



Wyoming
Association of
Municipalities
Building Strong Communities



Roles and Responsibilities in Municipal Operations

2023 LOCAL GOVERNMENT LEADERSHIP
CORE COURSE

Course Objectives

1

Learn roles and responsibilities of municipal elected leaders and key staff

2

Understand how to manage your community and your governing entity

Applicable Laws and Legal Framework

Wyoming Constitution

- Article 13, Section 1 – Home Rule

Wyoming Statutes

- Title 15 – Cities and Towns
- Title 16 – Local Gov. Powers
 - Chapter 4 – Municipal Fiscal Procedures Act and Wyoming Open Meetings Law

Municipal Documents

- Your Charter
- Your Municipal Code

The legal framework for Wyoming Municipal Corporations is set forth in Article 13 of the Wyoming Constitution. Section 1 requires the legislature to provide for the incorporation of cities and the ways city and town boundaries may be altered through annexation. Most importantly, this section establishes the constitutional mandate of local self-government authority, known as “home rule.” **Home rule simply put is the delegation of power from the state to its sub-units of governments** (including counties, municipalities, towns, etc.). That **power is limited** to specific fields and is subject to constant judicial interpretation.

Title 15 of the Wyoming State Statutes “Cities and Towns” details the general powers of cities and towns, explains how to hold your council meetings, how to enter into contracts, and plan for the growth of your community, to name just a few.

Title 16, Chapter 4 covers the Municipal Fiscal Procedures Act that many communities must abide by. All incorporated First Class Cities, towns with a population in excess of four thousand (4,000) and all towns operating under the City Manager form of government are required to conduct their financial matters in compliance with this Act.

Your town or city may also have a charter and a Municipal Code. You should develop a familiarity with these documents and know where to find the information you need.

Home Rule Authority

Home Rule is a municipality's claim to 10th Amendment powers:

- **Structural** – *power to choose* the form of government, adopt a charter and enact charter revisions
- **Functional** – can exercise the *powers of local self government* (“broad functional” authority, limited by state laws that apply to all municipalities)
- **Fiscal** – authority to *determine revenue* sources, set tax rates, borrow funds, and other related activities
- **Personnel** – authority to *set employment rules* and conditions, ranging from salary to collective bargaining

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”



The concept of home rule can be traced to the Tenth Amendment of the U.S. Constitution, providing that states and the American people themselves retain all powers not granted to the federal government. Black's Law Dictionary defines home rule as a “state or constitutional provision or type of legislative action which results in apportioning power between state and local governments by providing local cities and towns with a measure of self government if such local government accepts terms of the state legislation.”

Basically, municipalities have implicit power to govern as they see fit, limited only by state/federal laws that apply uniformly to everyone.

Pro: Home Rule Authority gives local governments the power and flexibility to satisfy increasing demands for local services

Permits local governments to determine the kind of government best suited to their needs
Usually protects local governments from state intervention, while protecting the state from the constant pressures of local governments for additional power to respond to new challenges

Con: The principal restriction is that any law uniformly applicable to all cities and towns cannot be changed or ignored under home rule.



Home Rule in Practice

- Creation of Town Administrator
- Wards or at-large division of municipality
- Number of Council members
- Land use planning
- Hiring and termination
- Municipal court
- Nuisance abatement

Think of Home Rule as broad authority to govern locally, limited by state laws that apply uniformly

Home rule is designed to provide a democratic, responsible system of local self government, where citizens and officials can meet and solve day-to-day problems as they occur without having to seek permissive legislation. Cities and towns have complete authority to govern their own local affairs by ordinance in all areas not denied them in the constitutional amendment, insofar as any such ordinance does not conflict with an existing uniformly applicable statute.



Types of Municipalities

- ✓ Incorporated Town (under 4,000)
- ✓ First Class City (pop. over 4,000)
- ✓ Form of government can be changed:
 - ✓ Mayor-Council by default
 - ✓ City Manager (Laramie, Rawlins & Casper)
 - ✓ City or Town Administrator (Afton, Cody, Douglas, Gillette, Green River, Jackson & Powell)

Wyoming law classifies its municipalities as either First Class Cities or Towns. First Class Cities are incorporated municipalities with a population of 4,000 or more that have been certified to the governor by the Mayor of the municipality. The Governor then issues a proclamation declaring the municipality to be a City of the First Class. All smaller incorporated municipalities are Towns.

In addition to your city/town classification, there are different forms of government. Most Wyoming municipalities use the Mayor-council form of government. In most towns, a Mayor and four council members are all elected at-large. In First Class Cities, the Mayor is elected at-large and the council members can be elected at large or by wards (or a combination).

Regardless of the type of municipality, the Mayor presides at all meetings of the governing body. The council is the legislative and policy-making body.

In cities that have adopted the City Manager form of government, the Council elects a Mayor from within its membership for a two-year term. The Mayor presides at council meetings, is a signatory for the city, and performs official functions. The City Manager acts as the Chief Executive Officer, appointed by and serving at the pleasure of the council. In Wyoming, there are currently three City Manager cities: Laramie, Rawlins and Casper. In these communities, through a vote of the people, the city has elected to operate under the City Manager form of government.

In addition, several cities have adopted a Charter Ordinance establishing a City Administration form of government as recognized by the International City Management Association (ICMA). This gives the municipality more ability to change operational roles and responsibilities to fit local needs, while also maintaining the position of an elected Mayor. City Administrator municipalities include Afton, Cody, Douglas, Gillette, Green River, Jackson, and Powell).

Other communities employ an Assistant to the Mayor or may have a Clerk/Treasurer who performs some of the duties of a City Manager/Administrator.

The Mayor's Role

- ✓ Presiding Officer (run meetings, present info, make rec's)
- ✓ Executive (supervise & sign checks/contracts)
- ✓ Legislative (vote!)
- ✓ Veto power (not in City Manager form of government)



Unless otherwise provided by statute, the Mayor supervises all officers and affairs of the city or town; sees that the ordinances and laws are complied with; administers oaths; and signs commissions, appointments, all bonds, contracts, and other obligations to be signed in the name of the city or town. These are executive powers.

