

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

CITY COUNCIL

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2.04.010—2.04.040

**2.04.010 Regular meetings.** Regular meetings of the governing body shall be held in the City Hall on the first and third Monday of each month hereafter at the hour of seven p. m., except as follows:

A. In those months in which the first and third Monday falls on a holiday, the meeting shall be held on the first Tuesday following the first or third Monday. (Ord. 7-2000 § 1, 2000: Ord. 1-1997 § 1, 1997: Ord. 14-1994 § 1, 1994)

**2.04.020 Special meetings.** Special meetings may be called from time to time by the Mayor or by a majority of the members of the Council by giving notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting. Whenever there is to be a special meeting of the governing body, it shall be the duty of the Clerk to write a sufficient number of notices for one to be served on the Mayor, each member of the Council, the news media and a copy posted in City Hall for the public, which notices shall be served within a reasonable time before such meeting; provided, that notice of any special meeting may be waived in writing by the Mayor and any member of the Council either at or prior to such special meeting. Any individual, group of individuals, business, group or organization requesting that a special meeting be called shall be charged and be responsible for payment of a fee to cover the cost of holding the requested special meeting and said fee shall be paid prior to the special meeting being held. (Ord. 15-1994 § 1, 1994)

**2.04.030 Recessed meetings.** The governing body may recess any regular, special or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held.

**2.04.040 Executive session.** If the nature of the business so requires, the governing body may go into executive session and exclude the public therefrom, bring any regular or special meeting, by a vote of two-thirds of the members present.

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**2.04.050 Call to order.** At the hour appointed for the meeting, the meeting shall be called to order by the presiding officer. The Clerk or some competent person acting for him shall check the roll. If a quorum is present, the governing body shall proceed to the business which may come before it.

**2.04.060 Order of business.** At the regular meetings of the governing body, the order of business, unless otherwise directed by the Mayor or by special order of the Council, shall be:

- A. Reading, correcting, if necessary, and approving the minutes of the last regular meeting and all recessed or special meetings;
- B. Presentation of bills or claims;

- C. Presentation of petitions and communications;
- D. Reports of officers;
- E. Reports of standing committees and special committees if the Mayor or any member of the Council shall so request.
- F. Administrative matters.

2.04.070 Committees. The Mayor may appoint any standing committee or special committee, each consisting of not more than three members of the Council, at such times as he may deem proper or expedient.

2.04.080 Preservation of order. The presiding officer shall preserve order, prevent personal reflections, confine members in debate to the question under discussion, and shall decide who shall be first heard when two members arise at the same time. Any member of the Council, when called to order by the presiding officer shall at once suspend his remarks.

2.04.090 Recognition by presiding officer. Each member of the Council before speaking on any question shall address himself to the presiding officer by his proper title and shall not proceed with his remarks until recognized and named by the presiding officer.

2.04.100 Seconding motion. No motion shall be debated or put to a vote unless it is seconded. When a motion is seconded it shall be stated by the presiding officer before debate or action thereon. Any motion shall be reduced to writing by the councilman making it if the presiding officer or any councilman shall request it.

2.04.110 Division of question. If the motion before the governing body contains more than one distinct proposition, any member of the governing body may have the same divided.

2.04.120 Reason for voting. Any member of the governing body may state the reason for a vote upon any motion or proposition either immediately before, or immediately after the vote is taken, but such remarks shall be confined to the subject under consideration.

2.04.130 Voting requirements. Each member of the Council who shall be present when a motion is to be voted upon shall vote thereon unless excused therefrom by the governing body. A member of the Council excused from voting may state the reasons for not voting. A member of the governing body directly interested in the question need not

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vote. A member of the governing body who is on trial shall not vote. An abstention is a non-vote, neither for nor against the matter being voted upon.

2.04.140 Voting of Mayor or presiding officer. The Mayor or presiding officer shall vote upon every matter that comes before the governing body, except that the Mayor shall not vote on a question of confirmation of appointments made by him; nor shall the Mayor vote upon a motion to override a mayoral veto of any act of the governing body; nor shall the Mayor vote at a hearing for removal or discharge as provided in Wyoming Statutes § 15-2-102(b) (iv) (B) or § 15-3-204(b) (iv) (B). (Ord. 12-1991 § 1, 1991)

2.04.150 Change of vote. Any member of the governing body may change a vote prior to the announcement of the vote of the governing body.

2.04.160 Subsidiary motions—Precedence. When a motion is before the governing body, no other motion shall be received except as herein stated, i.e.:

- A. To adjourn;
- B. The previous question;
- C. To lay on the table;
- D. To close debate at a specified time;
- E. To adjourn to time certain;
- F. To refer to a committee;
- G. To amend;
- H. To postpone indefinitely;

these motions shall not be applied to each other except that the motion to adjourn, refer, amend, or to close debate at a specified time may be amended; and the previous question may be demanded without debate. When one of the motions has been made, none of the others inferior to it in precedence shall be made and, in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. In all parliamentary practice not herein especially provided for and in the interpretation of any form or rule not herein especially defined, the latest edition of “Robert’s Rules Of Order”, so far as applicable shall govern.

2.04.170 Author of motion to be named. In all cases where a motion is entered upon the minutes of the governing body, the name of the member of the Council moving the same shall also be entered.

2.04.180 Suspension of rules. Rules not mandatory under the laws of the State may be amended or repealed by ordinance or adopted after three readings, but not by emergency ordinance.

