

# Local Government Operations – Part 2

Local Government  
Leadership  
Core Course



# Presenters



**Bobbe Fitzhugh**



**Joe Coyne**



# Council Meeting Protocol

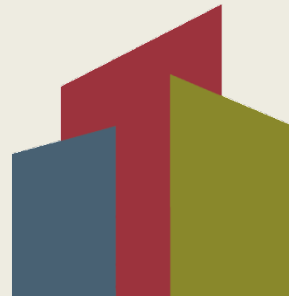
- ✓ Protocol – Roberts Rules or consensus
- ✓ Meeting Chair duties
- ✓ Use Formal Titles
- ✓ Set Agenda - roadmap
- ✓ How to Address Non-Agenda Items
- ✓ Public Hearings
- ✓ Executive Sessions





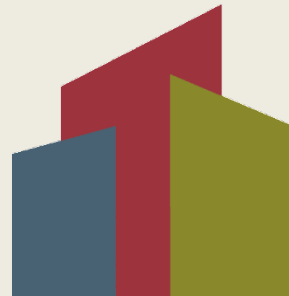
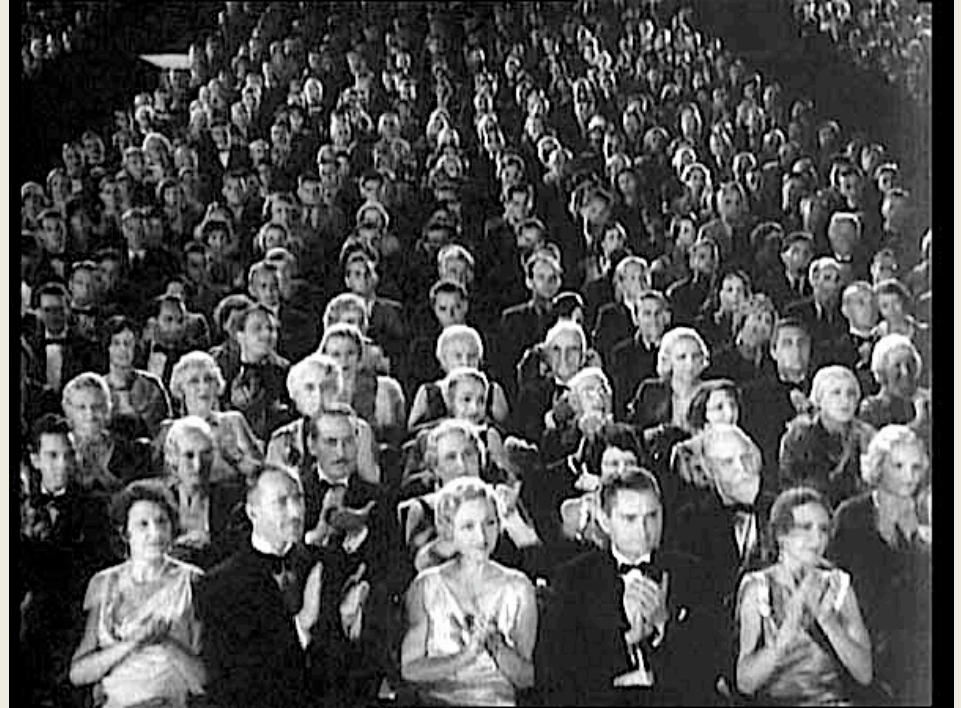
# Rules of Procedure

- ✓ Can be simple or detailed
- ✓ Can use Robert's Rules of Order or another set
- ✓ Focus on openness to public
- ✓ Fairness to all sides of issues
- ✓ Consistency
- ✓ No single "right way" to conduct an effective meeting



# Importance of Presiding Official

- ✓ **Emphasize culture of civility**
- ✓ **Tell audience how to act – self-discipline, respect**
- ✓ **Remind audience not to applaud, boo or otherwise make remarks about speakers**



# Council Member Meeting Roles

- ✓ All members have right to full participation
- ✓ Each member can make motions, speak on motions, vote on all questions
- ✓ Professional respect and courtesy
- ✓ Preparation for meetings
- ✓ Listen
- ✓ Work towards consensus