The Mayor also has legislative powers. Unless otherwise provided by statute, the Mayor presides over all meetings of the governing body. In First Class Cities without a professional manager or administrator, the Mayor is responsible for presenting information and making recommendations to the governing body regarding finances, the police, health, comfort and general prosperity of the city.

Unless otherwise provided by statute, the Mayor has one vote on all matters coming before the council except a vote to override a Mayoral veto, to confirm an appointment, and pursuant to a hearing for removal or discharge. Accordingly, it is the duty of the Mayor to vote on all matters coming before the council unless otherwise excused by law.

In towns and First Class Cities (but not City Manager forms of government), perhaps the Mayor's most significant legislative power is the veto. The Mayor can veto any ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim. The veto can be overridden by a two-third vote of all qualified members of council. In the case of appropriation ordinances, the Mayor may veto any item and approve the remainder. Such item vetoes can be passed over his veto as mentioned above. The Mayor does not have a vote in any matter involving the override of a veto. In City Manager forms of government, the Mayor is selected by council members to serve for limited time and with limited administrative powers.

Core Responsibilities of Council



STRATEGIC
MANAGEMENT



PERSONNEL
MANAGEMENT



FINANCIAL
MANAGEMENT

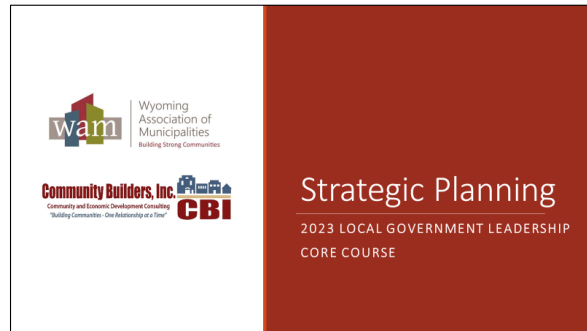


ORGANIZATIONAL
MANAGEMENT

When we talk about the basic responsibilities of the Governing Body, four key elements describe the general roles and responsibilities of the Governing Body – strategic management, personnel management, financial management and organizational management. These same elements apply to any active board or commission. Let's discuss each of these broad responsibilities.

Strategic Management

- ✓ Define the Mission of the organization
- ✓ Set the goals of the organization
- ✓ Provide oversight of core services to community
- ✓ Note that WAM frequently offers training for specific core responsibilities, including Strategic Planning



Strategic Management is the most important part of your job as a governing body.

Management guru Peter Drucker may have said it best: “If you don’t know where you’re going, any plan will do.” You need to focus on strategic planning early and often. The Governing Body is responsible for helping craft the overall vision and mission of the community. What are the municipality’s primary responsibilities to its constituents? Why does your municipality exist? What is the value you give to your citizens?

Defining the organization’s guiding values gives you a framework for your municipal organizational culture which guides how tasks should be done, how the organization should operate on a daily basis, and how services should be provided.

Take the time to conduct a strategic planning session and work on annual goals and objectives. You want to set goals in order to get everyone pulling together. A good plan can also help you communicate with your constituents and build support for your programs.

Planning means setting goals

- ✓ Gets everyone pulling together
- ✓ Helps you spend your time more effectively
- ✓ Sets clear guidelines for staff
- ✓ Gives you useful budget guidelines
- ✓ Helps you communicate with constituents and build support for programs and policies
- ✓ Gives you an evaluation tool (accountability)



SMART goals are a popular way to organize strategic plans, including all the essential pieces for effectiveness, but there are other ways to think about strategic planning.



Personnel Management

- ✓ Wyoming law addresses appointment & removal of municipal officers
- ✓ Mayor hires, fires, and manages day-to-day
 - City Manager's and Administrator's authority originates from Mayor's authority
- ✓ Council sets HR policy, establishes wage system, approves job descriptions, and hears discipline appeals
 - Typically, City Manager's/Administrator's set salaries with consent of Council, generally with salary structure and annual budget

As noted before, unless otherwise provided by law, the Mayor has “superintending” control of all officers and affairs of the community. In both towns and First Class Cities, and unless otherwise provided by ordinance, the department heads are appointed by the Mayor with the consent of the governing body and may be removed by the Mayor for cause. All other appointments and removals, except the appointment of members of a board or commission, are made by the Mayor **without** consent of the governing body, unless consent is required by separate statute or charter ordinance.

The governing body establishes wage and salary systems; develops job descriptions; sets terms of appointment; requirements for promotion; suspension; and acts as the hearing body for appeals from disciplinary actions of the Mayor.

In a City Manager form of government, (and most town or City Administrator forms of government), all employees except the City Manager/administrator, the attorney and any municipal judges, are hired and terminated by the City Manager/administrator. The Manager/Administrator sets employee salaries with the consent of the governing body, generally through adoption of a salary structure and annual budget.

The governing body generally has no responsibility for the day-to-day supervision of the municipality unless the community is very small with limited staff. In these cases, the Mayor and/or individual council members are, by necessity, much more hands-on with day-to-day activities.

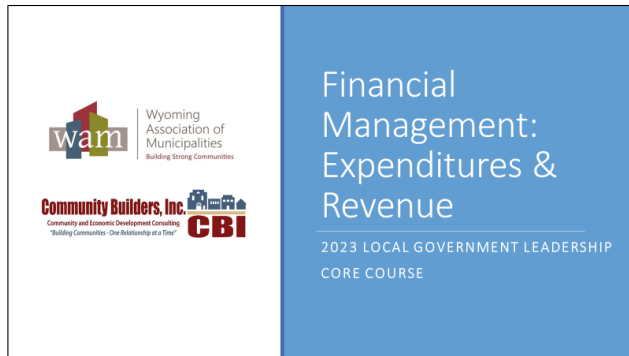
Focus your goals & personnel on statutory powers and duties (Title 15)

- ✓ Streets and sidewalks, parks, public space, cemeteries, libraries, recreation, museums
- ✓ Police and fire protection
- ✓ Health, safety, welfare of community
- ✓ Sewer, water
- ✓ Airports, public transportation, utility services



Title 15 provides a comprehensive list of the powers and duties of municipal governments. These are all part of the municipality's reason for being – to meet the needs and desires of its citizens.