2.04.190 Number of Councilmen. There shall be elected two councilmen from each of the three wards.

2.04.200 Contracting for professional services. The governing body may employ experts, specialists or persons to perform unusual or special services. (Charter Ord. 1-1989 § 5, 1989)

2.04.210 Street vacation. The governing body has the exclusive power and may, by ordinance, vacate any highway, street, lane or alley, or portion thereof. The City may demand and receive the value of the land vacated as consideration for the vacation. (Charter Ord. 1-1989 § 14, 1989)

2.04.220 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 an 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 official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

A 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.

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 Administrator, 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 independent 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 extend of such employment and receive written permission from the City Administrator to engage in such employment. Other City restrictions concerning private or outside employment of City employees shall not be affected by this provision.

2. **Representing Private Interest 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. (Ord. 2, 2004)

Chapter 2.08

CITY ADMINISTRATOR

Sections:

- 2.08.010 Exclusion for state statutes.
- 2.08.030 Employee status of City Administrator.
- 2.08.040 Vacancy.
- 2.08.050 Powers—Other city personnel.
- 2.08.060 Additional duties.
- 2.08.070 Municipal utilities.
- 2.08.080 Relationship between governing body and city personnel.
- 2.08.090 Delegation of duties.

2.08.010 Exclusion for state statutes. The City shall not be governed by the provisions of Wyoming Statutes § 15-125, 15-1-127, 15-3-204, 15-3-205, 15-3-208, 15-3-210 and 15-3-212. (Charter Ord. 1-1989 § 1, 1989)

2.08.030 Employee status of City Administrator. The City Administrator shall not receive any compensation for the performance of his duties other than the compensation fixed by the governing body. The City Administrator is an employee and serves at the pleasure of the governing body. The salary may be changed from year to year and the City Administrator may be discharged at any time by a majority

2.08.040—2.08.060

vote of the governing body. The Administrator shall give at least thirty days notice in writing to the governing body before resigning the position. (Charter Ord. 1-1998 § 3 (part), 1989)

2.08.040 Vacancy. If the position of the City Administrator becomes vacant for any reason, the governing body shall immediately proceed to employ another person. During the term of any vacancy in the office, the governing body may, in its discretion, either designate the Mayor to act as City Administrator at no additional compensation, or appoint any other person to serve as interim City Administrator, and in either event, the person selected as interim City Administrator shall be vested with the authority and charged with the duties and responsibilities of the City Administrator until a City Administrator is hired and qualified. (Charter Ord. 1-1989 § 4, 1989)

2.08.050 Powers—Other city personnel. Except for the positions required in Section 2.12.010 to be filled by the governing body, all employees shall be employed by the City Administrator and serve at the Administrator's pleasure. The Administrator shall direct and supervise their activity and shall make recommendations concerning salaries according to the employee's classification and any adopted wage and salary schedule. The Administrator shall appoint all department head positions that the governing body approves for appointment. The Administrator shall have managerial control over all such departments and may hire and remove all necessary subordinate employees whatsoever. Except as otherwise provided, the Administrator shall prescribe the powers and duties of all employees, including department heads and subordinates and may require any employees to perform duties in two or more departments. The Administrator shall file with the Clerk a list of the names of all employees together with a statement of the salary compensation each is to receive. The Administrator shall annually have a review prepared on recommendations to the governing body on the compensation plan and fringe benefits package for all classified city positions as prescribed by the personnel manual, and shall also make recommendations to the governing body concerning the personnel manual position descriptions and position classification changes. The City Administrator shall be subject to the superintending control of the Mayor. (Charter Ord. 1-1998 § 6, 1989)

2.08.060 Additional duties. In addition to other duties provided in the ordinance, the City Administrator shall have the following additional specific duties.

- A. See that all laws and ordinances are observed and enforced;

- B. Attend all meetings of the governing body, unless excused;
- C. Recommend necessary and expedient measures;
- D. Prepare and submit to the governing body reports required by it, or that the Administrator considers advisable;
- E. Keep the governing body fully advised as to the City's financial condition and future needs;
- F. Prepare the budget annually, submit it to the governing body and be responsible for its administration after its adoption;
- G. Perform all other duties, legally imposed on the position. (Charter Ord. 1-1989 § 7, 1989)

2.08.070 Municipal utilities. The City Administrator shall manage any utility owned and operated by the City. The governing body shall fix all rates and compensation to be paid by consumers of water, sewer, sanitation, electric current or any service furnished by any other public utility owned or operated by the City. The City Administrator shall enforce all rules, regulations and penalties adopted by the governing body to enforce their collection, or for the protection of the property and rights pertaining to public utilities. (Charter Ord. 1-1989 § 8, 1989)

2.08.080 Relationship between governing body and city personnel. Except for the purpose of inquiry, the governing body shall deal with City personnel and with the delivery of administrative services through the City Administrator or representative of the City Administrator, however, nothing in this section shall prohibit direct contact should efforts to deal through the City Administrator fail. (Charter Ord. 1-1989 § 8, 1989)

2.08.090 Delegation of duties. The City Administrator shall have the authority to delegate duties assigned to that office to other municipal employees, but shall not have the authority to delegate responsibility for seeing to the proper fulfillment of all such duties and obligations. (Charter Ord. 1-1989 § 10, 1989)

## Chapter 2.12

### DUTIES OF OFFICERS AND EMPLOYEES

#### Sections:

- 2.12.010 Officers—Appointments.
- 2.12.020 Term of office.

