

1. Agenda

Documents:

[TOWN COUNCIL WORKSHOP AGENDA - ENGLISH.PDF](#)  
[TOWN COUNCIL WORKSHOP AGENDA - ESPANOL.PDF](#)

2. Meeting Materials

Documents:

[NON-DISCRIMINATION ORDINANCE DISCUSSION.PDF](#)  
[RESIDENTIAL RENTAL OMBUDSMAN DISCUSSION.PDF](#)  
[TAXI UBER REGULATIONS DISCUSSION.PDF](#)

**Jackson Town Council**  
**WORKSHOP**  
Monday, March 19, 2018  
3:00 PM  
Council Chambers

**NOTICE:** THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

**PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

**I. CALL TO ORDER AND ROLL CALL**

- A. Brief Update on Charter/Spectrum

**II. RESIDENTIAL RENTAL OMBUDSMAN DISCUSSION (Audrey Cohen-Davis, 45 Minutes)**

**III. NON-DISCRIMINATION ORDINANCE DISCUSSION (Audrey Cohen-Davis, 45 Minutes)**

**IV. TAXI/UBER REGULATIONS DISCUSSION (Todd Smith, 15 Minutes)**

**V. SET NEXT WORKSHOP AGENDA**

- A. 4/16 Reducing Plastic Bag Waste (Roxanne Robinson, 30 Minutes)
- B. 4/16 Sign Code (Audrey Cohen-Davis , 30 Minutes)
- C. 5/21 North King Traffic Study and Alternatives (Brian Lenz, 30 Minutes)
- D. 5/21 Town Square Pedestrian Zone Pilot Project (Larry Pardee, 30 Minutes)
- E. 5/21 Residential Rental Regulations (Audrey Cohen-Davis, 60 Minutes)
- F. 6/18 Downtown Core Pedestrian Signaling (Larry Pardee, 30 Minutes)
- G. 6/18 Snow King Lease Discussion (Bob McLaurin, 30 Minutes)

**VI. ADJOURN**

*Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.*

# Concilio del Pueblo de Jackson

## TALLER

LUNES, 19 de marzo del 2018

3:00 PM

Cámaras del Ayuntamiento

**AVISO:** EL VIDEO Y AUDIO DE ESTA REUNIÓN SE TRANSMITEN AL PÚBLICO A TRAVÉS DE DISPOSITIVOS DE INTERNET Y MÓVILES CON OPINIONES QUE COMPRENDEN TODAS LAS ÁREAS, PARTICIPANTES Y MIEMBROS DE LA AUDIENCIA

**POR FAVOR, SILENZAR TODOS LOS DISPOSITIVOS ELECTRÓNICOS DURANTE LA REUNIÓN**

### I. LLAMADA DE ROLL Y ANUNCIOS

II. DISCUSION DEL OMBUDSMAN DE ALQUILER RESIDENCIAL (Audrey Cohen-Davis, 45 Minutos)

III. DISCUSION DEL LA ORDENANZA DE NO DISCRIMINACION (Audrey Cohen-Davis, 45 Minutos)

IV. DISCUSION DE REGULACIONES DE TAXI Y UBER (Todd Smith, 15 Minutos)

### V. PONER SIGENTE AGENDA DE TALLER

- A. 4/16 Reduciendo gasto de bolsas plásticas ( Roxanne Robinson, 30 Minutos)
- B. 4/16 Código de letreros ( Audrey Cohen-Davis, 30 Minutos)
- C. 5/21 Estudio y alternativas de trafico sobre Norte King ( Brian Lenz, 30 Minutos)
- D. 5/21 Proyecto piloto zona de peatones en la plaza del pueblo ( Larry Pardee, 30 Minutos)
- E. 5/21 Regulación de alquiler residencial ( Audrey Cohen-Davis, 60 Minutos)
- F. 6/18 Centro central de señalización peatonal ( Larry Pardee, 30 Minutos)
- G. 6/18 Discusión del contrato de arrendamiento de Snow King (Bob McLaurin, 30 Minutos)

### VI. APLAZAR

*Tenga en cuenta que en cualquier momento durante la reunión, el Alcalde y el Consejo pueden cambiar el orden de los elementos que figuran en esta agenda. Para asegurarse de que está presente en el momento en que se debate su tema de interés, únase a la reunión al principio para escuchar cualquier cambio en el programa o la agenda.*



# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** March 14, 2018  
**MEETING DATE:** March 19, 2018

**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Audrey Cohen-Davis, Town Atty  
**PRESENTER:** Audrey Cohen-Davis, Town Attorney;  
Lea Colasuonno, Assistant Town Attorney

**SUBJECT: Non-Discrimination Ordinance Discussion**

### PURPOSE OF WORKSHOP ITEM

The purpose of this workshop item is to receive direction from the Town Council on moving forward with a non-discrimination ordinance related to sexual orientation and gender identity.

### DESIRED OUTCOME

The desired outcome for this item is to receive Council direction on whether to move forward with a non-discrimination ordinance.

### BACKGROUND/ALTERNATIVES

On December 7, 2015, the Town Council approved Resolution 15-26 supporting non-discrimination in the Town of Jackson.

At the December 4, 2017 Town Council meeting, Mayor Muldoon asked Town Council if there was interest in directing Staff to draft a non-discrimination ordinance for review. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to direct staff to bring back at a future workshop a discussion for a nondiscrimination ordinance and to discuss any associated legal issues or constraints.

Staff's understanding of the Mayor's goals for such an ordinance is to prohibit discrimination in employment, places of public accommodation (restaurants, bars, other businesses, etc.), and housing, as well as providing a procedure for the investigation and enforcement of complaints and violations.

Issues the Mayor and Council may want to consider include:

1. Potential fiscal impacts of an ordinance, including the cost of implementing of this ordinance, legal challenges and the addition of Staff in order to enforce this law.
2. Adding this ordinance to Staff's workload at this time.
3. Potential legal challenges to an ordinance.
4. Potential Staff impacts in terms of resources, finances, and bandwidth with regard to investigating complaints and enforcing the law over the long-term (including impacts on the Administration Department, Municipal Court, Legal Department, and Human Resources).

Research indicates the following cities in Wyoming have taken the following actions (in descending chronological order):

- Casper – Adopted a Non-Discrimination Resolution (February, 2018)
- Sheridan – Adopted a Non-Discrimination Resolution (October, 2017)
- Cheyenne – Adopted a Non-Discrimination Resolution (October, 2016)
- Gillette – Adopted a Non-Discrimination Resolution (September, 2016)
- Jackson – Adopted a Non-Discrimination Resolution (December, 2015)
- Laramie - Enacted a Non-Discrimination Ordinance (May, 2015)

The Town Council has many options to consider for moving forward, several of those are listed below:

1. Direct the Town Attorney to draft a non-discrimination ordinance for first reading at a future Town Council meeting.
2. Continue Council discussion on this issue at the next available workshop prior to ordinance presentation.
3. Take no action, leaving the current Resolution 15-26 in place.
4. Other.

Staff makes no recommendation at this time.

#### [ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT](#)

Part of the mission of the Town of Jackson is to provide municipal services that support the community and enhance the quality of life for residents and guests. Providing equal access and protection for all is inherent in providing municipal services. The Town of Jackson has internal employment and personnel policies that include protections for sexual orientation and gender identity.

#### [STAKEHOLDER ANALYSIS](#)

Should an ordinance be added to a future Town Council meeting for consideration, the stakeholder involved is the public at large. This includes a wide swath of the community, such as those protected by the ordinance, businesses required to evaluate their employment practices and/or procedures, those providing places of public accommodation and housing, houses of worship, Town Staff involved with researching, drafting, and enforcing the ordinance, and members of the larger Lesbian, Gay, Bisexual, Transgender (LGBT) community.

#### [FISCAL IMPACT](#)

The fiscal impact of directing staff to prepare an ordinance could include the expenditure of already authorized professional services funds for outside legal counsel. The fiscal impact associated with adoption and codification of any non-discrimination ordinance includes the potential for challenges to the ordinance and costs associated with defending any challenge.

The fiscal impact of passage of this ordinance after third reading varies between \$250 and \$700 depending on the length of the ordinance. (Shorter ordinances average around \$350 and short franchise ordinances can reach \$700.)

#### [STAFF IMPACT](#)

The staff impact of previously researching, and, if directed, to draft and enforce such an ordinance is significant. A preliminary review by the Legal Department reveals that even using another community's ordinance as a template would not alleviate the need to invest significant resources to develop a legally-sound ordinance for the Town.

Additional staff impacts would need to be addressed once the content of an ordinance is finalized. The ordinance may include a complaint process that impacts various departments including Administration (investigating and processing the complaint), Legal (prosecuting the complaint), Municipal Court (adjudicating

the complaint), Finance (addressing issues associated with the business license for the business in question), Police (investigation and citations).