# Meeting Agenda

## ✓ Procedural items

- ✓ Roll call

- ✓ Opening ceremony

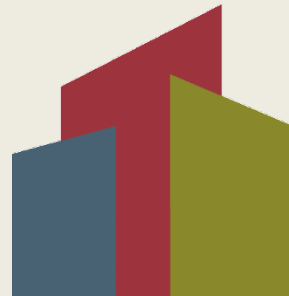
- ✓ Reading and approval of minutes

## ✓ Substantive items

- ✓ Public hearings


- ✓ Ordinances

- ✓ Resolutions





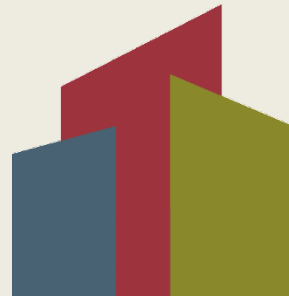
# A Sample Agenda Outline

- ✓ Call to order
  - ✓ Opening Ceremony, Presentations, Proclamations
  - ✓ Roll call
  - ✓ Reading and approval of minutes
  - ✓ Public comments
  - ✓ Public hearings
  - ✓ Action items – ordinances, resolutions, contracts, etc.
  - ✓ Reports from staff, boards, committees
  - ✓ Adjournment
- 



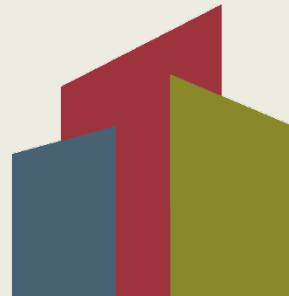
# Sample Agenda Format

- ✓ Presiding officer announces agenda item and briefly describes subject
- ✓ Chair invites appropriate people to report on item and make recommendation
- ✓ Then opens agenda item to council to ask questions
- ✓ If appropriate, invites public comments
- ✓ Motion and vote



# Making the motion

- ✓ Once motion has been made– “I move that we approve the conditional use permit for .....
- ✓ Motion is seconded. “I second that motion.”
- ✓ Repeat motion and second
- ✓ Call for discussion
- ✓ Amendments if any – “move to amend the motion to.....”
- ✓ Call for vote – “ayes” and “nays” or roll call vote; Mayor votes!
- ✓ Announce results of vote



# Consent Agenda

- ✓ Allows council to approve several items of routine business with one vote
- ✓ Routine items that are not controversial in nature and that do not require further discussion.
- ✓ Approving minutes, receiving reports, receiving communications, approving licenses and permits, approving contract execution, reading of resolutions and second reading of ordinances, approving finance warrants
- ✓ Can remove any item from consent agenda



# Citizen Participation

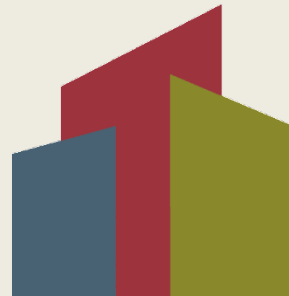
- ✓ Decide how and when citizens may participate in meeting, subject to open meeting law
- ✓ May recognize throughout meeting
- ✓ May invite to speak only on matters listed on agenda
- ✓ Public comment on items other than those listed
- ✓ Public hearings





# Public Hearing

- ✓ Close regular meeting
- ✓ Open public hearing
- ✓ Council members should NOT express opinions during public hearing portion – may ask clarifying questions of staff or public
- ✓ “I think” and “I feel” are not appropriate council comments until after close of public hearing
- ✓ Time limits




# Wyoming Open Meeting Law

*"The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act."(16-4-401)*





# Who does WOML apply to?

- ✓ All agencies and divisions of the state
  - ✓ All counties, municipalities or other political subdivisions
  - ✓ ALSO - applies to sub-agency of municipality (Planning commission, etc.)
  - ✓ EXCEPT – state legislature and judiciary
- 



# “Public Meetings” – WSS 16-4-402

- ✓ “Quorum of governing body called by proper authority for the purpose of discussion, deliberation, presentation of information or taking action regarding public business”
  - ✓ All meetings open to public – except executive sessions
  - ✓ No action can be taken except during a public meeting following notice of meeting





# Public Attendance at Meetings

- ✓ Member of public not required to register name or any other information in order to attend meeting
- ✓ To speak – may be required to give name and affiliation



# Minutes of Meeting

- ✓ Required to be recorded but not published if no action taken
- ✓ Not required to be recorded or published for day-to-day activity
- ✓ Minutes reflect all official acts
- ✓ Public record