2.12.010—2.12.030

2.12.030	Salaries.
2.12.040	Payrolls.
2.12.050	(Repealed by Ord. 1-2004)
2.12.060	Bond required.
2.12.070	Sureties—Qualifications.
2.12.080	Form and content.
2.12.090	City Attorney.
2.12.100	City Clerk and City Treasurer.
2.12.110	City Electrician.
2.12.120	Chief of Police.
2.12.130	Other officers.
2.12.140	Other duties.
2.12.150	President of the Council—Authority.
2.12.160	Interest of officers and employees in municipal contracts.
2.12.170	Acceptance of benefits.

2.12.010 Officers—Appointments. The Mayor, by and with the consent of the Council, shall employ a City Administrator, Municipal Judge and City Attorney and fix their salaries. The Mayor shall also, with the advice and consent of the City Council, make all appointments to boards and commissions of the City. The City Administrator may also be referred to as administrators. (Ord. 5-1992 § 4, 1992; Charter Ord. 1-1989 § 2, 1989)

2.12.020 Term of office. Each appointed officer except the City Administrator shall hold office for the term of two years and until his successor is appointed and qualified, provided that for any inefficiency, incompetency or maladministration of office, any appointee may be sooner removed by the Mayor with the concurrence of a majority of the Council; further provided that the term of an officer appointed to fill a newly created office or to fill a vacancy which has occurred in any office shall be only for a period to complete the unexpired term or until the first meeting of the governing body after a general election and until his successor is appointed and qualified. (Ord. 5-1992 § 1, 1992)

2.12.030 Salaries. The annual salary of the Mayor of the City shall be thirteen thousand two hundred dollars. Each member of the Council shall be paid the sum of one hundred ten dollars for actual attendance at each regular or special meeting of the governing body or attendance at any committee meeting. Salaries of the appointed officers of the City shall be fixed each year by the budget and appropriation ordinance in the following fiscal year. (Ord 4-2000 § 1, 2000) (Ord. 4-2008)

2.12.040—2.12.050

2.12.040 Payrolls. The officer responsible therefor shall cause to be kept for all city departments, including water, electric power, parks, streets and alleys and other municipal departments, accurate records of the time of all employees in their various departments and shall file said payroll records with the City Clerk and Treasurer on the last business day of each and every month.

2.12.050 (Repealed – Ord. 1-2004)

2.12.060—2.12.100

**2.12.060 Bond required.** Each City officer or employee having custody of City funds shall, before entering upon the performance of duties, be required to furnish a surety bond conditioned upon the faithful performance by such officer or employee of all the duties of his office as prescribed by law and the safekeeping and delivery according to law of all funds and City property which shall come into the hands of such officer or employee by virtue of his office.

**2.12.070 Sureties—Qualifications.** Any surety or guaranty company duly qualified to act as surety or guarantor in the State shall be accepted as surety for the bonds required by the preceding section. The premium thereof shall be paid by the City.

**2.12.080 Form and amount.** The bonds required by this chapter may be purchased by the City in the form of a blanket bond, provided that the minimum bond for the City Clerk and Treasurer shall be ten thousand dollars and the minimum bond for any other officer required by this chapter to be bonded shall be five hundred dollars.

**2.12.090 City attorney.** The duties of the City Attorney shall be as follows:

- A. To prosecute all municipal court actions for the violation of City ordinances;
- B. To advise members of the governing body on legal questions relating to City business;
- C. To draft all contracts to which the City is a party;
- D. To prepare all ordinances requested by the governing body;
- E. To attend meetings of the governing body unless excused.

**2.12.100 City Clerk and City Treasurer.** A. The duties of the City Clerk shall be as follows:

- 1. To keep safely the seal, papers, records and books of the City;
- 2. To attend meetings of the governing body unless excused and record the minutes thereof;

3. To preserve a consecutive record of all the resolutions and ordinances passed by the governing body in a book kept for that purpose;
  4. To attest the signature of the Mayor and affix the seal of the City to documents as necessary;
  5. To issue all licenses in accordance with the law.
- B. The duties of the City Treasurer shall be as follows:
1. To attest all warrants and orders upon the Treasurer and keep an accurate record thereof;
  2. To endorse or attach to every bond or other evidence of indebtedness issued by the City pursuant to the law, a certificate that the same is within the lawful debt limit of the City and is issued pursuant to law, and to sign such certificate in his official capacity;
  3. To perform all of the duties of City Treasurer as provided by the laws of the State;
  4. To endorse the date of presentation across the back of any orders and warrants which are not paid for lack of funds, and the reason for nonpayment. (Ord. 25-1991 § 1, 1991)

2.12.110 City Electrician. The duties of the City Electrician shall be as follows:

- A. To take charge of the operation and maintenance of the City electric power distribution system, to keep the same in repair, and manage and supervise all extensions of the system;
- B. To report to the governing body from time to time the conditions of said system;
- C. To perform the duties required of the manager of the electric power distribution system as provided by the ordinances pertaining thereto;

all under the supervision and control of the City Administrator. (Charter Ord. 1-1989 § 3 (part) , 1989)

2.12.120 Chief of Police. The Chief of Police shall enforce all ordinances of the City and perform all duties required by law.

2.12.130 Other officers. The duties of other appointive officers shall be as set forth under the ordinances pertaining to their respective departments or as may be required by law, or as may be required by the governing body.

2.12.140 Other duties. Each officer of the City shall perform such other duties as may be required of him by the governing body or by law.

