



## **Rules and Procedures**

### **TOWN COUNCIL Of Town of Jackson, Wyoming**

Updated March 18, 2024

Pursuant to W.S. § 15-1-106 the governing body shall determine the rules for the conduct of its proceedings.

Effective March 18, 2024

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## **CHAPTER ONE**

### **GENERAL PROVISIONS**

#### **Section I. Adoption of Robert's Rules of Order.**

The Town has adopted "Robert's Rules of Order" as its guideline for parliamentary procedure. The rules of parliamentary procedure should be adhered to whenever possible for the proper and orderly conduct of Town Council meetings. Where there is a conflict in procedure between that set forth in the Wyoming Statutes for Municipal Ordinances and that contained in "Robert's Rules of Order", the procedures established by law take precedence.

#### **Section II. Suspension of Rules.**

The Town Council has the right to suspend such rules as it has the power to adopt, including any rules contained in "Robert's Rules of Order." When the Town Council acts in violation of such rules as it has the authority to suspend, the rules are deemed suspended thereby and its actions are not invalidated by failure to comply with such rules.

#### **Section III. Precedence of Rules.**

The following is a compilation of both applicable parliamentary laws and those parliamentary rules and procedures that have been adopted by this Town Council. Any rules herein, in conflict with "Robert's Rules of Order," shall take precedence and shall be considered as amendments to said "Robert's Rules of Order."

## CHAPTER TWO

### RULES AND PROCEDURES

#### **Section I. Types of Meetings.**

Town Council meetings shall be conducted in person unless the Mayor or a majority of the Town Council determines the meeting shall be held virtually due to safety or security reasons. A majority of Council may overturn the decision of the Mayor to hold the meeting virtually. Town Council meetings may be of the following kinds:

- A. "Regular meetings" are set by resolution and pursuant to Wyo. Stat. Ann. § 16-4-404(a).
- B. "Special meetings" may be called as provided by ordinance and pursuant to Wyo. Stat. Ann. § 16-4-404(b) and § 15-1-105. Regular meetings that are rescheduled are special meetings. Regular meetings that begin earlier or later than the time set by resolution are special meetings. Special meetings may be called by the Mayor or by a majority of the Town Council.
  - 1. Mayoral Determination. When the Mayor sets a special meeting, the Town Clerk shall inform all members of the Town Council of the details of the meeting and shall proceed with public notification, Town staff notification, and agenda preparation.
  - 2. Majority of the Town Council Determination. When a majority of the Town Council agrees to set a special meeting, the Town Clerk shall proceed with Council notification, public notification, staff notification, and agenda preparation.
  - 3. Town Staff Request. When the Town Manager, or their designee, desires a special meeting, they shall contact the Town Clerk. The Town Clerk shall contact the Mayor to obtain authorization for that meeting. The Town Clerk shall then inform all members of the Town Council of the meeting and shall proceed with public notification, Town staff notification, and agenda preparation.
- C. "Executive sessions" may be called as provided by ordinance and pursuant to Wyo. Stat. Ann. § 16-4-405.
- D. "Emergency meetings" may be called pursuant to Wyo. Stat. Ann. § 16-4-404(d).

#### **Section II. Notice of Meetings.**

No notice of regular meetings is required. Action may be taken on matters before the Town Council at a regular meeting regardless of prior listing on the agenda, unless the matter requires advance notice as per the Jackson Municipal Code or Wyoming Statutes. Noticing is required for special meetings as set forth in Wyo. Stat. Ann. § 16-4-404(b). The notice for special meetings shall state the business to be transacted. No other business may be considered at a special meeting.