The staff impact of passage of this ordinance after third reading is notable in the Town Clerk's office and involves preparing the ordinance for advertising and sending to the newspaper, updating the Jackson Municipal Code online and in hard copy for those receiving hard copy versions of the code. The ordinance is also printed and signed and placed in the permanent record storage book in the vault and indexed and posted on the website. The ordinance is also prepared and sent to the newspaper for advertising.

Should an ordinance be passed and then challenged, this would also involve significant time on the part of the Legal Department, the Town Clerk Department, and other Town departments in terms of defense, document production, etc.

#### LEGAL ISSUES

Currently, the State of Wyoming has not promulgated legislation creating a protected class for sexual orientation and/or gender identity. As noted above, should the Town Council direct staff to prepare an ordinance, significant legal issues would need to be researched, addressed and presented to the Town Council in order to provide an ordinance that meets its goals but at the same time is defensible.

#### ATTACHMENTS

None at this time.

#### RECOMMENDATION

While staff makes no recommendation on whether the Town Council should or should not proceed with a non-discrimination ordinance, should the Town Council choose to move forward, staff recommends the Town Council direct the Town Attorney to prepare a draft non-discrimination ordinance with options for language and present the results of such research at a workshop to 1) determine the policy goals and considerations of the Council and 2) provide a legally-sound framework for Council's initial review.

#### SUGGESTED MOTION

I move to direct the Town Attorney to prepare a non-discrimination ordinance and present the results of such research at the \_\_\_\_\_, 2018 workshop.

---

**From:** Alex Muromcew  
**To:** [Town Council](#)  
**Subject:** NDO  
**Date:** Thursday, March 15, 2018 4:18:40 PM

---

Dear Town Council:

Please support a non-discrimination ordinance for the Town of Jackson because I believe it is the Wyoming Way. How could we condone discrimination in our community?

thank you,  
Alexander Muromcew  
Jackson

**From:** Alison Price  
**To:** [Town Council](#)  
**Subject:** NDO  
**Date:** Thursday, March 15, 2018 4:56:14 PM

---

To whom it may concern,

I support a non-discrimination ordinance for the Town of Jackson because we are the equality state – not to mention this world doesn't need more segregation and judgement.

Thank you,  
Alison Price – Resident of Jackson, WY



**From:** Bob Skaggs, LPC  
**To:** [Town Council](#)  
**Subject:** NDO for TOJ  
**Date:** Saturday, March 3, 2018 6:39:06 PM

---

Mayor Muldoon and Councilors:

I support a non-discrimination ordinance for the town of Jackson because I worked in the field of mental health for 30 years and saw the effects of discrimination on clients with mental illness. They range from bullying in schools, to workplace and family conflicts, to suicide.

Thanks to you all for being willing to consider this important step.

Sincerely,

Bob Skaggs, LPC (retired)

**From:** Caitlin Shea  
**To:** [Town Council](#)  
**Subject:** Support of the Non-discrimination ordinance  
**Date:** Thursday, March 15, 2018 4:47:30 PM

---

Hello Town Council and Mayor Muldoon,

I am emailing to voice my support of a non-discrimination ordinance in Jackson. Our town and community can seem so inclusive and welcoming to most of us, but it is so important to look beyond that and see that not everyone feels as welcome and free from judgment here. This is an opportunity to improve comfort and quality of life for many people in our community and in this way strengthen our community.

Thank you,  
Caitlin Shea

**From:** Chuck Harris  
**To:** [Town Council](#)  
**Cc:** [Karen Jerger](#)  
**Subject:** Supporting the NDO  
**Date:** Thursday, March 15, 2018 3:31:06 PM

---

I support the town adopting a strong and clear Non-Discrimination Ordinance and ask you to direct the County Attorney to draft the Ordinance and present it to the Town Counsel for a first reading.

Thank you,  
Chuck Harris  
Karen Jerger

**From:** Donna Andrus  
**To:** [Town Council](#)  
**Subject:** NonDiscrimination Ordinance  
**Date:** Thursday, March 15, 2018 10:45:06 PM

---

Dear Mayor and Council,

I support a non-discrimination ordinance for the Town of Jackson because I believe nobody should be discriminated against due to their sexual/romantic orientation and/or their gender identity. LGBTQ's civil rights should be protected and I believe it is an injustice not to do so.

Please direct the Town Attorney to draft a non-discrimination ordinance for first reading at a future Town Council meeting.

Thank you,  
Donna Andrus LPC

**From:** Evan Daily  
**To:** [Town Council](#)  
**Subject:** I support non-discrimination ordinance  
**Date:** Thursday, March 15, 2018 3:35:21 PM

---

I support a non-discrimination ordinance for the Town of Jackson  
evan daily lmft

**Evan Daily LMFT**

Licensed Marriage and Family Therapist, Master Coach

photo



**A** 970 West Broadway #e PMB#333 Jackson Wy 83001  
**O** 3077323230 **M** 3076909200 **E** [evan@evandaily.com](mailto:evan@evandaily.com)  
**W** [www.evandaily.com](http://www.evandaily.com)  
**Skype** evandaily



 YouTube Video

**From:** Isabel Rucker  
**To:** [Town Council](#)  
**Subject:** NDO please pass  
**Date:** Thursday, March 15, 2018 6:10:34 PM

---

Hello Jackson Town Mayor and Councilpeople,

I am your neighbor in Pinedale and would like to encourage you to pass the non-discrimination ordinance so that you may be a good example for the rest of the counties in Wyoming. It would be great for us to be able point to your positive leadership when approaching the Town of Pinedale with a similar request.

Thank you,  
Isabel Rucker

**From:** Jayne Ottman  
**To:** [Town Council](#)  
**Subject:** NDO  
**Date:** Monday, March 5, 2018 10:05:30 AM

---

Dear Mayor and Jackson Town Council.

Thank you for consideration of the non-discrimination ordinance for the town of Jackson. Honestly, I wish that we wouldn't even have to devise an ordinance that speaks to the equality of all people but in light of the current politics and tenor of the country, I feel a measure like this would validate the safety and protection to those who are vulnerable and without a voice. I ask that this NDO passes.

Thank you,  
Jayne

Jayne Ottman  
PO Box 433  
Jackson, WY 83001

307-690-1025  
[jottman50@gmail.com](mailto:jottman50@gmail.com)

**From:** Jean Jorgensen  
**To:** [Town Council](#)  
**Subject:** Non Discrimination Ordinance  
**Date:** Friday, March 16, 2018 7:46:17 AM

---

Dear Town Council Members,

Yes, you have heard from me before on this issue, but it's worthy of a reminder. Times have changed considerably since I was first introduced to PFLAG in Jackson years ago. By now we all realize that we have family members and/or friends who are part of the LGBTQ community.

It is just plain wrong that this segment of the community can continue to be discriminated against.

Please direct the Town Attorney to draft a Non-Discrimination Ordinance to bring to you for First Reading.

Thank you,

Sincerely,

Jean Jorgensen

Sent from my iPad



**From:** Karen Jerger  
**To:** [Town Council](#)  
**Subject:** Non-Discrimination Ordinance  
**Date:** Friday, March 16, 2018 5:57:47 AM

---

Dear Council Members, I understand that next week you will be considering action on a non-discrimination ordinance for the town of Jackson. I encourage you to move ahead with this idea. I support the idea of an ordinance that promises Jackson citizens that they will be treated fairly in their housing and workplace, regardless of their race, gender, age, sexual orientation or other. The current non-discrimination resolution was an important first step. It seems that the time is right to go one step further and secure protections for all town & county residents. Thank you for your careful consideration. Karen Jerger

**From:** Kirsten Rue  
**To:** [Town Council](#)  
**Subject:** I support non-discrimination ordinance  
**Date:** Thursday, March 15, 2018 3:29:16 PM

---

Dear Mayor Muldoon and Town Council,

I support a non-discrimination ordinance for the Town of Jackson because I believe that all Wyoming citizens should be afforded the same rights and access to opportunity. Discrimination has no place in the workplace or in business settings, and communities that seek to protect all their members are strong communities. Moreover, this is a chance for Jackson to show leadership within Wyoming and live its values as a town committed to values of civility and inclusion.

Lastly, on a personal note, many of my closest friends are proudly LGBTQ and grew up with me here in Jackson Hole. All of them have since moved away because they did not feel supported or safe in this community. However, I know we can do better and honor all the amazing people who call this town home, encouraging them to stay and contribute their gifts to a strong and diverse town.

Thanks for your time.