Financial Management



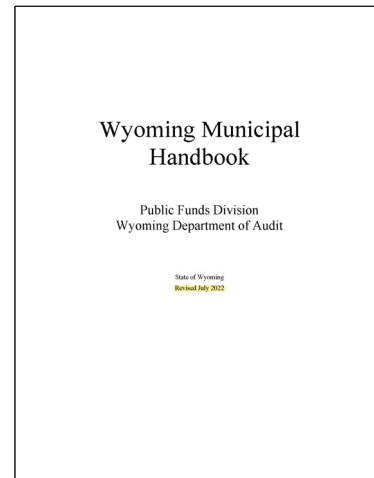
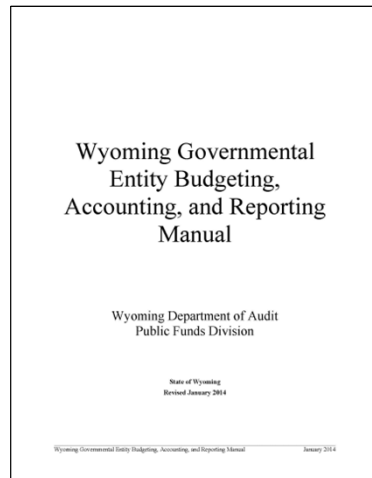
- ✓ Create fiscal budget
- ✓ Establish policy with internal controls
- ✓ Monitor key staff and financial condition
- ✓ Ensure audit process
- ✓ This is another core WAM topic

This is probably going to be your most difficult responsibility, since limited financial resources drive other programs and activities. As one of the elected officials of your community, it's your job to provide for the needs and wants of the people who elected you. You will need to help your constituents understand how your city is financed, what revenue sources are available, what can and cannot be afforded in the way of services, and the reality that all services have costs. You don't have to be a CPA, but you should have a good grasp of the basics.

While the governing body is responsible for the proper administration of its financial affairs, the details involved in such administration are handled by key staff members, such as the Administrator, Treasurer or Clerk. These offices may be combined into just one job or you may have separate positions for each function, depending on your goals & resources.

Ultimately, you are responsible for approving the fiscal budget and providing financial oversight by examining financial and budget reports; monitoring investments; measuring budget goals and approving contracts.

What are the statutory financial requirements?



Resources are online: <https://audit.wyo.gov/public-funds/resources>

State statutes control city and town expenditures in many ways. In all cities and towns, you can't spend money on anything that isn't included in your budget. The preparation and adoption of a budget is the responsibility of the governing body.

It's important to know that in governmental fund accounting, dollars earmarked for specific purposes in one fund (such as the water fund) cannot usually be used for other purposes (such as salaries in the police department). WAM has developed training materials on Municipal Budgeting and Municipal Finance that governing body members are encouraged to review to learn more about the mechanics of municipal finances and budgets.

Incorporated towns or cities with a population under 4,000 prepare their budgets in a format acceptable to the State Auditor. The governing body must pass an annual appropriation ordinance within the last quarter of the fiscal year, notifies the County Clerk of the required property tax mill levy and files a copy of the budget with the County Clerk. The statutes do not specify any particular budgeting or accounting procedures to be followed for towns of under 4,000 population. However, proper budgeting is essential for the conduct of public affairs. In addition, every city and town, regardless of size, must complete the Department of Audit Annual City and Town Financial Report.

Unless changed by charter ordinance, all communities with a population over 4,000, and all towns operating under the City Manager form of government must comply with the provisions of the Uniform Municipal Fiscal Procedures Act. This Act stipulates dates by which certain budgetary actions must occur, publication requirements and required contents of the municipal budget.

Change is here! New Wyoming law and regulations require all Public Officers to receive certain fiscal training

CHAPTER 10 PUBLIC OFFICER TRAINING
Section 1. Application. As prescribed by Wyoming Statute 9-1-510(a), the Department of Audit shall establish minimum training requirements for public officers. These rules apply to all public officers as the term is defined in W.S. 9-1-510(a).
Section 2. Training deadline. All public officers shall receive instruction in accordance with the minimum training requirements of both biennium within one (1) year of assuming office or assuming responsibility for handling the accounts of their office.
Section 3. Training requirements. Required training shall be dependent on the role a public officer has in the governmental entity.
(a) A list of the minimum training requirements for certain specified roles shall be published on the Wyoming Department of Audit, Public Funds, website (http://wyo.audit.wyo.gov/public-funds/). The Wyoming Department of Audit, Public Funds shall also publish a separate list that includes organizations, courses, and professional memberships offering related training content. The list of training requirements may include items related to government which are not specifically covered in certain graduate or professional certification programs. These lists establish a minimum level of competency related to the financial management of a governmental entity.
(b) Notwithstanding subsection (a) of this Section of this Chapter of these Rules, a public officer having obtained one or more of the following graduate degrees or professional certification programs shall be considered by the Department of Audit as having met the minimum training requirements:
(i) Bachelor degree in accounting or finance;
(ii) Masters degree in accounting or finance;
(iii) Certified Public Accountant (CPA);
(iv) Certified Internal Auditor (CIA);
(v) Certified Management Accountant (CMA); and
(vi) Certified Government Financial Manager (CGFM);
Section 4. Alternate Considerations. If the public officer has an educational background not listed in Section 3 of this Chapter of these Rules they feel meet the minimum training requirements, the public officer may request consideration by the Department of Audit of that educational background as being sufficient to meet the intent of the minimum training requirements of these rules. To be considered, the public officer shall prepare a written summary of the educational background to be considered and explanation as to how that background meets the

Topics	Description
Fiscal responsibilities	Understanding Public Officer roles
Depositories	Authorized depositories and organizational responsibilities, selection, managing
Meeting minutes	What are meeting minutes and what should be maintained in meeting minutes.
Records management	What records should be maintained, retention, and what is public
Reporting Requirements	All reporting requirement for both federal and state.
Internal Controls	Controls established by the board/council, policies, procedures, Segregation of Duties, etc.
Investments	Authorized Investments, Investment Policies
Payroll	What Payroll documents are needed and maintaining them, How to determine contract labor versus an employee. W-4s, I-9s, 1099, etc.
Suggested Self-Audit procedures	Self-assessment -- Risk assessment
Grants	State and Federal Grants, how to track, what would require CPA audits
Public Meetings Req's	How to run a public meeting, what should the board or council expect in financial reports and how to evaluate them.
Public Records req's	This is a subset of records management.
Specific bid requirements	Understand the bidding process, advertising, closed bid, open bid, public openings, selection, etc.
Ethics	W.S. 9-13-101 et seq.

