shall be provided. The district system may provide individual member election districts or multimember election districts which do not exceed three council members per district. Once established, the districts, except to modify boundaries because of population changes and to encompass annexed territory, shall not be altered or amended more often than each ten years or when the state reapportions (W.S. §15-11-103).

POWERS OF THE GOVERNING BODY

The governing bodies of all cities and towns have a broad range of powers that are intended to assist the needs of the community. The following is a list of only a few of the powers granted to the governing body. Powers are listed in greater detail under Wyoming State Statute 15-1-103.

- Purchase and hold real and personal property;
- Sell, convey, and lease any estate owned;
- Receive bequests, gifts, and donations;
- Control the finances of the corporation;
- Appropriate money by ordinance only and pay all necessary expenses;
- Levy and collect special assessments against persons or property;
- Borrow money on the credit of the corporation for corporate purposes and issue warrants and bonds;
- Plan, construct, improve, modify, repair, maintain, and regulate the use of streets, alleys, bridges, parks, public grounds, cemeteries, and sidewalks;
- License, tax, and regulate any business within the corporate limits;
- Regulate or prohibit the running at-large of any animals; impose a license fee; and establish and provide for the operation of a pound;
- Regulate, prevent, or suppress riots, disturbances, disorderly assemblies or parades, or other conduct which disturbs or jeopardizes the public health, safety, peace or morality, in any public or private place;
- Declare and abate nuisances and impose fines upon parties who create, continue, or permit nuisances to exist;
- Purchase, lease, or rent land within or without the corporate limits and govern it for the deposit of refuse matter;
- Establish and regulate parks, zoological gardens, and recreation areas;
- Provide for the organization, support, and equipping of a fire department;
- Provide for the repair, removal, or destruction of any dangerous building or enclosure;

- Appoint a board of health and prescribe its powers and duties;
- Divide the city or town into suitable districts for establishing a drainage system including surface water, sanitary sewers, and water mains;
- Take any action to establish, alter, and regulate the channels of streams, water courses, and other public water sources or supplies within the city;
- Establish and maintain public libraries, reading rooms, or museums;
- Grant franchises to any utility company;
- Establish and regulate a police department;
- Exercise the power of eminent domain and take property for public use within and without the city limits for any necessary or authorized public purpose as defined by W.S. 1-26-801(c);
- Appoint officers and establish other positions as are necessary for the efficient operation of the city or town;
- Compile, codify, and revise all ordinances in force and provide for their distribution, sale, and exchange;
- Adopt ordinances, resolutions, and regulations, including regulations for the health, safety, and welfare of the city or town, and enforce all ordinances.
- Contract with nonprofit corporations, hospitals, and clinics to provide human services for persons within its jurisdiction;
- Adopt ordinances establishing pretreatment standards and requirements for municipal waste water collection systems and provide for enforcement;
- Appoint special municipal officers, who are not certified as peace officers, to issue citations to enforce ordinances, resolutions, and regulations.



CITY MANAGER GOVERNMENT

Because many of the tasks involved in handling the affairs of a municipality call for special training and skills, demands have risen for a professionally trained expert to take over these duties. The city manager form of government specifically provides for this. Under this form, a single, chief administrator is employed by the governing body to handle the city's (town's) administrative affairs.

The elective officers of a city or town adopting the city manager form of government are council members elected as provided by law. There shall be three council members in cities and towns having a population of less than four thousand, seven in those having a population of four thousand or more but less than twenty thousand, and nine in those having a population of twenty thousand or more, according to the last preceding United States census. The term of office of a council member is four years and until his/her successor is sworn in. Legislative authority is vested in the council.

GOVERNING BODY

The powers and duties of the governing body are similar to that in the mayor-council form of government. In addition to its normal functions, the council employs the city manager who is directly responsible to the council and who serves at the pleasure of a majority of the council members.