Sincerely,

Kirsten Rue

--

**Kirsten Rue**  
**307-690-0085**

**From:** Mark Houser  
**To:** [Town Council](#)  
**Subject:** NDO workshop  
**Date:** Thursday, March 15, 2018 3:24:48 PM

---

Greetings,

Although I will be out of town for the the non-discrimination ordinance workshop, I wanted to reaffirm my support for the NDO and encourage you to ask staff to draft an ordinance as soon as possible. I hold many reasons to do so, primary is the work I do with LGBTQ youth as well as my commitment to making our community safer for individuals like my daughter, Britta.

Respectfully,

Mark Houser

\*\*\*\*\*

Mark Houser  
PO Box 2683  
Jackson, WY 83001

[safeschools@wyoming.com](mailto:safeschools@wyoming.com)

307-690-5419 (cellular)

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

Martin Luther King

\*\*\*\*\*

**From:** Orion Bellorado  
**To:** [Town Council](#)  
**Subject:** NDO Support!  
**Date:** Thursday, March 15, 2018 3:31:02 PM

---

Greetings Councilmen & Councilwoman,

I am emailing you today to urge you to support a non-discrimination ordinance for the Town of Jackson because having growing up here my whole life, it is clear that groups exist on the sidelines of our town culture. I have had friends and family move away from this wonderful place, not because they don't love Jackson, but because they felt part of one of many of these sidelined groups. Passing a non-discrimination ordinance does a small part to correct that balance and bring the side-liners into the embrace of the greater community. Looking to the future, our industries will welcome more people of more diverse backgrounds and identities. Our town should welcome what is culturally declined elsewhere in this "equality state". Please support the non-discrimination ordinance for the betterment of the community and as leaders within our state.

Best,  
Orion Bellorado

**From:** patty talley  
**To:** [Town Council](#)  
**Subject:** Non discrimination ordinance  
**Date:** Thursday, March 15, 2018 10:23:33 PM

---

This email is to request the town council to ask the town attorney to draft an NDO for a first reading as soon as possible for review.

Thank you for your positive response to this request. Patty Talley and Kevin Rue from Valley Hardwoods Inc.

**From:** Rebecca hawkins  
**To:** [Town Council](#)  
**Subject:** non discrimination ordinance  
**Date:** Thursday, March 15, 2018 5:51:50 PM

---

I support the non-discrimination ordinance and hope you will also.  
I can't believe we don't already have protection for all persons of all gender identification.  
Please let's move forward and make this very important step for equality for all.

Kindly, Rebecca Hawkins

**From:** Robyn Lunsford  
**To:** [Town Council](#)  
**Subject:** Non-Discrimination Ordinance  
**Date:** Thursday, March 15, 2018 3:22:17 PM

---

I fully support a non-discrimination ordinance for the Town of Jackson. A non-discrimination ordinance will protect the rights of individuals and families who are too-often the victims of discrimination. I urge the Town Council to direct the Town Attorney to draft a non-discrimination ordinance for consideration. Thank you.

## **Robyn Lunsford**

### **Land Use Planning · Mapping Technician**

PO Box 9550 · 1315 HWY 89 S., Suite 201

Jackson, WY 83002

TEL: (307) 733-5150

[rlunsford@jorgensenassociates.com](mailto:rlunsford@jorgensenassociates.com)

[Jorgensen](#)



[www.jorgeng.com](http://www.jorgeng.com)

Jackson, WY · Pinedale, WY · Driggs, ID

**From:** Lewis Smirl  
**To:** [Town Council](#)  
**Subject:** Town Council - NDO  
**Date:** Wednesday, February 7, 2018 6:43:02 PM

---

Hello Mayor Muldoon, and Town Council Members,

My name is Lewis Smirl, and I work in Community Mental Health.

I support a non-discrimination ordinance for the Town of Jackson because I believe this provides the equal support and protection that our community values. Personally and professionally I have seen the harm and damage that discrimination causes to Jackson's community members.

Thank you Council for your support in this matter and exploring options for a non-discrimination ordinance.

Sincerely,

Lewis Smirl

**Lewis Smirl, LCSW #807**  
Jackson Hole Community Counseling Center  
& Mountain House  
**(307) 732-1161 phone**  
(307) 413-5174 cellular  
[lewis@jhccc.org](mailto:lewis@jhccc.org)

CONFIDENTIALITY NOTICE

\*\*\*\*\*

The information contained in this ELECTRONIC MAIL transmission is confidential. It may also be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution [other than to the addressee (s)], copying or taking of any action because of this information is strictly prohibited.

\*\*\*\*\*



**From:** Brenna Cannon  
**To:** [Town Council](#)  
**Subject:** Non Discrimination Ordinance  
**Date:** Tuesday, January 30, 2018 10:00:15 AM

---

Hello Council!

Thank you for looking more into a Non-Discrimination Ordinance for the Town, as many other municipalities have done to expand protections against discrimination beyond the federal limitations. I support this for the Town of Jackson because I want to be a part of an inclusive community that protects every person who lives here. I hope to attend the workshop on 2/20, and am looking forward to hearing more on this in the future.

Best,  
Brenna

--

---

Brenna Cannon  
512.771.5904  
[brenna@brennacannon.com](mailto:brenna@brennacannon.com)  
[brennacannon.com](http://brennacannon.com)

**From:** Laurie Genzer  
**To:** [Jim Stanford](#)  
**Subject:** Non-Discrimination Ordinance  
**Date:** Tuesday, January 16, 2018 9:59:46 AM

---

Jim---I will be there this afternoon but I was interested in knowing if a sample ordinance has been prepared and I could get a copy of it? If it is still in the discussion process, please let me know.

Thank you,

Jim Genzer

---



Virus-free. [www.avast.com](http://www.avast.com)

**From:** Carol Bowers  
**To:** [Town Council](#)  
**Subject:** Non-Discrimination Ordinance  
**Date:** Friday, March 16, 2018 9:24:35 AM

---

Council Members,

I am totally in favor of the passage of the proposed NDO by the town of Jackson leaders. Discrimination is an ugly scourge against humanity, one that should not be tolerated in any form.

Respectfully,

Carol Bowers

town of Jackson resident for 39 years

p.o. box 4151 83001

307 690-9523

**From:** Chalice Weichman  
**To:** [Town Council](#)  
**Subject:** Sanctuary  
**Date:** Saturday, March 17, 2018 3:19:52 PM

---

Dear Mayor and Councilors,

As an employee in a real estate office, I witness everyday how non-existent discrimination is against any segment of the population. I have seen that great renters are denied tenancy simply because there is nowhere to place them. If the realtors in my office were forced to rent to illegals, U.S. citizens of all races, genders, and identities will be deprived of housing.

Please keep Americans housed by not giving more sanctuary to the already protected classes.

Sincerely,  
Chalice Sundry Weichman

**From:** Jill Markley  
**To:** [Town Council](#)  
**Subject:** Non Discrimination Ordinance  
**Date:** Friday, March 16, 2018 1:55:23 PM

---

I support this ordinance because my daughter came out in 10 th grade and I do not accept that she can be discriminated against!! Please do the right thing.

Sincerely,  
Jill M Smith

Sent from my iPhone

**From:** Joanna Cooke  
**To:** [Town Council](#)  
**Subject:** NDO  
**Date:** Friday, March 16, 2018 9:10:23 AM

---

Dear Council Members,

I support a non-discrimination ordinance for the Town of Jackson because it would represent the values of inclusivity and equal protection, which I believe are important to the Jackson community.

Thank you,  
Joanna Cooke

**From:** Steve Potvin  
**To:** [Town Council](#)  
**Subject:** Non-Discrimination Ordinance  
**Date:** Friday, March 16, 2018 10:28:17 AM

---

I support a non-discrimination ordinance for the town of Jackson. I am embarrassed the town doesn't already have one in place, you should be to. Let's get this done.

Thank you,

Steve

**From:** Thomas Grisell  
**To:** [Town Council](#)  
**Subject:** Ordinance  
**Date:** Monday, March 19, 2018 9:52:34 AM

---

"I support a non-discrimination ordinance for the Town of Jackson because, this town needs it.

**Thomas Grisell**  
**P.O. Box 2423**  
**Jackson, WY 83001**  
**(307) 200 1503**  
**828 305 6800**  
**Skype: tggrisell**





# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** March 14, 2017  
**MEETING DATE:** March 18, 2017

**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Audrey Cohen-Davis  
**PRESENTER:** Audrey Cohen-Davis

**SUBJECT:** Discussion Regarding Ombudsman Position or Program Regarding Residential Rental

### PURPOSE OF WORKSHOP ITEM

The purpose of this item is to provide Town Council additional information regarding a potential ombudsman position or program to assist with residential rental issues, and the potential assistance by and cooperation with the Teton County Access to Justice program ("TCATJ").