Wyoming law now requires that Public Officials, including newly elected municipal council members) receive certain fiscal training. The State has adopted rules on this training, and we are only waiting to see how the Department of Audit wants to roll it out. Topics have a lot of crossover with other WAM training, but there are some areas where we need to provide more detailed training, and probably workshops with hands-on assistance.

In addition to this new requirement, you should know that state statutes control city and town expenditures in many ways. In all cities and towns, you can't spend money on anything that isn't included in your budget. The preparation and adoption of a budget is the responsibility of the governing body.

It's important to know that in governmental fund accounting, dollars earmarked for specific purposes in one fund (such as the water fund) cannot usually be used for other purposes (such as salaries in the police department). WAM has developed training materials on Municipal Budgeting and Municipal Finance that governing body members are encouraged to review to learn more about the mechanics of municipal finances and budgets.

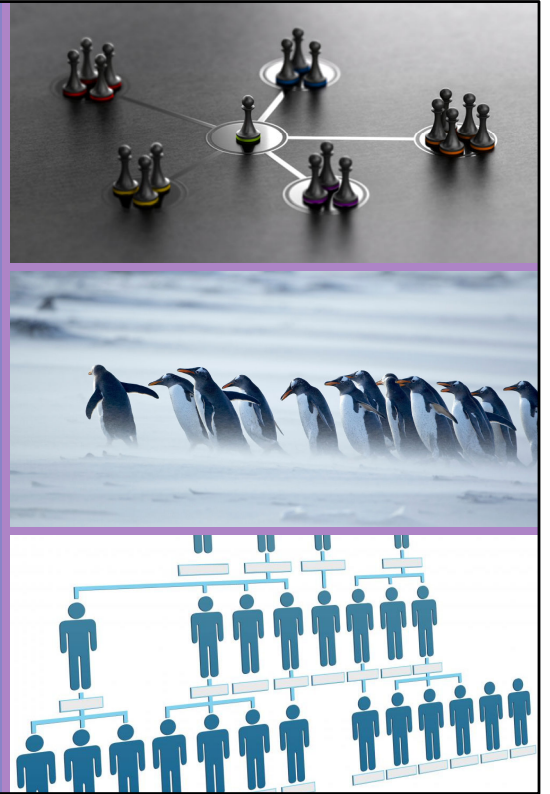
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Organizational Management

- ✓ This is the domain of Council
- ✓ Council manages and controls the affairs of the organization
- ✓ *It is critical that you prepare for AND attend Council meetings*
- ✓ Be an advocate for your community

Council members are individual community leaders, working together as one body



Organizational management covers the general oversight responsibilities of the governing body. Although staff may be charged with day-to-day operations, the buck still stops with the governing body who must be cheerleader, political navigator and ombudsman for constituents.



Council is Governing Body in Control

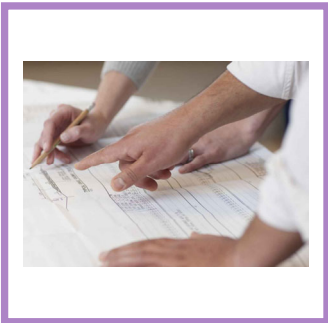
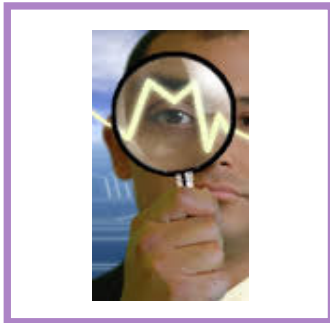
Set broad parameters for operation of municipality

Develop a long-range work plan

Develop job descriptions for appointed employees

Monitor and evaluate (trust and verify)

Council controls the organization's broad goals, policies, and systems that deliver services to citizens. Think Big Picture, not micromanagement nor grinding away at just one issue.



To manage appropriately
you must get informed and
monitor progress

Review reports about finance, results
of programs, successes and failures

Request information to fulfill
oversight responsibilities

Monthly financial statements are
windows to monitor organization
finances

Regular review of progress of goal
achievement

Your Conduct should reflect the importance of the responsibility that has been granted by the community, who expects results

- ✓ Council is a team
- ✓ Equal voice and vote
- ✓ Treat each other with mutual respect
- ✓ Be prepared for meetings
- ✓ Use common courtesy & RESPECT
- ✓ Refrain from rude, personal, or derogatory remarks
- ✓ Work toward consensus
- ✓ Stay positive and grow through the challenges



Council members cannot do anything unless they work together as a group. No individual council member holds power outside of the Council.

It is always okay to disagree, but we don't need to become disagreeable. It is important, especially for community leaders serving on Council, to set a good example by demonstrating mutual respect. Often, that means exercising discretion with what we might want to say, and instead work toward consensus.

Staff Roles

- Implement Council decisions
- Provide advice to Council
- Align priorities with governing body goals
- Staff is supervised, but NOT by individual council members (Council must act as a unit)
- Key staff include Clerk/Treasurer and City Administrator/Manager



Governance of your community relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer Council's policies. This group of very dedicated employees will be glad to give you a tour of their area of responsibility and share their observations. The sooner you do this, the better prepared you'll be to vote knowledgeably when called upon to do so. And you'll also be in a much better position to talk skillfully with constituents.

If yours is a small community, the City or Town Clerk is an especially important person. After the Mayor, the Clerk often becomes the central point of contact for the municipality. The Clerk can be a great help to you, if you will rely on him/her for information and advice.