2.12.150—2.12.160

2.12.150 President of the Council—Authority. A. During any temporary absence of the Mayor, the President of the Council is vested with all of the authorities and duties of the Mayor.

B. A temporary absence of the Mayor shall be deemed to occur under the following circumstances:

1. If the Mayor is unable to perform his duties by reason of illness or hospitalization and files a declaration of such temporary absence with the City Clerk's office, or if the Mayor is unable to file such a declaration, such a declaration may be filed by the President of the Council with the endorsement of one of the physicians providing medical care for the Mayor during such temporary illness or hospitalization.

2. If the Mayor is temporarily away from the City and files a declaration of temporary absence with the office of the City Clerk.

C. When the Mayor is ready to resume his duties after a temporary absence, he shall file a notice thereof with the office of the City Clerk, and the authority of the President of the Council conferred by the declaration of absence shall forthwith cease. (Ord. 25-1991 §2, 1991)

2.12.160 Interest of officers and employees in municipal contracts. A. Any person interested in any contract with the City, except contracts for current supplies for which no competitive bid is required, either individually or as member of a firm, or as director or other managing officer of a corporation, except the contract for the lawful compensation or salary of such officer or employees, is ineligible to hold any office or employment except as provided under this section. This subsection shall not be construed to prohibit the leasing of equipment by the City from officers and employees of the City upon approval by the governing body.

B. An exception to the prohibition herein contained shall exist in the case of any member of the governing body in any situation involving a contract, whether submitted by sealed bids or otherwise by the governing body wherein the member may have an interest, directly or indirectly, provided that the following are complied with:

1. The interested member shall reveal the nature and extent of the interest of such member to the other members of the governing body prior to consideration of the contract; and

2. The interested member shall not attempt to influence the other members of the governing body in any way relating to the contract; and

3. The interested member shall leave the Council chambers during the consideration, discussion and vote on the contract; and

4. The interested member shall not participate in the consideration or discussion of the contract nor of a vote thereon; and

5. The interested member shall not act, directly or indirectly, for the City in inspection, operation, administration or performance under the contract in which he has an interest. (Charter Ord. 1-1989 § 11, 1989)

2.12.170 Acceptance of benefits. Except as otherwise provided in Section 2.12.160(A) no officer or employee of the City may 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 any contract which is in a party, except the lawful compensation of such officer or employee. No officer or employee may 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 by the public generally, except that members of the governing body, who are regularly employed by such public service corporation or owner of public utility or franchise may receive free service or favor as is given to all other similar employees. A violation of any of the provisions of this section disqualifies the offender to continue in the employment of the City, and such offenders shall thereupon be terminated by the City. (Charter Ord. 1-1989 § 12, 1989)

Chapter 2.16

VACANCIES IN OFFICE

Sections:

- 2.16.010 Vacancy—Determination.
- 2.16.020 Residence.
- 2.16.030 Resignation procedure.
- 2.16.040 Unexplained vacancy.
- 2.16.050 Procedure for determination of vacancy.
- 2.16.060 Appeal.

2.16.010 Vacancy—Determination. A vacancy shall occur in an elective City office if during his term the officer either:

- A. Dies;
- B. Resigns;
- C. Is determined to be insane or mentally incompetent by a court having jurisdiction;

2.16.020—2.16.050

- D. Is disqualified from holding an office for any reason specified by law;
- E. Is convicted of a felony;
- F. Refuses to take the oath of office;
- G. Has his election voided by court decision;
- H. Is missing with his whereabouts unknown and unaccounted for, for a period of thirty consecutive days;
- I. With respect to the Mayor, no longer maintains his residence within the corporate limits of the City; and
- J. With respect to a Council member, no longer maintains his residence within the ward the member was elected to represent.

2.16.020 Residence. For purposes of determining whether a vacancy exists in an elective office of the City, the terms “residence” and/or “residency” shall mean a person’s fixed, permanent and customary habitation for a period of at least three hundred days during each calendar year. All relevant facts may be taken into consideration in determining residence or residency. The place where a person’s family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides, shall be a resident of the place where he actually abides.

2.16.030 Resignation procedure. A resignation by an elected officer of the City shall be submitted in writing to the City Clerk specifying the effective date of such resignation, which date shall not be more than thirty days after the postmarked date of the letter, if mailed, or after the date of delivery to the City Clerk. The governing body shall accept or reject the resignation at the next regular meeting of the governing body after the resignation is received. A resignation may be withdrawn at any time prior to acceptance or rejection by the governing body but not thereafter; provided, that a request for withdrawal of a resignation must also be in writing and received by the City Clerk before the meeting at which the resignation shall be considered.

2.16.040 Unexplained vacancy. A vacancy pursuant to Section 2.16.010(H), may be declared by the governing body without notice by resolution, and filled in the manner provided by law.

2.16.050 Procedure for determination of vacancy. A. Application of Procedure. Vacancies in the governing body shall be determined by majority vote of the governing body. Except in instances of resignation or death or acknowledgment by the holder of an elective office or his guardian, attorney-in-fact or other agent or representative that a

vacancy exist in his office, or in the event of a vacancy declared under Section 2.16.040, vacancies shall be determined as provided in the remainder of this section. A member whose position is under consideration shall not vote.

B. **Commencement of Procedure.** The procedure for determination of whether a vacancy exists under this section shall be instituted upon written request of any two members of the governing body or by resolution adopted by a majority of the members of the governing body voting thereon in regular open meeting, stating the grounds upon which it is alleged that a vacancy exists.