### DESIRED OUTCOME

The desired outcome is for staff to update Town Council on staff's research, to determine Council's policy preferences based on the research, and for Council to provide staff guidance on its policy goals and next steps, if any.

### BACKGROUND/ALTERNATIVES

At the December 18, 2017 Town Council Workshop, the Town Council discussed potential residential rental policy options, including reiterating state and/or federal nondiscrimination law regarding housing, whether to create a licensing program as an ordinance and enforce the local law within the Town through the Contested Case Rules (which is an administrative process). The Town Council also discussed requiring a business license for persons leasing one or more residential units, and/or creating an ombudsman position and cooperation with Access to Justice. This item was continued for additional discussion.

### Ombudsman Programs

A public sector ombudsman program is one that provides assistance to citizens for fair and equitable treatment under the law. By impartial and independent investigation of citizens' complaints, such programs provide an informal and accessible avenue of redress and assistance in resolving problems and grievances. The United States Ombudsman Association ("USOA") provides resources to all levels of government, including examples of "best practices" manuals, standards and handbooks for establishing a governmental ombudsman position or office. Some offices decide to operate within an organization and others contract with independent agencies. Most ombudsmen are appointed by a legislative body, but some are appointed by one executive (e.g. a Mayor).

In Wyoming, a few ombudsman programs exist on the state level. The Wyoming Long-Term Care Ombudsman Program falls under the Wyoming Department of Health to act on behalf of participants of long-term care services, and to advocate for adequacy of care received, quality of life, and preserve recipients independence, dignity, rights, autonomy and freedom of choice. They have regional ombudsmen located throughout the state pursuant to contracts with various provider agencies. By contracting out such services, conflicts of interest are less frequent. Their policy and procedures manual is a good resource. They also utilize Legal Aid of Wyoming to assist if necessary.

Another successful program in Wyoming is the Substance Abuse and Mental Health Ombudsman Program, which is formulated based upon the USOA standards. This program is funded by state and federal dollars. The top 3

objectives of this program are to 1) provide education and information on mental health, 2) advise and advocate for individual rights by investigating problems and grievances, and 3) formulate a network to coordinate efforts with other agencies. This program also identifies issues and problem areas in long-term care and recommends needed changes.

In terms of housing ombudsman programs specifically, the Arizona Department of Housing provides assistance with landlord/tenant issues, housing issues including housing discrimination, resources, education and a complaint resolution system. This program is set up on the state level, but could be utilized as a resource for structuring a local program, if directed.

Staff is unaware of any other municipal ombudsman programs in Wyoming but believes one can be structured at the local level in Jackson/Teton County. In order to do so, policy decisions will need to be made concerning the role of the ombudsman for residential rental housing and landlord/tenant issues. For example, the following decisions might be considered:

1. Whether the ombudsman should be an employee of the Town (part-time or full-time) or an independent contractor.
2. Whether the role of the ombudsman is to generally assist with community education and awareness of the residential rental housing rights and laws, and coordinate with other agencies concerned with such issues.
3. Whether the role of the ombudsman is to evaluate the facts of an individual matter and direct citizens to the right avenue of recourse (assist with setting up a mediation or point a citizen to TCATJ) and/or the proper venue for recourse (state or federal discrimination matter versus the state circuit or district court).
4. Whether the ombudsman is to be granted investigative powers, which may include subpoena power for records (further research on this is necessary to confirm its lawfulness in Wyoming) in order to assist in resolving problems and grievances between a landlord and a tenant.
5. Whether the ombudsman role will include documenting, and identifying issues and problems with residential rentals and landlord-tenant relationship, and recommend needed changes.

#### Access to Justice

TCATJ is a nonprofit organization (similar to Legal Aid) serving citizens in Teton County, and sometimes Lincoln and Sublette County. TCATJ is funded by Equal Justice Wyoming, private grants and generous donations of the Teton County community. TCATJ contracts with local attorneys to provide civil legal representation to individuals who financially qualify to receive free civil legal services (income cannot exceed 200% of federal poverty guidelines, and individual assets cannot exceed \$5,000). If an individual earns between 200% - 250% of the federal poverty level, he or she can contact the Wyoming State Bar and apply for its Modest Means Program. Individuals who do not qualify for either can obtain assistance from TCATJ to find attorneys willing to offer a reduced fee. TCATJ is located on Willow Street in the Teton County Bar Law Library (who leases space from Teton County).

TCATJ also has a civil litigation mediation program for free or at a low-cost for assistance in resolving civil disputes. Mediators are available by appointment and are licensed attorneys trained and experienced in mediation or trained and experienced non-attorneys. There is a \$75/hour mediator fee although for parties with income at or below 300% of the federal poverty level, 3 hours of mediation is free. Parties can appear without attorneys.

#### Additional information provided in the December 18, 2017 Staff report

1. Can the Town adopt Wyoming state residential rental law as ordinance(s) and enforce the law in the Town?

Yes. The Town can reiterate the state law as ordinance(s) and enforce it within the Town through the Contested Case Rules (an administrative process). This will require the creation of a separate Administrative Code for the Town.

- a. The following policy question remains outstanding: does Town Council want to adopt the existing state law or does Town Council *also want to augment* the substance of the law?
  - i. If Town Council adopts the state law as is, making no changes to the substance of the law, then the Town would take on enforcement duties (in contrast to augmenting the rights provided under the state law). Town Council has discussed this as a means of addressing tenants being unable to afford vindicating their rights under the state law, which requires tenants partake in a civil case in the state court system. By creating a municipal process under which the Town steps in to enforce the law, the cost of enforcement is no longer solely borne by the tenant or landlord. This will require an internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, and in-depth discussion regarding funding.
  - ii. If Town Council seeks to *both adopt state law and augment some of the law it adopts*, then the Town would *both* take on enforcement duties *and* actually change the rights provided under the law. In addition to addressing the affordability of tenants vindicating their rights, changing the substance of the law would change the laws applicable to renters and landlords within the Town. This will require the internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, the in-depth discussion regarding funding mentioned in subparagraph (i) above, as well as require the Legal Department to evaluate each substantive change in state law sought by Town Council to determine whether the change is a lawful one under the Wyoming Constitution, state statutes, and case precedent.

2. Can the Town adopt state and/or federal non-discrimination law regarding housing as ordinance(s) and enforce the law in the Town?

Yes. The Town can reiterate the state and/or federal law as ordinance(s) and enforce it within the Town through the Contested Case Rules (an administrative process). This will require the creation of a separate Administrative Code for the Town.

- a. The following policy question remains outstanding: does Town Council want to adopt the existing protected classes or expand the classes protected, specifically to include sexual orientation, gender identity and/or immigration status?
  - i. Currently, under both federal and Wyoming law it is impermissible to discriminate in the housing context based on race, color, religion, sex, disability, familial status, or national origin. Purely adopting this law locally would result in the Town taking on enforcement duties for this law and will require an internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, and in-depth discussion regarding funding.
  - ii. The Town may add other groups it seeks to protect in the housing context within its jurisdiction, which would result in *taking on enforcement duties and changing the law* that applies to renters and landlords in the Town. This will require the internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, the in-depth discussion regarding funding mentioned in subparagraph (i) above, as well as require the Legal Department to evaluate each substantive change in state law sought by Town Council to determine whether the change is a lawful one under the Wyoming Constitution, state statutes, and case precedent.

3. Can the Town adopt federal anti-retaliation law regarding housing as ordinance(s) and enforce the law in the Town?

Yes. The Town can reiterate the federal law as ordinance(s) and enforce it within the Town through the Contested Case Rules (an administrative process). This will require the creation of a separate Administrative Code for the Town.

- a. The following policy question remains outstanding: does Town Council want to adopt the existing anti-retaliation statute as is or does Town Council *also want to augment* the substance of the law?
- i. Currently, under federal law it is impermissible to interfere, coerce or intimidate a person exercising their rights to non-discrimination in the housing context – this is generally referred to as “anti-retaliation” law. Purely adopting this law locally would result in the Town taking on enforcement duties for this law and will require an internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, and in-depth discussion regarding funding.
  - ii. The Town may both *adopt the law and augment* the substance of this law within its jurisdiction. This would result in *taking on enforcement duties and changing the law* that applies to renters and landlords in the Town and doing so will require the internal staff capacity analysis, thorough evaluation of the resources necessary to successfully assume these additional legal and enforcement responsibilities, the in-depth discussion regarding funding mentioned in subparagraph (i) above, as well as require the Legal Department to evaluate each substantive change in state law sought by Town Council to determine whether the change is a lawful one under the Wyoming Constitution, state statutes, and case precedent

### **Decisions for the Town Council:**

#### **1) Does Town Council Want to Create a Licensing Program?**

- A. Town Council did not make a final decision on whether to amend the Jackson Municipal Code to require business licenses/permits for persons leasing one (1) or more units for residential purposes (it currently requires a business license for persons leasing three (3) or more units). In discussing this issue Town Council uniformly showed interest in exempting from any regulation “owner-occupied” units and requested staff develop a definition for an “owner-occupied” unit. A suggested definition of “owner-occupied” units are those wherein:
- i. The owners or a representative of the owners inhabit the parcel, whether in an attached or detached structure upon the same parcel as the rental unit, at minimum three months/six months/nine months of the year.
  - ii. Town Council Policy Options if it wishes to move forward with licensing:
    1. Should the owners have to be present or is a representative/caretaker acceptable?
    2. What percentage of the year should the owner (and/or representative) have to be present?
      - a. Staff did contact the Housing Department for some guidance and learned that Department defines “owner-occupied” as the owner living at the property for ten (10) months of the year.
    3. Should the presence be continuous or can an owner (and/or representative) inhabit the parcel intermittently such that cumulatively s/he are present for the minimum percentage of the year required?