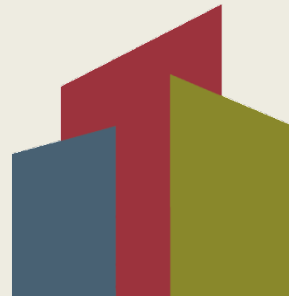
# Notice requirements

- ✓ Date, time and place of regularly scheduled meetings adopted by ordinance, resolution, by-laws or rules
- ✓ Any meeting that is not a regularly scheduled meeting is a special meeting



# Action at a Public Meeting

*No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.”*



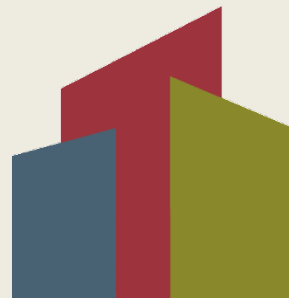
# Yes, these are meetings! (If quorum)

- ✓ Informal conference to discuss public business whether decision is made or not
- ✓ Work sessions, retreats, presentations
- ✓ Telephone conferences, on-line discussions
- ✓ Must be preceded by public notice and treated as any other special meeting



# This is not a meeting even if Council quorum in attendance

- ✓ Wedding
- ✓ Restaurant or party
- ✓ Riding in same vehicle to convention
- ✓ WHY?
  - ✓ Not called by proper authority for purpose of conducting public business



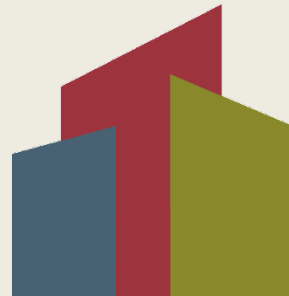
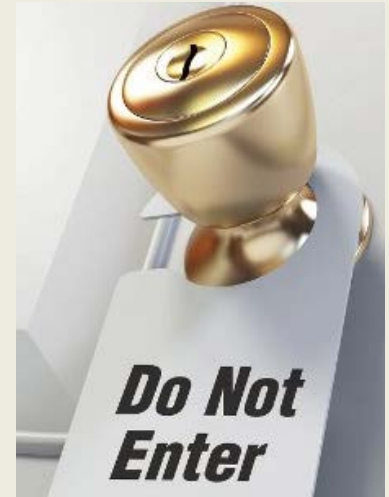
# On the other hand -

- ✓ If Mayor requests quorum of council members to ride together to discuss city business, this is a meeting under the law!
- ✓ Meetings in areas that cannot accommodate members of the public should not occur



# Executive Sessions – Special Purposes only – 16-4-405


- ✓ To consider appointment, employment, etc.
- ✓ Litigation to which governing body is a party or proposed litigation to which may be party
- ✓ National security
- ✓ Selection of site for real estate
- ✓ Salary negotiations
- ✓ Collective bargaining negotiations –  
NOPE!








# More on executive sessions

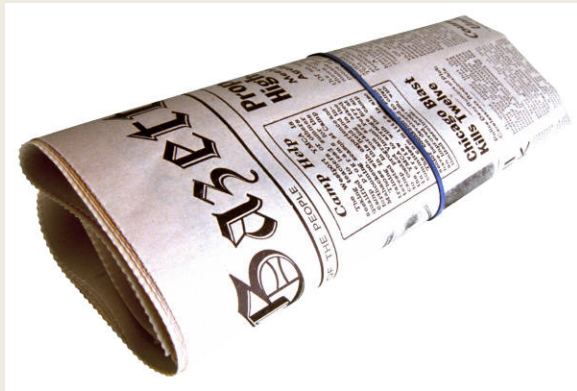
- ✓ Requires motion and majority vote to go into executive session
  - ✓ Stated statutory reason for going into ES should be stated in motion
  - ✓ No action may be taken except in public meeting – so, none can be taken in ES
  - ✓ Minutes shall be maintained – confidential
- 



# Consequences and Penalties

- ✓ All actions taken during a meeting in violation of WOML are null and void
  - ✓ Public officers found in violation of the act are guilty of a misdemeanor and can be assessed fines of up to \$750.
  - ✓ Disclosure of information acquired in executive session violates Ethics and Disclosure Act
- 

**It is important to remember that the written, viewing and broadcasting press is the eyes and ears of the people.**



**The best practice is to conduct the maximum amount of the public's business in public.**



# Public Records includes:

- ✓ Wyoming Public Records Law – Section 16-4-201
- ✓ Everything in your possession that is NOT privileged or confidential
- ✓ Paper, electronic or other physical form (includes emails)





# Official Custodian

- ✓ Official custodian may make rules and regulations with reference to the inspection of records, including establishment of fees for copies.
- ✓ Official custodian is anyone responsible for maintenance, care and keeping of public records, regardless of whether the records are in his/her actual personal custody and control. The official custodian is typically the Municipal Clerk.