C. **Service of Notice.** Such requests or resolutions shall be served upon the member whose position is questioned either in person or by certified mail, return receipt requested, addressed to the member at his last known address. Service by certified mail shall be deemed to have been served at the time the notice is placed in the United States mail, by certified mail, postage prepaid, and properly addressed to the member at his last know address.

D. **Request for Hearing, Procedure if No Request is Made.** If the member whose position is questioned desires a hearing, the member shall serve a written notice upon the City Clerk within seven days after being served with a copy of the request or resolution, failing in which, the governing body may proceed to determine and vote upon whether such a vacancy exists at its next regular open meeting thereafter without other or further notice to the member challenged.

E. **Hearing—Procedures.** In the event that a hearing is requested, the determination shall be made following a public hearing sufficient to meet the requirements of due process of law, which hearing may be conducted informally only to the extent that informalities are waived by mutual agreement both of the governing body and of the member whose position is questioned. Such hearing shall be held as quickly as possible but no sooner than seven days after the request for such a hearing has been received. The governing body may, in any event, elect to follow a public hearing procedure, in which event the public hearing shall be scheduled and held as soon as possible after a copy of the request or resolution of the governing body has been served upon the member whose position is challenged, but not sooner than seven days, and notice of the date of such hearing may be incorporated into the document of request or resolution.

F. **Participation of City Attorney's Office.** The City Attorney's office shall not be required to participate in such proceedings.

**2.16.060 Appeal.** A determination of the governing body that a vacancy exists may be appealed to the District

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Court within ten days after the date the determination is made, except that there shall be no appeal from a determination of vacancy for any of the following causes:

- A. Death;
- B. Resignation;
- C. Acknowledgment by the holder of the office or his guardian, attorney-in-fact, or other authorized agent, attorney-in-fact, or other authorized agent or representative that a vacancy exists in the office;
- D. Vacancies declared under Section 2.16.040.

Chapter 2.20

MUNICIPAL COURT

Sections:

- 2.20.010 Assessment of costs.
- 2.20.020 Complaint—Form.
- 2.20.030 Promise to appear and failure to appear.
- 2.20.040 Contempt of court.

2.20.010 Assessment of cost. A. In each case tried before the court in which the City prevails, the defendant, or each defendant if more than one shall be tried together, shall be charged with costs in the amount of ten dollars in addition to whatever fine may be levied.

B. In each case in which bond is posted prior to trial, the amount of the bond shall include ten dollars costs, and if such bond is forfeited, the costs shall be forfeited at the same time.

C. In each case appealed by the defendant from the Municipal Court to the District Court the defendant shall pay the sum of ten dollar costs for such appeal within ten days after entering of judgment in Municipal Court.

2.20.020 Complaint—Form. Complaints alleging violations of the ordinances of the City may be in the form of a uniform citation/complaint form when:

A. A violation of a municipal ordinance has been or is being committed by a subject in the presence of the complainant or;

B. A Police Officer has probable cause to believe a misdemeanor has been committed and that the person to be issued a citation/complaint has committed the misdemeanor.

2.20.030 Promise to appear and failure to appear. The provisions of Wyoming Statutes Section 31-5-1205,

1206, and 1207, incorporated in this code under Chapter 10.08 shall not be limited to traffic offenses but shall apply in the same manner to any other offense brought before the court by citation pursuant to Section 2.20.020.

**2.20.040 Contempt of court.** The maximum possible penalty for contempt of court shall be a fine of not more than twenty dollars or imprisonment in the City Jail for not more than two days for each such contempt. Any penalty for contempt committed in open court may be imposed summarily by the court. Indirect contempt may be brought before the court by bench warrant, in which event the defendant shall be taken into custody and taken before the Municipal Judge within a reasonable time not exceeding seventy-two hours.

**Chapter 2.24**

**PLANNING AND ZONING COMMISSION**

**Sections:**

- 2.24.010 Created.
- 2.24.020 Structure and term of office.
- 2.24.030 Rules—Organization and meetings.
- 2.24.040 Employees, contracts and funds.
- 2.24.050 Expenditure of funds.
- 2.24.060 Estimate of expenditures and budget requests.
- 2.24.070 Function and duty.
- 2.24.080 Acquisition and disposition of property.
- 2.24.090 Recommendations—Approval and disapproval.
- 2.24.100 Long range master plan.

**2.24.010 Created.** There is created an official planning and zoning commission, also referred to in this title as the Commission, to promote the health, safety, morals, order, beauty, prosperity and general welfare of the City, and to secure efficiency; economy, and concerted effort in the growth and development of the City.

**2.24.020 Structure and term of office.** A. The commission shall consist of six members who shall be qualified electors of the City. The members shall be appointed by the Mayor, by and with the advice and consent of the Council. The members of the commission shall be appointed for terms of six years; provided, however, that in the appointments first made under this chapter, two shall be appointed

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for two-year terms, two for four-year terms, and two for six-year terms.

B. All members shall hold office until their successors are appointed and qualified. Any member of the commission may, after hearing before the governing body unless such hearing is waived in writing, be removed by the Mayor, by and with the consent of a majority vote of the Council, for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Mayor, by and with the approval of the Council.

C. Members of the commission who are appointed to fill vacancies in the commission shall serve the duration of the term of the vacant office which they are appointed to fill. Notwithstanding the date of appointment and notwithstanding the date of expiration of terms customarily followed prior to the date of enactment of the ordinance codified in this chapter, the terms of all present members of the commission are extended to the time of the first meeting of the governing body after the first of the year following the date when their terms would otherwise have expired, and appointments to fill the provisions of members whose terms expire shall be made by the Mayor with the advice and consent of the governing body at such meeting.