If your city operates under the council-manager/administrator form of government, you have a City Administrator or City Manager. The City Manager or administrator is the chief administrative officer of the city and, as mentioned before, usually is responsible for the appointment and removal of employees of the organization. Through a professional staff, the manager ensures the provision of services and implements the policies adopted by the elected council. He or she is selected on the basis of education, training and experience.



Council can expect Staff to:

- Manage area of responsibility
- Provide professional advice
- Make recommendations
- Implement policy
- Communicate as needed
- Develop budget
- Recruit personnel
- Supervise employees
- Uphold public image

Expectations and respect go hand-in-hand.

Staff can expect Council to:

- Counsel and advise
- Consult
- Delegate
- Clarify responsibilities
- Communicate
- Support
- Hold themselves and others accountable
- Evaluate



Be fair, and never forget you are on the same team.



Council/Staff Relationship

Nothing gets done without staff

Council is in charge – HOWEVER, no individual Council member has authority over staff

Council's job:

- Define the target

- Enable sufficient resources/time

- Say what you will and won't support, and...

- Celebrate every success!

No individual council member, has authority over staff – no lone rangers! The success of city and town government depends to a large degree upon cooperation between the governing body and the Mayor or City Manager. While full agreement in all instances may not be possible and in some instances may not be desirable, a better climate for successful city and town government is established if each group knows and understands its functions, the other's functions, and how the two are interrelated.

Focus on what the governing body needs to happen, establish what the boundaries are and give staff the freedom to do the HOW. Tell staff that they can't do anything illegal, immoral, unethical, imprudent or fattening – and leave the rest of the "how" up to them.

Remember -the governing body can't get anything done alone; you need to work with each other and with your staff.



Strive to maintain a professional, respectful environment

Mutual respect and cooperation

Treat as professionals

Direct questions to appropriate supervisor rather than directly to staff member

Never publicly criticize an individual employee

There are some guidelines that can help develop positive relationships between staff and council and that make both of your jobs easier!

Again, mutual respect and cooperation should be the starting point.

Rank-and-file staff members get very anxious if individual council members come to them with specific directives. It is better if individual council members with concerns or questions direct those questions to the employee's supervisor rather than directly to the employee. It is also inappropriate to publicly criticize an individual employee. Take it up privately with the employee's supervisor or department head instead. Publicity about council/staff conflicts or criticism leads to a reputation that hurts your community

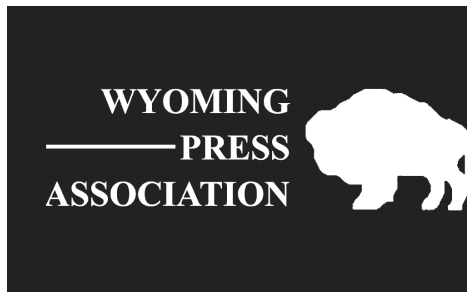
If any single council member requests information, staff should provide responses to all council members – not just the council member requesting the information. That way, all members of the governing body have access to the same information.



Council Conduct with Boards and Commissions

- ✓ Be mindful of the effect your presence may have on others when attending board or commission meetings
- ✓ Limit contact w/board members to questions of clarification – no lobbying
- ✓ Board members serve community, not council members

The Council has several boards and commissions to help gather input and perform specific tasks. It often stifles objective board deliberations if council members sit in on Planning Commission or Historic Preservation Commission meetings – the commission and the public in attendance may sense that the council member is there to try to influence the board or commission. Lobbying planning commission members between meetings is also inappropriate. Council members need to remember that the board members serve the community and not the individual council members.



Council Conduct with Media

- ✓ Build relationships with media
- ✓ Public information venue
- ✓ Be available and return reporters' calls
- ✓ Never go "off the record"
- ✓ Who is the official spokesman?
- ✓ Choose words carefully

It is important to remember that the press/media is the eyes and ears of the people

And now, a few words on council's conduct with the media. You have two audiences when talking to a reporter: the media person in front of you and the home audience. Make sure the reporter understands what you are saying so the ultimate audience – your constituents reading the newspaper or listening to the radio – receive the message - Correctly. Get to know the reporters and their editors. Becoming acquainted with reporters in non-crisis situations can go a long way in dealing with the media in times of stressful news events.

Fair and balanced media coverage can be a significant community asset. However, be careful of what you say and how you say it to the media.

Never go "off the record" and avoid offhand remarks, that can easily become the sound bite on the radio and the quote taken out of context in the newspaper. It's best to designate an official spokesman for the city or town and refer any phone calls or interview requests to that person.

While the press has a right to cover your stories and the public has a right to know what's going on at city hall, it doesn't have to happen instantly. If, as Mayor, you are called for comments from the local newspaper on a contentious issue, agree to meet at a time and place convenient for both of you. This gives you time to collect your thoughts and develop the key talking points on the issue.

Council Conduct with Public

- ✓ Be welcoming, treat with care
- ✓ Active listening
- ✓ Ask for clarification, but avoid debate – don't argue
- ✓ No one but chair should ever interrupt a speaker
- ✓ No personal attacks of any kind
- ✓ Watch body language
- ✓ Make no promise on behalf of Council



Good public relations should be a matter of concern for each council member and the governing body as a whole. The success of any administration is affected by its image—how the public views it. This image is created not only by what the body does but also by how it does it. The active seeking of citizens' opinions and full publicity on its activities as well as the courteous listening to citizens' protests are essential in its work.

Be welcoming to the public in a meeting and practice active listening. Good eye contact and positive body language is important.

Ask for clarification, but avoid debate and argument with the public. This can easily be monitored if only the chair is allowed to interrupt the speaker during presentation. Do not make any personal attacks or disparaging remarks about anyone in public, including other council members!