# Right of Inspection

- ✓ **Written or Verbal request**
- ✓ **Reasonable times**
- ✓ **Timing of release of records**
- ✓ **Can charge reasonable fees for costs of producing copy; including time to supervise copying, printing or photographing**





Can you deny access to any public records?





# **IMMUNITY AND LEGAL PROTECTIONS; LIABILITY**





# Wyoming Governmental Claims Act

- ✓ Tort liability
- ✓ Government immunity
- ✓ Exceptions
- ✓ Contract liability
- ✓ Claims procedure



# Liability Risk

- ✓ Municipality can be held liable for acts or omissions of their employees even if they were not approved or authorized if it appears the employee appears to be acting with municipal approval
- ✓ Council members who act in good faith are generally covered under municipality's liability policy
- ✓ Indemnification provisions



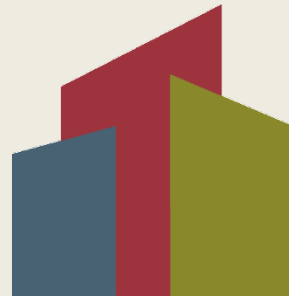
# Qualified Immunity

- ✓ **Public employee – any officer, employee or servant of a governmental entity, with or without compensation.**
- ✓ **Immune from liability as long as acting within scope of duties**
- ✓ **Government will provide for defense**
- ✓ **Protection from actions, inactions & omissions**



# General Liability Insurance

- ✓ Coverage for “negligent” acts
- ✓ Reasonable person
- ✓ Causes bodily injury, personal injury or property damage
- ✓ Mistake





# Payment of Claims

- ✓ Court determines act is within employee's scope of duties
- ✓ Payment of judgment cannot exceed maximum liability
- ✓ Appeals have been exhausted

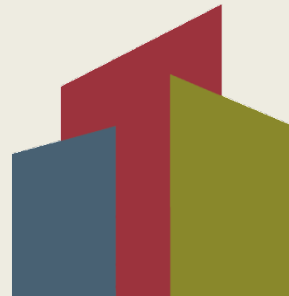


# **ELECTIONS, REFERENDUMS, RECALLS**



# Municipal Elections


- ✓ May by charter ordinance elect not to conduct municipal elections in same manner as statewide elections
- ✓ All offices are nonpartisan
- ✓ May be divided into wards or at large
- ✓ Otherwise, the following applies:





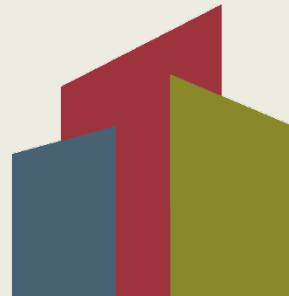


# Municipal Elections

- ✓ County clerk must publish proclamation setting date of election, offices to be filled, terms of office, number of seats
  - ✓ Registration required before voting
  - ✓ Absentee voting allowed
  - ✓ Current city or town employee may not run for local office unless he/she resigns
  - ✓ Term of office is first Monday in January following election
  - ✓ Must sign oath of office
- 

# Special Elections, Referendums

- ✓ On any question which can be submitted to the voters
- ✓ Called by proclamation
- ✓ Ordinance adopted by governing body is subject to vote of electorate
  - ✓ 10% of qualified electors files no later than ten days after the first publication of the adopted ordinance.
  - ✓ Council can repeal entire ordinance or put to vote



# Recall Provisions

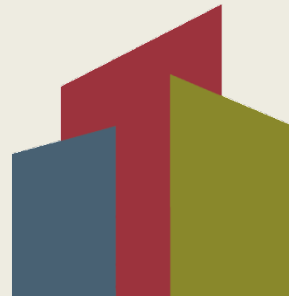
- ✓ There is no statutory provision for recall of a locally elected public official.





# WAM's Local Government Leadership Program (LGL)

*Excellence is the result of caring more than others think is wise; risking more than others think is safe, dreaming more than others think is practical and expecting more than others think is possible.*



# Thank You!

This presentation was prepared by Community Builders, Inc., a Wyoming-based consulting firm specializing in community and economic development - Bobbe Fitzhugh and Joe Coyne, Principal Consultants - [www.consultCBI.com](http://www.consultCBI.com), under contract and in cooperation with the Wyoming Association of Municipalities.