2.24.030 Rules—Organization and meetings. The planning and zoning commission shall elect its own Chairman, and may appoint a qualified secretary, who need not be a member of such commission, and shall create and fill such other offices as it may determine it requires for the proper conduct of the affairs and business of the commission. The Chairman shall be elected yearly at the regular planning and zoning commission meeting held in June of each year and shall be eligible for reelection. The commission shall hold at least one regular meeting in each month, at such time and place as may be fixed by the commission. Special meetings of the commission may be called by the Chairman, or in his absence, by any of the members of the commission. A majority of the commission shall constitute a quorum for the transaction of business. Any member of the planning and zoning commission shall automatically disqualify himself from voting on any decision on which he might have a personal interest by virtue of ownership of land to be affected by zoning, or other similar situation. All meetings shall be open to the public. The commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, consistent with the laws of the City and State. The commission shall keep a record of its resolutions, transactions, findings and determinations, which record and minutes shall be a public record. The commission shall make each year a

report to the Mayor and Council of its proceedings with a full statement of receipts, disbursements and the progress of its work during the preceding fiscal year. (Ord. 8-1993 § 1 (part), 1993)

**2.24.040 Employees, contracts and funds.** The commission may, by and with the consent of the governing body, appoint employees to perform necessary duties, and may also, with approval of the governing body, contract with municipal planners, engineers, landscape architects and other consultants for such services as may be required. The commission shall, when it deems necessary or appropriate, recommend to the governing body that it contract for, accept and expend grants from the federal government available for the purpose of urban planning and renewal and from any agency of the State which might have funds available for such purposes.

**2.24.050 Expenditure of funds.** All moneys appropriated by the governing body and all moneys received from grants, gifts and other sources for the use and benefit of the commission, shall be deposited with the City Treasurer to the credit of the planning and zoning commission fund, and shall be paid out only on warrants approved by the governing body.

**2.24.060 Estimate of expenditures and budget request.** The planning and zoning commission shall, on or before May 1<sup>st</sup> of each year, prepare and file with the City Clerk, an estimate of the expenditures of the commission for the ensuing fiscal year, itemizing the expenses and amount and the purposes.

**2.24.070 Function and duty.** It shall be the function and duty of the commission to advise the municipal government in urban planning, land use studies, urban renewal plans, technical services, economic improvements, the creation of a long range master plan, the creation of a master street plan, and any other and all types of planning studies requested by the governing body. The commission is authorized to cooperate with the County Planning Commission in such plans and shall, when it is deemed necessary or appropriate, recommend to the governing body applications for federal and/or state aid and assistance to be made jointly with the County Planning Commission.

**2.24.080 Acquisition and disposition of property.** The commission is authorized to acquire by gift, devise or bequest, lands or other property, to carry out the purpose of this chapter, and shall likewise have power to sell or

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otherwise dispose of property so acquired.

2.24.090 Recommendations—Approval and disapproval. As studies and plans progress, the commission may, from time to time, recommend to the governing body, that it adopt, amend, extend on add to the master plan. Recommendations of the commission shall be approved or disapproved by the governing body. Failure of the governing body to act within sixty days after the date of the official submission of a recommendation of the commission shall be deemed approval. Upon approval of a recommendation of the commission the governing body shall, with reasonable promptness, take action to implement recommendation.

2.24.100 Long range master plan, Whenever the governing body shall have adopted the long-range master plan, street plan, or any portion thereof, no matter involving a change in the plan or portion thereof shall be decided by the governing body until the matter has been submitted to and approved by the commission, provided that in the case of disapproval, the commission shall communicate its reasons to the governing body which shall have the power to overrule such disapproval. Failure of the commission to act upon any proposed change within thirty days from and after the date of official submission to the commission shall be deemed approval.

## Chapter 2.28

### POWELL MUNICIPAL AIRPORT ADVISORY COMMISSION

#### Sections:

2.28.010 Advisory Commission—Created—Responsibilities—Term.

2.28.010 Advisory Commission—Created—Responsibilities—Term. There is created an advisory commission to be know as the Municipal Airport Advisory Commission, whose duty it shall be to act in an advisory capacity to the governing body, in all matters pertaining to maintenance, operation and control of the airport. The commission shall be made up of five members, three of whom shall be residents of the City and two of whom may be rural residents of Park County, all of whom shall be appointed for a term of two years each by the Mayor, with the approval of the Council. The City Administrator or his designee shall be and ex-officio member of the commission. The commission

members shall designate one of its members as Chairman. The commission shall meet from time to time as it deems necessary, the time and place to be decided upon by the commission. (Ord. 2-2000 § 1, 2000: Ord. 2-1991 § 1, 1991)

Chapter 2.32

CITY TREE ADVISORY BOARD

Sections:

2.32.010 Advisory board—Created—Term—Responsibilities.

~~2.32.010 Advisory board—Created—Term—Responsibilities.~~ A. There is created and established a City Tree Advisory Board which will consist of the Park Superintendent (City Arborist), a City Council Representative and seven (7) members at large, a minimum of four (4) of whom shall be residents of the City and not more than a maximum of three (3) who may be nonresidents of the City. All members shall be appointed by the Mayor with the approval of the City Council.