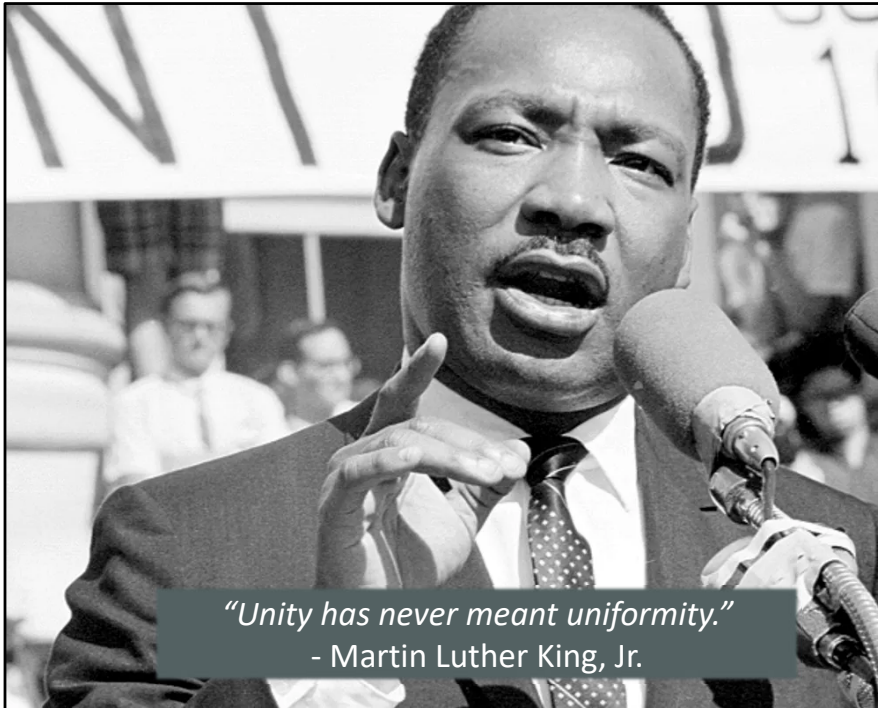
Finally, make no promise on behalf of council – you alone cannot commit the council to installing a new playground or filling a pothole on Main Street – taking things under advisement and asking staff to research the pros and cons of desired action is the appropriate response to a citizen request.



Importance of Presiding Official

- ✓ Mayor presides over meetings
- ✓ Set the tone by emphasizing culture of civility
- ✓ Follow the agenda
- ✓ Tell audience how to act – self-discipline, respect
- ✓ Remind audience not to applaud, boo or otherwise make remarks when others are speaking
- ✓ Cannot make motions, but can call for them (and then vote on them)

Regardless of the form of government (*Mayor-council or City Manager*), the Mayor presides over the meetings of the governing body. As presiding officer, it is his or her duty to see that the established order of business is followed and that the meeting is conducted in a dignified and decorous manner. The meeting is called to order by the Mayor. He encourages every council member to speak on the matters being considered, and permits visitors to participate in the discussion when appropriate. He should see to it that both sides have equal opportunities to present their views. The Mayor states each motion before it is discussed and again before it is voted on. While he cannot make motions, the Mayor can suggest that a motion be made (*for example, upon the completion of business at the meeting, he may state "The chair will entertain a motion to adjourn."*). The Mayor puts all motions to a vote and announces the result. And remember, the Mayor has one vote.



Council Member Meeting Roles

All members have right to full participation

Each member can make motions, speak on motions, vote on all questions

Mutual respect and courtesy

Preparation for meetings

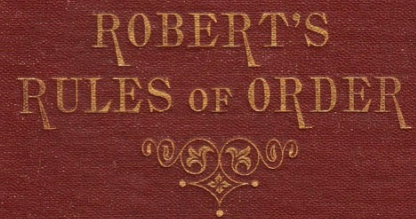
Listen

Work towards consensus

When you reach a decision, act as a single voice

Council Meeting Protocol

- ✓ Protocol – Robert’s Rules of Order is commonly used, but other protocols are okay
- ✓ Address the Chair – they run meeting
- ✓ Use Formal Titles
- ✓ Use Agenda – roadmap for meeting
- ✓ How to Address Non-Agenda Items
- ✓ Public Hearings
- ✓ Executive Sessions



The manner in which the meetings are conducted is important. It is hard to achieve public respect for the public body if its meetings are not run well. Even more importantly, if proper procedures are not followed, its actions may be overturned in the courts.

Wyoming statute requires the governing body of any city or town to hold regular public meetings in accordance with Wyoming’s Public Meeting Law. Although not specifically required, an agenda should be used for all meetings. Its use provides for the orderly transaction of business and for informing the public about the matters to be considered at the meeting. By following an agenda, council members are better prepared to act on matters coming before them and the Mayor is better able to run a well-timed, orderly meeting, which promotes good public relations.

Although no specific order of business is required by law, there should be a general process that includes calling the meeting to order, minutes from previous meetings, public comments, reports, proposed action items, and adjournment.

It works well if the Council addresses each other, and staff, with formal titles – “Mr. Mayor, I move that we pass and approve this Ordinance on 1st Reading,” sounds more professional than “Bill, let’s pass this thing!” The Council should determine how it wishes to address public comments or non-agenda items ahead of time. It is also recommended that all public and Council comments be funneled through the Mayor so that side conversations and arguments do not occur between individuals.

Sample Agenda

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

Council meetings normally have a written, published agenda, which constitutes the body's agreed-upon road map for the meeting. A written copy of the agenda is prepared in advance and distributed to council members, citizens, media and other interested persons.

Clerk or manager/administrator often prepares agenda
Public notification procedures outlined in state statutes



Consent Agenda

Allows council to approve many items of routine business with one vote

Routine items are those that are not controversial and do not require further discussion

Examples: 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

A Consent Agenda allows Council to consider and approve several things at once. These can include most of your routine work, which will shorten your meetings.

Any council member can ask that any item be removed from the Agenda, and should do so if there is any reason to discuss or vote that item separately. For example, maybe there is a check written to that Council member's business, so they want to make sure the record shows they did not vote to pay themselves (they should abstain from that item, so discuss it separately).



Making a motion

Typically, after the Mayor invites motion, any council member can start by saying: "I move that we approve the"

Motions must be seconded. "I second that motion."

Mayor repeats motion and second, and calls for discussion

Amendments, if any – "I move to amend the motion to....." (amendments also require a second)

Mayor can call for vote ("ayes" & "nays") or ask Clerk for roll call vote; Mayor votes!