### **Section III. Quorum.**

A majority of the Town Council is sufficient to conduct business, and motions may be passed 2-1 if only three (3) Councilmembers are present, but ordinances, resolutions granting franchises or licenses and motions concerning the payment of money require at least three (3) affirmative votes. Except for meetings designated as virtual by the Mayor or a majority of the Town Council, Town Council members shall attend meetings in person with the following exceptions:

- A. Town Council members may virtually participate, vote, and be counted for purposes of the quorum for no more than three (3) meetings in a one (1) year period, whether regular, special, or emergency meetings without the approval of the Mayor.
- B. The ability for a Councilmember to virtually participate, vote, and be counted in the quorum of the Council beyond the three (3) occurrences in the (1) year period shall be allowed only with the approval of the Mayor for each individual meeting where such a request is made. The ability for staff members to participate virtually shall be allowed only with the approval of the Town Manager for each individual meeting where such a request is made.

A member who recuses themselves from discussion and action on a particular item shall do so by stepping down from the Council desk, leaving the Council Chambers, or turning off their video during a virtual meeting, and, once they do so, is no longer counted towards a quorum being present.

The following reasons for a Councilmember or Mayoral absence(s) are considered excused, however any excusal shall be determined by a majority of Council pursuant to Wyo. Stat. Ann. § 15-1-107, as amended:

- For the birth and care of the newborn child of a Councilmember or the Mayor, or a family member thereof; or
- For placement with a Councilmember or the Mayor of a child for adoption or foster care; or
- To care for a Councilmember's or the Mayor's family member with a serious health condition; or
- To take medical leave when a Councilmember or the Mayor is unable to participate because of a serious health condition; or
- For a bereavement period related to the death of a family member; or
- The acceptance of a commission to any military office or the enlistment in or induction into the military service of the United States which may require an incumbent in an elective office to exercise military duties within or without the state for any period of time within the term for which such person has been elected or appointed; or
- The attendance, under military orders, at Reserve or National Guard monthly drill sessions or required training camps.

### **Section IV. Conduct of Regular Meetings Held at 6:00 PM Pursuant to Resolution.**

- A. The Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, shall act as chairperson at all meetings. In the absence of the Mayor and the Mayor Pro Tempore, the acting Mayor Pro Tempore shall act as chairperson at all meetings.

- B. The powers and duties of the Mayor include moving, seconding, debating, and voting from the Chair.
- C. The Mayor shall introduce each item on the agenda, ask for a staff presentation (if applicable), ask for applicant presentation (if applicable), ask for a motion on the matter, take public comment (as appropriate), preside over Council discussion, and call for a vote on the item. Below is the schedule for the 6:00PM regular meeting. Such schedule may be altered by the Mayor.
  - 1. Consent Calendar Item
    - a. Mayor reads the title of each item on the consent calendar.
    - b. Mayor asks if any Councilmember would like to withdraw any items from the consent calendar.
    - c. Councilmembers state items to be withdrawn, if any.
    - d. Mayor asks for a motion to approve all items on the consent calendar that were not withdrawn.
    - e. Motion made and seconded to approve all items on the consent calendar that were not withdrawn.
    - f. Mayor asks for public comment on all items on the consent calendar that were not withdrawn.
    - g. Vote on all items on the consent calendar that were not withdrawn.
    - h. Withdrawn items are introduced, discussed, moved, publicly commented on, and voted on one at a time.
  - 2. Public Hearing, Discussion and/or Action Item
    - a. Mayor opens a public hearing on agenda item and/or reads the title thereof.
    - b. Presentation by staff.
    - c. Town Council questions of staff.
    - d. Presentation by applicant.
    - e. Town Council questions of applicant.
    - f. Mayor asks for public comment.
    - g. Motion made and seconded regarding the item.
    - h. Town Council discussion of the item.
    - i. Mayor calls for the vote.
  - 3. Resolution
    - a. Agenda Item is read by Mayor.
    - b. Town Council questions of staff.
    - c. Public comment.
    - d. Motion made and seconded regarding the item.
    - e. Town Council discussion.
    - f. Mayor calls for the vote.
  - 4. Ordinance
    - a. Motion to read all ordinances by short title
    - b. Ordinances read by Town Attorney either individually or all consecutively

- c. Town Council questions of staff
  - d. Public comment
  - e. Motion and Second to Approve
  - f. Town Council discussion
  - g. Mayor calls for the vote
- D. At their discretion, the Mayor may allow additional Town Council questions of staff, Town Council questions of the applicant, and/or public comment at any time they deem appropriate.
- E. The Chief of Police, or their designee, shall serve as Sergeant-at-Arms to preserve order in the Chambers during in-person meetings.