2) **Does Town Council Want to Adopt Residential Rental Ordinances and, if so, which of the following?**

- A. **Wyoming state residential rental law via ordinance(s)** and enforce the law in the Town pursuant to its administrative process and Contested Case Rules.
  - i. Does Town Council want to adopt the existing state law?
  - ii. Does Town Council *also want to augment* the substance of the law?
- B. **Wyoming state and/or federal non-discrimination law regarding housing** as ordinance(s) and enforce the law in the Town via its administrative process and Contested Case Rules.
  - i. Does the Town Council want to adopt the law as is with the existing protected classes?
  - ii. Does the Town Council *also want to expand the classes* to add protected classes for sexual orientation, gender identity and/or immigration status?
- C. **Federal anti-retaliation law regarding housing** as ordinance(s) and enforce the law in the Town via its administrative process and Contested Case Rules.
  - i. Does the Town Council want to adopt existing anti-retaliation law?
  - ii. Does the Town Council *also want to augment* the substance of this law?

3) **Does the Town Council Want to Create an Ombudsman Program to Assist with Landlord/Tenant and residential rental housing disputes, and if so what is the desired role of the ombudsman and structure of such a program?**

- A. Does the Town Council want the ombudsman to be an employee of the Town (part-time or full-time) or an independent contractor?
- B. Does the Town Council want the ombudsman to generally assist with community education and awareness of the housing rights and laws, and coordinate with other agencies concerned with housing issues?
- C. Does the Town Council want the ombudsman to have the power to evaluate the facts of an individual matter and direct citizens to the right avenue of recourse, such as assisting to set up a mediation or point a citizen to TCATJ and/or the proper venue for recourse (i.e. state or federal court for a discrimination matter versus state circuit or district court for landlord/tenant issues)?
- D. Does the Town Council want the ombudsman to have investigative powers, which may include subpoena power for records (further research on this is necessary) in order to assist in resolving problems and grievances between a landlord and a tenant?
- E. Does the Town Council want the ombudsman role to include documenting, and identifying issues and problems with residential rentals and the landlord-tenant relationship, and recommend legal or regulatory changes for Council consideration?

[ALIGNMENT WITH TOWN COUNCIL'S STRATEGIC INTENT](#)

This item aligns with Town Council's intent to deliver quality services and facilities in a fiscally responsible and coordinated manner and to sustain Jackson's unique character and continue to be the primary location for jobs, housing, shopping, educational and cultural activities by ensuring safe, healthy housing options for residents.

[STAKEHOLDER ANALYSIS](#)

The public at large, renters and rental property owners are the stakeholders.

[FISCAL IMPACT](#)

The fiscal impact of this item varies depending on the ultimate policy decisions Town Council makes and, in particular, what new staff will be required for administrative, enforcement and/or prosecution duties. If Town

Council were to undertake enforcement of the state rental law, federal nondiscrimination law regarding housing, and federal anti-retaliation law regarding housing the fiscal impact would be significant, including the need to develop a new department within the Town to independently handle the investigations and administrative enforcement. This will likely require the creation of a separate Administrative Code for the Town.

At this time staff cannot provide a precise cost estimate but can do so with more specificity when Town Council's policy determinations are made.

The fiscal impact of passage of an ordinance varies between \$250.00 and \$700.00 depending on the length of the ordinance. (Shorter ordinances average around \$350.00 and short franchise ordinances can reach \$700.00.) They appear in the newspaper the Wednesday following Town Council's action on third reading (two (2) days later). Should Town Council make changes to the ordinance on third reading, the ordinance would need to be re-advertised in its final form.

### STAFF IMPACT

The initial staff impact of this item focused on the Legal Department's time researching the legal issues involved with the Town Council's policy choices, reworking the Contested Case Rules for a cleaner and clearer administrative process, drafting and revising the public information sheet, working with the Planning Department to ensure the Contested Case Rule revisions integrate into the existing Land Development Regulation enforcement procedures, and subsequently drafting ordinances & resolutions sought by Town Council.

Additional staff time has been spent researching ombudsman programs around the state and country and meeting with Access to Justice regarding programs and the potential for its assistance.

Depending on how the Town Council chooses to regulate in this area, for example requiring business licenses and/or adopting and enforcing the state law in the Town, then further staff impacts would need to be evaluated, including the Legal Department creating of a separate Administrative Code, as well as ongoing capacity impacts on the Town Building Department, the Finance Department, the Fire Inspector and the Legal Department.

Depending on the decisions of the Town Council, an additional Town department may also need to be formed to enforce the Administrative Code, necessitating a staff capacity discussion and the hiring of new enforcement staff.

The staff impact of passage of ordinances after second reading is notable in the Town Clerk's office and involves preparing the ordinance for advertising and sending to the newspaper, updating the Jackson Municipal Code online and in hard copy for those receiving hard copy versions of the code. The ordinance is also printed and signed and placed in the permanent record storage book in the vault and indexed and posted on the website. The ordinance is also prepared and sent to the newspaper for advertising

### LEGAL ISSUES

Legal review is ongoing.

### ATTACHMENTS

None.

### RECOMMENDATION

Staff has no recommendation at this time.

### SUGGESTED MOTION

I move to direct staff to: \_\_\_\_\_.

---

**From:** Aaron Linsdau  
**To:** [Town Council](#)  
**Subject:** Upcoming resolution with no comment allowed  
**Date:** Saturday, March 17, 2018 3:00:06 PM

---

Dear Mayor and Councilors:

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in lawsuits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law. Please uphold the constitution as you promised.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues. We like Jackson to stay as Jackson rather than becoming Seattle, NYC, or otherwise. Thank you. :)

Aaron Linsdau

**From:** Bob Wilson  
**To:** [Town Council](#)  
**Subject:** Please Oppose addition of Sexual Orientation/Gender Identity provisions at workshop 3/19/18  
**Date:** Friday, March 16, 2018 4:03:16 PM

---

Hello, Jackson Town Council.

I live in Cheyenne, but have friends in your city and have often visited there. I hope you will oppose addition of Sexual Orientation and Gender Identity provisions in the "Residential Rental Ombudsman/Program" and the "Non-Discrimination Ordinance", at your at workshop 3/19/18. It's true that Cheyenne adopted a resolution with compromise language a couple years ago, but when the organizers proposed an ordinance the following year, our Council set it aside in the face of widespread public opposition, and legal issues now pending at the US Supreme Court.

History has shown that once provisions like those proposed for Jackson are added to local government policies, ordinances and regulations, they are too often used to punish people just for expressing disagreement with gender identity ideology. It is apparent here in WY, and elsewhere, that activists' efforts don't stop with passing innocent-seeming resolutions. They seem to want to silence those who disagree with them, which is contrary to our American and Wyoming freedoms of speech and of conscience. Most of us just want to get along, but their paid organizers never seem to stop pressing for laws to punish those who fail to affirm or celebrate their ceremonies. Sadly, the oppressed have become particularly aggressive oppressors.

The Town of Jackson does not need to take on expensive bureaucratic costs & legal risks, when there are already ample Federal protections. The famous Masterpiece Cakeshop case is now before the US Supreme Court, and litigants have likely spent millions. Likewise, an activist on the WY Judicial Conduct & Ethic Commission used an innocent-seeming Sexual Orientation and Gender Identity provisions to persecute Pinedale Judge Ruth Neely all the way through the WY Supreme Court; there, most of the Commission's punishments were overturned, and the remaining minor censure has been appealed to the US Supreme Court.