B. The term of the members other than that of the Park Superintendent, shall be four years except that the term of half of the initial at-large appointees will be two years. In the event that a vacancy occurs during the term of any appointed member, his successor shall be appointed by the Mayor, as outlined in subsection A of this section, for the unexpired portion of the term.

C. At-large members of the board shall serve without compensation.

D. 1. It shall be the responsibility of the Tree Advisory Board to study, investigate, counsel and develop written standards, rules and regulations for the care, preservation, trimming, planting, replanting, removal or disposition of trees, shrubs and plants in public ways, parks, streets and their acceptance and approval by the governing body shall constitute the official City tree rules and regulations, and shall constitute the official comprehensive City tree plan for the City.

2. The Tree Advisory Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its responsibilities.

E. The Tree Advisory Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transactions of business. (Ord. 5-1998 §1, 1998) (Ord. 3-2002).

Chapter 2.36

DEVELOPMENT REVIEW COMMITTEE

Sections:

- 2.36.010 Establishment.
- 2.36.020 Purpose.
- 2.36.030 Reviewing agency assistance.
- 2.36.040 Review of plats.
- 2.36.050 Site plan review.

2.36.010 Establishment. There is created a Development Review Committee composed of the City Administrator, Building and Zoning official, City Engineer, City Electrician, City Water Commissioner, Fire Chief, Police Chief, Sanitation Director, and the Parks Superintendent, or their designated representative. (Charter Ord. 1-1989 §3 (part), 1989)

2.36.020 Purpose. The purpose of the Development Review Committee is to review development plans in order to minimize possible negative impacts of proposed subdivisions, additions, and developments, to insure compliance with the ordinances of the City, and to facilitate City review and analysis of development plans.

2.36.030 Reviewing agency assistance. The Development Review Committee shall, as in its judgment may be necessary, utilize technical assistance and/or recommendations from appropriate reviewing agencies.

2.36.040 Review of plats. The Development Review Committee shall examine the preliminary plat of such subdivision, addition and mobile home park and determine its compliance with the ordinances of the City. The committee shall report its recommendation and recommendations of the reviewing agencies to the Planning and Zoning Commission within fifteen working days after such plat is submitted, and the subdividers, annexers, or developers shall receive a copy of the committee report no later than seven days prior to the scheduled meeting at which the plat is to be reviewed by the Planning and Zoning Commission. In any case the committee may recommend approval, approval subject

to provisions, tabling for further study or disapproval of the plat.

2.36/050 Site plan review. The committee shall review and approve, reject or modify all site development plans to insure their compliance with the ordinances of the City and to insure their compliance with any master plans approved and adopted by the City. (Ord. 8-1993 § 1 (part), 1993)

## Chapter 2.40

### ADMINISTRATIVE PROCEDURE

#### Sections:

2.40.010	Adoption of rules.
2.40.020	Definitions.
2.40.030	Initiation of contested cases.
2.40.040	Requirements of petition.
2.40.050	Notice of hearings.
2.40.060	Deadline for response.
2.40.070	Docketing of case.
2.40.080	Failure to respond.
2.40.090	Subpoenas.
2.40.100	Hearing—Representation.
2.40.110	Hearing examiners.
2.40.120	Conduct and procedure for hearings.
2.40.130	Oath.
2.40.140	Application of State rules.
2.40.150	Appearance and withdrawal of attorneys—Qualifications.
2.40.160	Duty of City Attorney.
2.40.170	Record.
2.40.180	Findings of fact and conclusions of law.
2.40.190	Appeals.
2.40.200	Informal disposition.
2.40.210	Amendments.

2.40.010 Adoption of rules. These rules of practice and procedure are adopted in accordance with and authorized by the Wyoming Administrative Procedure Act.

2.40.020 Definitions. For the purpose of this chapter:  
 “Board” means the governing body and all other boards and commissions of the City which hear contested cases.

“Chairman” means the presiding officer of the board.

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“Clerk” means the secretary of the board, and with respect to the governing body means the City Clerk.

“Contested case” means a proceeding including but not restricted to rate making, price fixing and licensing, in which legal rights, duties or privileges of a party are required by law to be determined by the board after an opportunity for hearing.

“Hearing” means a proceeding in which legal rights, duties and privileges of a party are required by law to be determined by a board after an opportunity for hearing.

“Party” means each person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party to a contest or hearing before the board.

“Party in interest” means the person whose legal rights, duties or privileges are required to be determined by the board at a hearing.

“Person” means any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than the board.

**2.40.030 Initiation of contested cases.** All contests under these rules of practice and procedure shall be initiated either by the board or by a contestee, upon petition, or by the board upon formal notice wherein shall be alleged the acts or omissions of acts claimed in violation of the rules and regulations of the board, the ordinances of the City, or any orders entered or promulgated by the board or by an officer of the City affecting the rights of a party in interest; such petition shall be filed with the Clerk.

**2.40.040 Requirements of petition.** Each petition shall set forth the following:

- A. The name and address of each contestee;
- B. A statement, in ordinary and concise language of the facts upon which the petition is based, including whenever applicable, particular reference to the ordinance or rules, regulations and orders and any instruments or documents at issue and involved in the allegations set forth and contained;
- C. Such other information as may be required from time to time by the Council or by an commission or board of the City.