Mayor announces results of vote



Resolutions

Resolutions are merely to express an ***opinion***

A municipal ordinance, in contrast, is a law intended to permanently direct and control

Resolutions are temporary

Examples: Support for a community effort; adoption of policy; or stipulating a position on a matter of public concern

Resolution usually used to adopt a motion, an expression of opinion; an alternation of rules; vote of thanks; etc.

A municipal law is called an ordinance

Enactment – requires three readings (council votes each time)

Must be signed, attested and recorded

Must designate an effective date (must be after publishing or posting 10 days)

6 parts of a municipal ordinance:

1. **Title** [general statement of contents] *“An ordinance of the Town of _____, establishing that ..., and repealing Ordinance No. 456.”*
2. **Be it ordained** by the governing body of the town of _____, that:
3. Section 1 – **Body** – detailed provisions
4. Section 2 – All ordinances in conflict are herewith **repealed**.
5. Section 3 – This ordinance shall **take effect on** _____
6. **Penalty** clause – if applicable

Municipalities make law by passing ordinances. Policies and other decrees can be addressed by resolution.

All ordinances must be in writing, and cover only one subject

Ordinances – all ordinances must be in writing and cannot contain more than one subject.

Six parts –

Title - general statement of contents – “An ordinance of the City of _____, granting an electric utility franchise to Rocky Mountain Power and repealing Ordinance No. 456.

Be it ordained by the governing body of the city of _____, that:

Section 1 – Body – detailed provisions

Section 2 – All ordinances in conflict are herewith repealed.

Section 3 – This ordinance shall take effect on _____

Penalty clause – if applicable

Adoption – 3 readings

Must be publicly read (reading may be by title only), on three different days, with a minimum of ten days between introduction and final passage

Please don’t confuse the word ordinance with ordnance (no “i”). Ordnance is a noun referring to military materials such as weapons, ammunition, equipment, and vehicles.



Emergency Ordinance

Council can suspend requirement that ordinances must be read 3 times

Super majority vote (3/4) required

Emergency must be specified in preamble

Effective upon proclamation of Mayor followed by “as soon thereafter as is practicable” by publication or posting

Signed, attested and recorded

Emergency ordinances have often been used to wrap up your final budget amendments, and also to adopt initial budget (which must be done very soon after public hearing, which doesn't allow much time for 3 readings).

Charter Ordinance

Same form as other ordinances

Must be approved by 2/3 majority of all elected members

Effective after publishing for two weeks and at least 60 days after final publication before enactment

10% of qualified electors can call for referendum and file with Clerk

Recorded and file certified copy with Sec. of State

May amend only by another charter ordinance



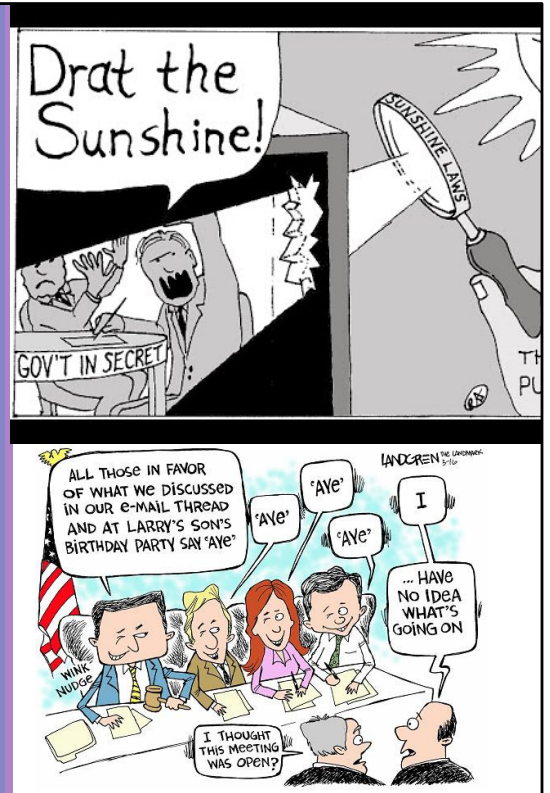
Referendum election must be called within thirty days and election must be held within ninety days after filing of petition. Procedures are fixed by ordinance.

Wyoming Constitution, Article 13, Section 1(c)

Public Meetings – (WOML) Wyo. Open Meetings Law 16-4-101

- ✓ “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

Best practice: ***Conduct the maximum amount of the public's business in public***



Key words are “Called by property authority” and “for the purpose of”



Public Attendance at Meetings

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



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 (but may ask clarifying questions)
- ✓ “I think” and “I feel” are not appropriate council comments until after close of public hearing
- ✓ Time limits are permissible
- ✓ Consider having “for” speak and then those who are “against”



Can have the “for” speak and then the “against”

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 (up to council how much more is included)

Public record

City of Sundance, Wyoming

January 4, 2022

The Town Council met this day in regular session at 7:00 p.m. with Mayor Paul Brooks presiding.

Roll call was taken by Mayor Brooks with Council Members Joe Wilson, Callie Hilty, Brad Marchant present. Randy Stevenson, present by phone.

Mayor Brooks presented the council members with the recommended 2022 appointments: Brad Marchant-Acting Mayor in the absence of Mayor Brooks, Sundance Times-Official Newspaper, Kathy Lenz-City Clerk Treasurer/Emergency Management Coordinator, Mac Erickson-Public Works Director/Zoning Code Official, Mark Hughes Law Office-City Attorney, Gari Gill-Fire Chief. City Engineer-Trihydro-Karla Greaser. Committee Members: Housing Authority Members-Kristy Ulmer-Manager, Marie Reed, Cassie Stark, Cindy Waller, Arna Montgomery, Wendy Kipp, Sue Fuhrman and Evergreen Management Services, Spearfish-SD. Land Use Planning Commission Members-Amanda Miller-Chairman, Lonnie Galloway, Trevor Keyworth and Mark E Hughes. Recreation Board Members-Andrea Humphrey, Shelby Gill, Jill Mackey, Rowdy Dowdy, Heidi Mills and Reggie Gaylord. Clarenbach Park Committee-Cheryl Wales, Sally Rogers and Debbie Davis. Crook County Promotion Board-Save Lenz. Community Development Loan Board-Charlie Jones and Cindy Lambert. Economic Development Board-Andy Miller, Brent Fowler, Curt Williamson, Dan Fairbanks, Roger Connett, Stephanie Pribilske and Trey Hendrickson.