Bob Wilson  
Cheyenne, WY



**From:** Bruce BK Kite  
**To:** [Bob Lenz](#)  
**Subject:** Unnecessary and Weaponized Language  
**Date:** Saturday, March 17, 2018 11:15:27 AM

---

*The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. The extra bureaucracy would be expensive and burdensome . The council would risk very large litigation expenses if it is challenged. I encourage you to vote against the addition of this language into the Jackson Municipal Code.*

BK  
951-570-2434

**From:** Bruce BK Kite  
**To:** [Pete Muldoon](#)  
**Subject:** Unnecessary and Weaponized Language  
**Date:** Saturday, March 17, 2018 11:14:48 AM

---

*The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. The extra bureaucracy would be expensive and burdensome . The council would risk very large litigation expenses if it is challenged. I encourage you to vote against the addition of this language into the Jackson Municipal Code.*

BK  
951-570-2434

**From:** Bruce BK Kite  
**To:** [Jim Stanford](#)  
**Subject:** Unnecessary and Weaponized Language  
**Date:** Saturday, March 17, 2018 11:14:20 AM

---

*The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. The extra bureaucracy would be expensive and burdensome . The council would risk very large litigation expenses if it is challenged. I encourage you to vote against the addition of this language into the Jackson Municipal Code.*

BK  
951-570-2434

**From:** Bruce BK Kite  
**To:** [Hailey Morton Levinson](#)  
**Subject:** Unnecessary and Weaponized Language  
**Date:** Saturday, March 17, 2018 11:13:41 AM

---

*The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. The extra bureaucracy would be expensive and burdensome . The council would risk very large litigation expenses if it is challenged. I encourage you to vote against the addition of this language into the Jackson Municipal Code.*

BK  
951-570-2434

**From:** Bruce BK Kite  
**To:** [Don Frank](#)  
**Subject:** Unnecessary and Weaponized Language  
**Date:** Saturday, March 17, 2018 11:12:46 AM

---

*The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. The extra bureaucracy would be expensive and burdensome . The council would risk very large litigation expenses if it is challenged. I encourage you to vote against the addition of this language into the Jackson Municipal Code.*

BK  
951-570-2434

**From:** Carrie Richins  
**To:** [Town Council](#)  
**Subject:** A Request  
**Date:** Sunday, March 18, 2018 7:59:08 PM

---

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.



Virus-free. [www.avast.com](http://www.avast.com)

**From:** Jack Richins  
**To:** [Town Council](#)  
**Subject:** Plea!  
**Date:** Friday, March 16, 2018 9:34:28 PM

---

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

Jack Richins

**From:** Jeannine Brown  
**To:** [Town Council](#)  
**Subject:** Anti-discrimination housing regulations/ombudsman  
**Date:** Sunday, March 18, 2018 8:32:52 PM

---

Mayor and Town Councilors,

As noted frequently in the proposal before the council, this measure is a reiteration of already existing Federal and State laws and there is no need for our town to assume the additional burden of enforcement and advocacy involved. All categories for potential discrimination are already addressed with the exception of illegal aliens (by definition, law-breaking individuals).

I am a property owner, but would lose my right to refuse a tenant whose illegal activity I cannot support or who engages in sexual activities which are against my beliefs as a Christian.

Please do not adopt the proposed regulations.

Jeannine M. Brown



**From:** JOHN W ORR  
**To:** [Town Council](#)  
**Subject:** SOGI Language  
**Date:** Saturday, March 17, 2018 3:59:08 PM

---

To the Mayor and Council Members of Jackson, Wyoming,  
The addition of the Sexual Orientation Gender Identity language to the “Residential Rental Ombudsman” and the “Non-Discrimination Ordinance” is unnecessary and an infringement on citizens' First Amendment rights. With the economic challenges around the state, the council would be unwise to risk very large litigation expenses if these provisions are challenged. Freedom of speech, thought and conscience should never be infringed in order to carve out a protected group for special consideration.

Mr. Mayor and Council Members, it is neither good nor right to pass resolutions or enact laws designed to sanction the exercise of conscience or to intimidate citizens and/or business owners who hold traditional, biblical or religious cultural views into silence. Instead of passing this resolution I urge you instead to support the broad and universal protections that are already in place for EVERYONE in your community, which include protections for ALL against unjust treatment. I encourage you to vote **against** the addition of this language into the Jackson Municipal Code.

Thank you,  
Tammie Orr

**From:** Lowell Kayser  
**To:** [Town Council](#)  
**Subject:** Ombudsman-Nondiscrimination  
**Date:** Sunday, March 18, 2018 8:40:12 PM

---

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

Sincerely,

Lowell and Patricia Kayser

**From:** Rev. David Bott  
**To:** [Town Council](#)  
**Subject:** Ombudsman and non-discrimination ordinance  
**Date:** Friday, March 16, 2018 12:39:09 PM

---

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

Pax Christi,  
Rev. David Bott  
Pastor, Redeemer Lutheran Church  
Jackson, WY &  
Christ Our Savior Lutheran Church  
Etna, WY

**From:** Rev. David Bott  
**To:** [Sandy Birdyshaw](#)  
**Cc:** [Town Council](#)  
**Subject:** Ombudsman and non-discrimination ordinances  
**Date:** Friday, March 16, 2018 12:24:25 PM

---

Dear Sandy,

Thank you for your time. Please receive this request and forward it to Mayor Muldoon. I request time to be allowed for public comment on the Ombudsman and Non-discrimination ordinance at the Town Council Workshop this coming Monday.

**Pax Christi,  
Rev. David Bott  
Pastor, Redeemer Lutheran Church  
Jackson, VT &  
Christ Our Savior Lutheran Church  
Etna, VT**

**From:** rondo biggs  
**To:** [Town Council](#)  
**Subject:** ombudsman effort  
**Date:** Sunday, March 18, 2018 7:58:56 PM

---

council@jacksonwy.gov

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that "national origin" is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

Sharon Biggs  
Missouri Synod Lutheran, mom and extremely concerned citizen for our freedoms

**From:** Roy D Post  
**To:** [Town Council](#)  
**Subject:** Fwd: Important action needed  
**Date:** Friday, March 16, 2018 5:00:13 PM

---

----- Original Message -----

**Subject:** Important action needed  
**From:** "Rev. David Bott" <redeemer@wyoming.com>  
**Sent:** 1:25pm, Friday, March 16, 2018  
**To:** "Rev. David Bott" <redeemer@wyoming.com>  
**CC:**

To the membership of the dual-point parish of Redeemer and Christ Our Savior Lutheran Churches, Lenten greetings in the Name of Jesus:

Every member of both parishes has a stake in this issue, even if you live outside of Jackson, or Teton County, or even Wyoming. If you have an attachment to Redeemer Lutheran Church or her pastor, you are involved.

The town council of Jackson, this coming Monday will be discussing the addition of more protected classes of people to include Lesbian, Gay, Bi-sexual, Transgender (LGBT), and Illegal immigrants. (The last category will officially make Jackson a "Sanctuary City".) They will also be wanting to take over the enforcement of state and federal laws governing fair housing laws. This will be very expensive to the town residents. If these measures pass, your First Amendment protection of the "free exercise" of your religion will be effectively removed. If the churches do not help promote the homosexual agenda and sanctuary city benefits, they will be in violation of these ordinances, if passed.

What can you do? In a break from the norm, the mayor will not be allowing verbal public comment. But we can write emails and send them. Please do so! Below my signature is the note I sent them with their email address. Even if you just cut and paste (and sign your name), please take this action.

**Pax Christi,**

**Rev. David Bott**

**Pastor, Redeemer Lutheran Church**

**Jackson, WY &**

**Christ Our Savior Lutheran Church**

Etna, MD

[council@jacksonwy.gov](mailto:council@jacksonwy.gov)

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more than sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

**From:** Vicky Bott  
**To:** [Town Council](#)  
**Subject:** RE: First Amendment Protection  
**Date:** Friday, March 16, 2018 2:14:32 PM

---

Mayor and Councilors,

I am writing to you to encourage you to not create an ombudsman position for residential rentals. Most especially, please do not add to or change the state and federal fair housing law. This is unnecessary and will prove extremely expensive for the town, just in law suits alone. The funds spent will be better used to provide raises for our existing Town workers. The ombudsman effort as well as the non-discrimination ordinance (also completely unnecessary) tramples the First Amendment rights of Bible believing Christians, Orthodox Jews, and Muslims since it will punish them if they do not violate their beliefs.

Adding immigrants is superfluous due to the fact that “national origin” is already covered in the state and federal housing law. Adding illegal immigrants is against the law.

There is already a resolution rejecting discrimination. That has proven to be more that sufficient, because there is no demonstrable discrimination occurring.

Please do not vote for or take any other action to forward these issues.