**2.40.050 Notice of hearings.** Notice of hearing may be served personally or by mail as provided by the Wyoming Statutes Section 16-3-107. Reasonable notice shall be construed to mean at least twenty days for the purpose of there rules. In the event notice is served by mail, it

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shall be by certified or registered mail with return receipt requested and the first day of the twenty day notice period shall be the date of the receipt of notice as shown upon the return receipt. In the event that notice is given by publication, such notice shall be published once a week for two weeks in the official newspaper of the City, and the next day following the second publication shall be the first day of the twenty day period. (Ord. 13-1991 § 1, 1991)

2.40.060 Deadline for response. Any party notified of a hearing as provided in Section 2.40.050 other than the party who filed the petition shall be allowed the full twenty days from and after date of service of notice as above provided within which to file with the Clerk its answer or other appearance. (Ord. 13-1991 § 2, 1991)

2.40.070 Docketing of case. When a contested case is instituted, it shall be assigned a number and placed in a separate file, in which shall be placed, in the order received, all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto, and all such items shall have noted thereon the number assigned and the date of filing.

2.40.080 Failure to respond. In the event of failure of any party to answer or otherwise appear within the time permitted or allowed by these rules, the party so failing to answer or otherwise plead or to make appearance, shall be deemed to be in default and the allegations of the petition shall be taken as true and the order of the board shall be entered accordingly.

2.40.090 Subpoenas. Subpoenas for appearance and to produce books, papers, documents or exhibits will be issued by the board, by written request of any party. Likewise the board may issue any subpoena duces tecum or for the appearance of any person or persons as witnesses in support of the petition or formal notice of the board.

2.40.100 Hearing---Representation. At that date, time and place of hearing as having set down by the board, and in accordance with the notice given, the board shall hear all matters presented. All issues and matters enumerated and described in the petition shall be presented by an officer or agent acting on behalf of the board, as designated by the board. Any party may be represented personally or by counsel, provided that such counsel be duly authorized to practice law in the state or be otherwise associated at the hearing with one or more attorneys authorized to practice law in this state.

2.40.110 Hearing examiners. The board may appoint one or more hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted by him to the board for decision.

**2.40.120 Conduct and procedure for hearings.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

A. The board or examiner shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon shall direct the reading into the record of the petition or formal notice given by the board, together with appearances in the form of answers or other appearances made by an party and shall note for the record all subpoenas issued and all appearances of record, including parties and their counsels of record.

B. The agent, counsel or representative of the board shall thereupon proceed to present the board's evidence. Witnesses may be cross examined by parties. All exhibits offered by and on behalf of the board shall be marked by letters of the alphabet beginning with "A".

C. The parties shall , in order of answers or appearance made, be heard in the same manner as the board's evidence, witnesses and exhibits have been heard and presented. Each party's exhibits shall be marked separately so as to identify the respective contestee, commencing with alphabetical letter "B".

D. No opening statement shall be made, but each of the parties may offer rebuttal evidence within the discretion of and by orders of the presiding officer.

E. Closing statements, at the conclusion of the presentation of evidence, may be made by the representative of the board and by the parties. No rebuttal statement may be made by any of the parties to the proceeding. The time for oral argument may be limited by the presiding officer.

F. After all proceedings have been concluded, the presiding officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the board may do so. The board shall take the case under advisement and shall declare unto each of the contestees that the decision of the board shall be announced within due and proper time following consideration of all of the matters presented at the hearing.

**2.40.130 Oath.** All persons testifying at any hearing before the board shall stand and be administered the following oath by the presiding officer:

Do you promise to tell the truth, the whole truth and nothing but the truth in this hearing now before the board?

**2.40.140 Application of state rules.** The rules of practice and procedure contained in the Rules of Civil

Procedure of the State of Wyoming insofar as the same may be applicable and not inconsistent with the laws of the State in matters before the board and applicable to the rules, orders and regulations promulgated by the board under such laws, shall apply.

**2.40.150 Appearance and withdrawal of attorneys—Qualification.** The filing of an answer or other appearance by an attorney constitutes his appearance for the party for whom the pleading is filed. The board shall be notified in writing of his withdrawal from any hearing. Any person appearing before the board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless such person shall be an attorney licensed to practice law in the State, or an attorney associated with an attorney qualified to practice law in the State. This rule shall not be construed to prohibit any person from representing himself in any hearing before the board, but any such person appearing personally must abide by the rules of civil procedure and the rules of evidence under the laws of the State.

**2.40.160 Duty of City Attorney.** In all matters before the board, the board shall request the City Attorney to be present throughout the hearing to assist and advise the representative of the board conducting the hearing.

**2.40.170 Record.** A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the board. If a transcript of testimony is required in the subsequent agency deliberations, the cost thereof shall be furnished to the board as provided by law. The board may direct any contestee or contestees to assume the cost of the transcript if transcribed at his or their request.

**2.40.180 Findings of fact and conclusions of law.** The board shall, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. Such decision and order shall be filed with the board and will, without further action, become the decision and order as a result of the hearing. Forthwith upon entry and filing, the board shall send a copy by prepaid mail to each party.

**2.40.190 Appeals.** In case of an appeal to the District Court as above provided, the party appealing shall secure and file a transcript of the testimony and all other evidence offered at the hearing. The compensation of the

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reporter for making the transcript of the testimony and all other costs involved in such appeal shall be borne by the party prosecuting such appeal.

2,40.200 Informal disposition. Informal disposition may be made of any contested case or appeal by stipulation, agreed settlement, consent order, or default.

2.40.210 Amendments. The rules may be amended and any such amendments shall become effective as provided by Chapter 3 of Title 6, Wyoming Statutes. (Ord. 13-1991 § 3, 1991)