COUNCIL MEMBER WILSON MOVED, COUNCIL MEMBER MARCHANT SECONDED a motion to approve the appointments as read. All ayes, MOTION CARRIED.

COUNCIL MEMBER MARCHANT MOVED, COUNCIL MEMBER WILSON SECONDED a motion to approve the Consent Agenda. All ayes, MOTION CARRIED.

There is no requirement for recording discussions and commentary among the council members with regard to the various agenda items. While all official acts must be recorded, the amount of additional discussion to be included in governing body minutes is left to the discretion of the governing body.



Statutes dictate Public 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 (should give 24-hour prior notice)

Jackson Hole News & Guide Public NOTICES

TOWN OF JACKSON NOTICES

• LIQUOR LICENSES •

PUBLIC NOTICE: Notice of Application for a Restaurant Liquor License
Notice is hereby given that the applicant whose name is set forth below filed application for a Restaurant Liquor License in the Office of the Town Clerk of the Town of Jackson, Teton County, Wyoming. The date of filing, name of the said applicant, and description of the place or premises which the applicant desires to use are as follows:
Date Filed: December 8, 2022 Applicant: Absolutito Group LLC db/a El Abuelito Mexican Restaurant
Location: 385 W. Broadway, Jackson, WY 83001
Protest, if any, there be, against the transfer of the above license will be heard at the hour of 6:00 pm or as soon thereafter as the matter can be heard, on the 17th day of January 2023 before the Town Council of the Town of Jackson, Teton County, Wyoming, in the Council Chambers of the Town Hall at 150 East Pearl.
Dated this December 9, 2022. L. Lenamond, Sr. Deputy Town Clerk
Publish: 01/04, 01/11/23

WOML does not specify a minimum time in advance of a special meeting in which notice must be provided. However, because there is a special provision for emergency meetings, the law implies that special meetings would provide more notice than an emergency meeting and at a minimum, notice of special meetings should be given at least 24 hours prior to the special meeting.



Legal actions can only be taken at properly called Public Meetings

No action of a governing body shall be taken except during a public meeting following notice of the meeting

Action taken at a meeting not in conformity with WOML is **null and void** and not merely voidable

If it is not a properly called public meeting, then nothing “done” there is legal. Decisions are all null and void as if they never happened.



If there is a quorum present then Yes, these are meetings!

- ✓ 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

IF there is a quorum present, these are meetings!



No, these are NOT meetings

- ✓ Wedding or similar event
- ✓ Restaurant or party
- ✓ Riding in same vehicle to convention
- ✓ WHY NOT?
 - ✓ 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 for Limited 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 sites for real estate purchases

Salary negotiations

Collective bargaining negotiations – NOPE!



CONFIDENTIAL

There are very few (and very specific) legal reasons to go into Executive Session:

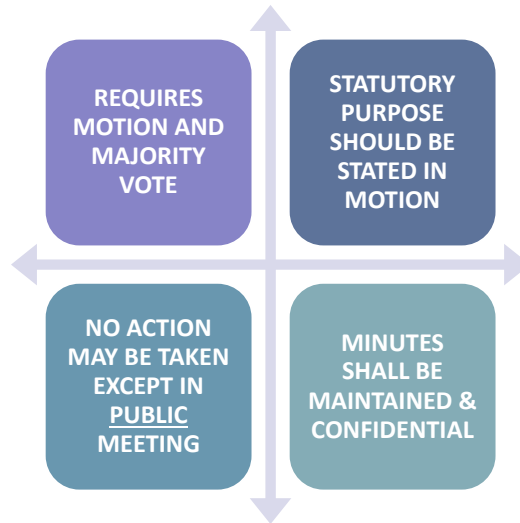
Meetings to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause the likelihood of an increase in price;

Meetings to consider the acceptance of donations, gifts and bequests the donor has requested be kept confidential.

Meetings to discuss information classified as confidential by law.

Meetings to consider the acceptance or tender of offers regarding wages, salaries, benefits and terms of employment during such negotiations. Collective bargaining negotiations should be conducted in open public meetings. The sessions at which offers are considered or formulated may be closed.

More on executive sessions



Thus, even though minutes of the executive session are required to be taken, and generally minutes will only reflect action items, the minutes of the executive session should have at least enough information to identify the reason for the executive session (being one of the statutory reasons for which executive sessions are to be called). It is generally the best practice to not keep detailed minutes of discussions held in executive sessions.

Except for those parts of minutes of an executive session reflecting a member's objection to the executive session as being in violation of the WOML, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order (16-4-405(b)). Minutes of executive sessions should be maintained in a secure location, such as a locked file cabinet, with only very limited and secure access. At a minimum, at least one member of the governing body, as well as the Clerk or municipal attorney, should be able to access the executive session minutes.

Consequences and Penalties



All actions taken during a meeting in violation of WOML are **null** and **void**, not merely voidable



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

Contracts, employment decisions and budget approvals can be set aside and determined never to have happened by reason of failure of the governing body to comply with the WOML.

Any member of the governing body who attends or remains at a meeting where an action is taken knowing that the action is in violation of the WOML shall be guilty of a misdemeanor unless minutes were taken during the meeting and the parts recording the members' objections are made public; or at the next public meeting, the member objects to the meeting where the violations occurred and asks that the objection be recorded in the minutes.

Disclosure of information acquired in executive session which is not intended for public disclosure is a violation of the Ethics and Disclosure Act and the governing body member who inappropriately discloses executive session information is subject to a possible penalty and removal from office.



Questions about
Government
Operations, Roles &
Responsibilities?

Thank You!

This presentation was prepared by Community Builders, Inc., a Wyoming-based consulting firm specializing in community and economic development, under contract and in cooperation with the Wyoming Association of Municipalities.

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