Regards,

Victoria E Bott  
Redeemer Lutheran Church  
Jackson, WY 83001





# TOWN COUNCIL

## WORKSHOP AGENDA DOCUMENTATION

**PREPARATION DATE:** March 8, 2018  
**MEETING DATE:** March 19<sup>th</sup>, 2018

**SUBMITTING DEPARTMENT:** Police Department  
**DEPARTMENT DIRECTOR:** Chief Todd Smith

**SUBJECT:** Ground transportation regulation updates related to operators of a taxi service and UBER and/or LYFT company

### PURPOSE OF WORKSHOP ITEM

A discussion for Council's consideration of directing staff to draft proposed changes to Chapter 5.50 of the Jackson Municipal Code (ground transportation) to address compliance issues by companies operating both as TOJ regulated ground transportation businesses, as well as, UBER and LYFT businesses.

### DESIRED OUTCOME

To determine if Council prefers to:

- Amend portions of Chapter 5.50 of the Jackson Municipal Code to address non-compliance issues with ground transportation companies operating as UBER and LYFT companies as regulated by Chapter 5.50.
- Repeal all portions of Chapter 5.50 of the municipal code to no longer regulate ground transportation companies, drivers, and vehicles.
- Make no changes to Chapter 5.50 of the municipal code.

### BACKGROUND/ALTERNATIVES

During the 2017 legislative session House Bill 0080, otherwise known as the "UBER Law" was proposed and ultimately passed both the Wyoming House of Representatives and the Wyoming Senate and became law effective July 1, 2017. The new law resides in Chapter 31 of the Wyoming State Statutes in Subsections 31-20-101 through 31-20-111.

In essence, the new law allows for the formation of a "transportation network company", wherein "pre-arranged rides" may be made using a "digital network system". The new law specifically forbids local government entities from regulating "transportation network companies" and makes such companies exempt from many of the state requirements that are in place to regulate taxi, limousines etc. However, the new law goes to great lengths to clarify that a "transportation network company" is NOT a taxi or limousine, but rather something specific and unique from other ground transportation companies.

It is important to note that there is nothing in the "UBER law" that intends to prevent local authorities from regulating taxi's and limousines (aka executive) vehicles. The "UBER law" only defines a "transportation network company" and exempts them from being regulated by local authorities.

With that being said, the Town of Jackson (TOJ) has rather robust ground transportation ordinances found in Chapter 5.50 of the Jackson Municipal Code. The TOJ currently regulates both taxi's and limousines, and requires any 15-passenger (or less) vehicle transporting passengers that is registered with the

Department of Transportation (DOT) to show proof of their DOT registration allowing them to be exempt from TOJ ground transportation ordinances.

Within the TOJ ground transportation ordinances there are three separate areas of regulation: 1) Ground transportation business licensing, 2) Operator Permits, and 3) Vehicle registration and safety permits.

The TOJ Finance Department is responsible for the processing of ground transportation business licenses. The Jackson Police Department (JPD) is responsible for processing operator permits, as well as vehicle registration and safety permits.

Current TOJ regulations require a “taxi” to have displayed specific decals designating the vehicle as a “taxi”, a specific TOJ authorization to operate number, and a taxi light on the top of the vehicle that is permanently affixed and illuminated when in service. It is important that ground transportation vehicles be clearly defined as either a “taxi” or a limousine (executive) for purposes of insurance and enforcement of certain portions of the ground transportation ordinance.

### THE CURRENT ISSUE

Since the implementation of the “UBER law” many TOJ registered ground transportation businesses have opted to operate as both a TOJ ground transportation business and, as either an UBER, or LYFT vehicle. It should be noted that upon initial legal review in March 2017 by the Town Attorney’s office it was known that there would be potential conflicts of interest with companies operating as both types of companies; however, the extent of problems created was not predictable and it was assumed that amendments to the ground transportation ordinance may become necessary.

It has become common place that the JPD will encounter a TOJ registered ground transportation vehicle that is contacted by law enforcement for a violation. The violations can vary, but generally something leads the officer to contact the TOJ ground transportation vehicle. Upon contact the officer will request to see the operator’s permit to drive the vehicle or possibly inquire about an expired ground transportation permit, insurance, etc. Often the driver will claim that they are operating as an UBER or LYFT company at the time, thus making them exempt from regulation. The obvious problem occurs when there is no clear distinction to which mode the vehicle is operating, TOJ ground transportation vehicle (taxi/limousine), or transportation network company (UBER/LYFT).

Additionally, there are companies springing up that profess to be a transportation network company with no affiliation to UBER or LYFT, but rather are independent contractors. They make the assertion that their “digital network” is either a digital cell phone or email account arranging rides, but appear to have no oversight, background checks, etc. being applied.

This blurring of the lines during operation prevents the JPD from achieving effective compliance from TOJ ground transportation companies when a violation is encountered.

### HISTORY

The TOJ ground transportation ordinance was created in 2009 in response to regular (and growing) complaints that the TOJ would receive about the ground transportation industry over-charging riders, unsafe vehicles being operated, unsafe/ unlicensed drivers operating vehicles, unsanitary conditions in vehicles etc.

Since the implementation of the TOJ ground transportation ordinance, the industry has greatly improved for the consumer. It could be argued that Jackson has the best ground transportation industry in the State

of Wyoming with the safest vehicles, and safest and most professional drivers behind the wheel. This is a result of strict regulation that demands that vehicles be safe for operation through annual inspection and that drivers undergo background checks to ensure they have a track record of safety.

### LOOKING FORWARD

If the JPD is to continue to be effective at regulating ground transportation companies, the TOJ ground transportation ordinance 5.50 must evolve to address complications created by the transportation network company (UBER law) legislation. Specifically, the TOJ ordinance needs to prohibit the use of TOJ registered taxis or limousines from being operated as a dual-purpose transportation network vehicles. Without this update the ability for the JPD to properly regulate these vehicles is greatly diminished and the Town Council should consider a total repeal of the Chapter 5.50, which the police department does not believe is in the best interest of the public.

### ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

The updating of the ground transportation ordinance would ensure that the Council's strategic intent of providing for the safety and the welfare of the community is met in regards to ground transportation.

### STAKEHOLDER ANALYSIS

Description of the following:

- Stake holders include the JPD, ground transportation companies, and the public at large.
- Current ground transportation companies in the area should be encouraged to provide public comment in the development of changes to the ordinance.

### FISCAL IMPACT

There would be no fiscal impact in updating the ordinance. However, elimination of the TOJ ground transportation ordinances all together would eliminate revenue currently collected for operator permits and vehicle permits.

### STAFF IMPACT

If the Council opted to amend the ground transportation ordinance it would require staff time from both the Town Attorney's office and the Jackson Police Department.

### LEGAL ISSUES

Complete.

### ATTACHMENTS

Wyoming Statute:

**CHAPTER 20  
TRANSPORTATION NETWORK COMPANIES**

**31-20-101. Definitions.**

(a) As used in this chapter:

(i) "Digital network" means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with a driver;

(ii) "Driver" means an individual operator of a transportation network company vehicle who:

(A) Receives connection to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(B) Uses a transportation network company vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation.

(iii) "Prearranged ride" means the provision of transportation by a driver to a rider:

(A) Beginning when a driver accepts a rider's request for a ride through a digital network controlled by a transportation network company;

(B) Continuing while the driver transports the requesting rider; and

(C) Ending when the rider exits the transportation network company vehicle.

(iv) "Rider" means a natural person who uses a transportation network company's digital network to connect with a driver who provides prearranged rides in a transportation network company vehicle between locations chosen by the natural person;

(v) "Transportation network company" means a corporation, partnership, sole proprietorship or other entity which operates pursuant to this chapter and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract;

(vi) "Transportation network company vehicle" means a vehicle that is:

(A) Used by a driver to provide a prearranged ride; and

(B) Owned, leased or otherwise authorized for use by the driver.

### **31-20-102. Agent.**

A transportation network company shall maintain a registered agent for service of process in Wyoming pursuant to W.S. 17-28-101.

### **31-20-103. Fare collected for services.**

On behalf of a driver, a transportation network company may charge a fare for the services provided to riders, provided that if a fare is collected from a rider, the transportation network company shall disclose to the rider the fare or fare calculation method on its digital network. The transportation network company shall provide a rider with the applicable rate being charged

for a prearranged ride and the option to receive an estimated fare before the rider enters the transportation network company vehicle.

**31-20-104. Identification of transportation network company vehicles and drivers.**

A transportation network company's digital network shall display a picture of the driver and the license plate number of the transportation network company vehicle used to provide the prearranged ride prior to a rider entering a transportation network company vehicle.

**31-20-105. Electronic receipt.**

Within four (4) hours following the completion of a prearranged ride, a transportation network company shall transmit an electronic receipt to the rider on behalf of the driver that provides a record of the origin and destination of the prearranged ride, the total time and distance of the prearranged ride and an itemization of the total fare paid, if any.