MAYOR

The powers and duties of the mayor are substantially altered under this form of government. All administrative and executive powers held by the mayor under the mayor-council form are transferred to the city manager. The mayor is chosen from the council members for a term determined by the city or town. The mayor is recognized as the city head for the service of legal process and for ceremonial purposes. The mayor is president of the council and presides over all meetings of the governing body. He/she has a vote on all matters, but has no veto power.

CITY MANAGER

The city manager is the chief administrative officer for the city/town. He/she appoints all officers other than the attorney and municipal judges, and may appoint all necessary subordinates and fix the compensation within the limits set by the governing body and statutes.

In addition to his/her specific duties, the manager is responsible for the enforcement of all laws and ordinances; must attend all council meetings; may recommend necessary and expedient measures; must prepare and submit all reports required by the governing body or that he/she deems advisable; must keep the council fully advised on the municipality's financial condition and future needs; and all other duties as required (W.S. §15-4-201 through 15-4-251).

MAYOR-ADMINISTRATOR PLAN

Cities and towns operating under the mayor-council form of government can achieve some of the benefits of the city manager form through the use of an administrator to perform specific functions. The mayor-administrator plan is similar to city manager form of government with similar duties assigned. The major difference is the city manager is given its powers by the state; the administrator is given its powers by the Governing Body who chooses to adopt a Charter Ordinance.

The Governing Body's role is to establish City policy, goals, objectives, and priorities.

The City Administrator's responsibility includes implementation of the policies set by the Governing Body, in addition to day-to-day management of all City operations. The City Administrator makes recommendation to the Governing Body and ensures the Governing Body has the needed information to successfully fulfill its policy-making role.

COMMISSION GOVERNMENT

The elective officers of a city or town adopting the commission form of government are a mayor, a commissioner of finance and public property, and a commissioner of streets and public improvements. The term of the mayor is four years and each commissioner is two years. Each position is elected at large (W.S. §15-11-104).

GOVERNING BODY

Two members of the body must be present before any business can be conducted. Each member has one vote on all matters presented. Unless a greater number of votes is specified, all matters require an affirmative vote of two of the members for passage.



All motions, ordinances, and resolutions must be written and read before a vote is taken. Every vote of each member must be recorded. Every ordinance or resolution must be signed either by the mayor or the two commissioners and recorded before it is effective.

The power and duties of the governing body under this form of government are similar to those of the council in the mayor-council form. In addition to its normal legislative functions, it hires any other officers and assistants as provided by ordinance, and may terminate any officer at any time by majority vote of the body.

Duties of the governing body are distributed as follows:

- The mayor administers the department of public affairs and safety. The mayor is the president of the governing body and presides at all meetings. He/she has one vote on all matters, but has no veto power.
- The commissioner of finance and public property administers the departments of accounts, finance, parks and recreation, and public property. He/she is vice president of the governing body and performs the duties of the mayor in his/her absence.
- The commissioner of streets and public improvements administers the departments of streets and public improvements.

CHANGING THE FORM OF GOVERNMENT

Any incorporated city or town may adopt the commission or city manager form of government or other lawful form of government by following the procedures below; taken from W.S. §15-11-301 and 15-11-302.

A petition for a special election to change the form of government must be submitted to the city or town clerk. The petition must be signed by 15% of those electors who voted at the last preceding municipal election, and must be submitted no later than 120 days before the next regular municipal primary election. (The exception to this rule is no petition can be filed within four years after the establishment of the existing form of government.)

If the petition is determined by the city (town) clerk to be legal, the mayor shall proclaim a special election on the question. The question shall state the following:

- The present form of government
- The proposed new form of government
- The time of the election

The proclamation shall be published at least once a week for four consecutive weeks in a newspaper of general circulation in the city or town.

The special election must be held no less than thirty days nor more than sixty days after the petition is filed, and shall be conducted as prescribed by W.S. § 22-23-801 through 22-23-809.

If the majority of votes cast are in favor of the proposed new form of government, the municipality shall, at the next municipal primary and general elections, nominate and elect officers under the new form of government. Once these officers are elected and qualified, the municipality shall be governed by the new form of government.



Wyoming Association
of Municipalities

Building Strong Communities

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