**31-20-106. Driver requirements.**

(a) Before a transportation network company may allow an individual to act as a driver, the transportation network company shall:

(i) Require the individual to submit to the transportation network company an application that includes all of the following:

(A) The individual's name, mailing address and age;

(B) A photocopy of the individual's driver's license;

(C) A photocopy of the registration for the transportation network company vehicle that the individual will use to provide prearranged rides;

(D) Proof of financial responsibility for the transportation network company vehicle that the individual will use to provide prearranged rides;

(E) Any other information required by the transportation network company.

(ii) Conduct, or cause a third party to conduct, the following:

(A) A local and national criminal background check on the individual that shall include review of a multistate or multijurisdiction criminal records locator or other similar commercial nationwide database with primary source search validation;

(B) A search of the United States department of justice's national public sex offender website for the individual; and

(C) A search of the individual's driving history pursuant to W.S. 31-7-309(a).

**31-20-107. Financial responsibilities of transportation network companies and drivers.**

(a) A driver, or a transportation network company on the driver's behalf, shall maintain a motor vehicle liability policy that recognizes the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and covers the driver:

(i) While the driver is available to receive requests for prearranged rides; and

(ii) While the driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements shall apply while a participating driver is available to receive requests for prearranged rides but is not engaged in a prearranged ride:

(i) Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) for death and bodily injury per person, one hundred thousand dollars (\$100,000.00) for death and bodily injury per incident and twenty-five thousand dollars (\$25,000.00) for property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(c) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) Primary automobile liability insurance that provides at least one million dollars (\$1,000,000.00) for death, bodily injury and property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(d) The requirements of subsections (b) and (c) of this section may be satisfied by a motor vehicle liability policy or bond maintained by the driver, the transportation network company or through a combination of the driver and the transportation network company.

(e) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to deny a claim.

(f) If any insurance maintained by a driver pursuant to subsection (b) or (c) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and the transportation network company's insurer shall have the duty to defend such claim.

(g) The insurance requirements of this section may be satisfied by insurance placed with an insurer authorized as required under W.S. 26-3-101 or with an eligible surplus lines insurer as defined in W.S. 26-11-107 that has a credit rating of no less than "A-" from A.M. Best or similar rating from another rating agency recognized by the department of insurance.

(h) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement of a motor vehicle under the Motor Vehicle Safety-Responsibility Act.

(j) A driver shall carry digital or physical proof of coverage satisfying the requirements of subsections (b) and (c) of this section with the driver at all times while operating a transportation network company vehicle. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers upon request. Upon such request, a driver shall also disclose to directly interested parties, automobile insurers and investigating police officers whether the driver was available to receive a request for a prearranged ride or engaged in a prearranged ride at the time of the accident.

(k) In a claims coverage investigation, a transportation network company shall immediately provide upon request by directly involved parties or, if applicable, any insurer of the driver, the precise times that a driver was available to receive a request for a prearranged ride in the twelve (12) hour period immediately preceding and in the twelve (12) hour period immediately following the accident. Insurers providing coverage under this section shall disclose upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions and limits provided under any automobile insurance maintained in order to satisfy the requirements of this section.

**31-20-108. Automobile insurance provisions.**

(a) Insurers that write automobile insurance in Wyoming may exclude any and all coverage afforded under the policy issued to an owner or operator of a transportation network company vehicle for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver is engaged in a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including any of the following:

- (i) Liability coverage for bodily injury and property damage;
- (ii) Uninsured and underinsured motorist coverage;
- (iii) Medical payments coverage;
- (iv) Comprehensive coverage;
- (v) Collision coverage.

(b) Subsection (a) of this section shall apply notwithstanding any requirement under W.S. 31-9-405. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while a driver is available to receive a request for a prearranged ride, while the driver is engaged in a prearranged ride or while the driver otherwise uses a transportation network company vehicle to transport riders for compensation.

(c) Nothing in this section shall be construed as to require an insurer to use any particular policy language or reference to this section in

order to exclude any and all coverage for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver provides a prearranged ride.

(d) Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the driver's transportation network company vehicle, if it chooses to do so by contract or endorsement.

(e) Automobile insurers that exclude the coverage described in W.S. 31-20-107 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this chapter shall be deemed to invalidate or limit an exclusion contained in a policy including any policy in use in Wyoming prior to the enactment of this chapter that excludes coverage for vehicles used to carry persons or property for a charge or which are available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of W.S. 31-20-107.

### **31-20-109. Required disclosures.**

(a) A transportation network company shall disclose in writing to a driver before the driver is allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(i) Any insurance or bond coverage, including the types of coverage and the limits for each coverage, the transportation network company provides to the driver when the driver uses a transportation network company vehicle to provide services in connection with the transportation network company's digital network;

(ii) That the driver's own automobile insurance policy might not provide any coverage while the driver is available to receive a request for a prearranged ride or is engaged in a prearranged ride; and

(iii) That if the vehicle to be used to provide a prearranged ride has a lien against it, the driver has a duty to notify the lienholder that the driver will use the vehicle for transportation services that may violate the terms of a contract with the lienholder. The driver shall disclose to the lienholder all insurance coverage information provided to the driver by the transportation network company pursuant to this section and the driver shall maintain proof that notice has been sent to the lienholder.

### **31-20-110. Transportation network company and driver exclusions.**

(a) A driver shall be an independent contractor, not subject to the Wyoming Worker's Compensation Act and not an employee of a transportation network company if:

(i) The transportation network company does not unilaterally prescribe the hours during which a driver must be available to receive requests for prearranged rides;



(ii) The transportation network company imposes no restrictions on the driver's ability to use digital networks of other transportation network companies to provide prearranged rides;

(iii) The transportation network company does not restrict a driver from engaging in commercial activities unrelated to providing prearranged rides; and

(iv) The transportation network company and driver agree in writing that the driver is an independent contractor with respect to the transportation network company.

(b) A transportation network company shall not be deemed to control, direct or manage the transportation network company vehicles or drivers that connect to its digital network, except when agreed to by written contact. Notwithstanding any other provision of law a transportation network company or a driver shall not be deemed a commercial vehicle operator, a common carrier, a contract carrier, a motor carrier or a motor club.

(c) A transportation network company vehicle is not a taxicab, limousine, for hire vehicle or any public transportation conveyance. A driver shall not be required to register the vehicle the driver uses to provide prearranged rides as a commercial vehicle or a public transportation business.

(d) A prearranged ride does not include transportation provided using taxicab, limousine, for hire vehicle or commercial vehicle pursuant to this title. A prearranged ride does not include a shared expense carpool, or any other type of arrangement or service in which the driver receives a fee that does not exceed the driver's costs associated with providing the ride.

(e) Nothing in this chapter limits the ability of a public airport or its governing body to enter into an operating agreement with a transportation network company providing access to that public airport. A public airport with more than ninety thousand (90,000) annual enplanements in the previous calendar year, as reported by the federal aviation administration, may require an operating agreement regarding entry, pick-up and drop-off with a transportation network company providing access to that public airport.

(f) Neither a transportation network company nor a driver shall include services performed:

(i) In the employ of a state, or any political subdivision of the state, or in the employ of an Indian tribe or any instrumentality of a state, any political subdivision of a state or any Indian tribe that is wholly owned by one (1) or more states or political subdivisions or Indian tribes, provided that the service is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 and 3306(c)(7);

(ii) In the employ of a religious, charitable, educational or other organization that is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 through 3311, solely by reason of 26 U.S.C. § 3306(c)(8).

**31-20-111. Controlling authority.**

Notwithstanding any other provision of law, transportation network companies and drivers in this state are governed exclusively by this chapter and any laws consistent with this chapter including W.S. 39-15-103(a)(i)(D) and 39-15-106(k). Except as provided by this section, no municipality or other local or state entity may impose a tax on, or require a license for a transportation network company or driver or a vehicle used by a driver where such tax or licenses relate to facilitating or providing prearranged rides or subject a municipality's or other state or local entity's rate, entry, operational or other requirements that are inconsistent with, are more restrictive than or exceed the requirements of this chapter.

### RECOMMENDATION

Both the Jackson Police Department and the Town Attorney's office recommends directing staff to make recommended changes to Chapter 5.50 of the Jackson Municipal Code to address enforcement and compliance issues with the ground transportation laws.

### SUGGESTED MOTION

I move to direct staff to bring forward recommended changes to Chapter 5.50 of the Town of Jackson Municipal code to address conflicts created by Wyoming Statute 31-20-101 through 31-20-111.

---

A discussion to consider Council to direct staff to draft proposed changes to chapter 5.50 of the city ordinance (ground transportation) to address compliance issues by companies operating both as TOJ regulated ground transportation businesses as well as UBER and LYFT businesses.

#### Fiscal Impact:

Costs would be associated with staff time to research possible changes to chapter 5.50 of the TOJ ordinance.