#### **Section V. Conduct of Other Regular or Special Meetings.**

The conduct and order of business of regular or special meetings other than those regular meetings held at 6:00 PM shall be determined by the Town Clerk with input from the Mayor, Town Manager, or their designees.

#### **Section VI. Mayor Pro Tempore and acting Mayor Pro Tempore.**

The Mayor shall appoint a Mayor Pro Tempore and acting Mayor Pro Tempore pursuant to Section 2.02.024 of the Jackson Municipal Code.

#### **Section VII. Rules of Debate.**

- A. In obtaining the floor, every Councilmember shall first address the Mayor, gain recognition by the Mayor, and shall confine themselves to the question under debate.
- B. Staff members, after recognition by the Mayor, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- C. No Councilmember shall speak more than once upon any particular item until every other Councilmember desiring to speak upon the item has spoken. No Councilmember shall speak longer than five (5) minutes the first time, or three (3) minutes the second or subsequent times, on any one particular item, except by majority vote of the Town Council. No Councilmember shall speak more than three (3) times on the item without the express consent of the Mayor.

#### **Section VIII. Addressing the Town Council.**

- A. Each person desiring to address the Town Council either under the public comment section or under the public comment period for a particular item shall, whether via a virtual platform or the lectern in-person, state their full name for the record; state the subject they wish to discuss; state whom they represent, if they represent an organization or other person(s); and, unless further time is granted by the Mayor or by majority vote of the Town Council, limit their remarks to three (3) minutes.

- B. Public comment made by phone, video, or any other form of electronic communication, in a non-virtual meeting shall be allowed as approved in advance of the meeting by the Mayor. Applicant or consultant presentations and interviews for advisory or joint powers boards may be virtual as approved in advance of the meeting by the Mayor or Town Manager.
- C. All remarks shall be addressed to the Town Council as a body and not to any individual member thereof.
- D. No question shall be asked of a Councilmember or a member of the staff without the permission of the Mayor. After permission of the Mayor, a question may be asked, but neither staff nor the Councilmember to whom the question is directed shall answer the question during the public comment period.
- E. In order to expedite matters and avoid repetitious presentations, whenever any group of persons wishes to address the Town Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Town Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Town Council.

#### **Section IX. Rules of Decorum.**

- A. Decorum. Town Council proceedings shall be conducted in an orderly manner to ensure the public has a full opportunity to be heard and the deliberative process of the Town Council is always retained. The Mayor shall be responsible for maintaining the order and decorum of proceedings.
- B. Rules of Decorum. While any proceeding of the Town Council is in session, the following rules of order and decorum shall be observed.
  - 1. Councilmembers. Councilmembers must preserve order and decorum. Councilmembers shall not, by conversation or otherwise, delay, disrupt, impede, or interrupt the order of the Town Council proceedings, interrupt any other Councilmember while speaking, or refuse to obey the orders of the Mayor.
  - 2. Staff Members. Staff shall observe the same rules of order and decorum that are applicable to Councilmembers.
  - 3. Persons Addressing Town Council. Persons addressing the Town Council in person or virtually shall not engage in conduct that disrupts or impedes the proceedings of the Town Council.
  - 4. Audience Members. Persons in the audience attending Town Council proceedings in person or virtually shall not engage in conduct that disrupts or impedes the proceedings of the Town Council.



C. Enforcement of Decorum. These rules of decorum set forth above shall be enforced in the following manner:

1. Removal. The Mayor may remove or cause the removal of, the person or persons disrupting or impeding Town Council Proceedings. If such person or persons do not remove themselves, the Mayor may order the law enforcement officer serving as the sergeant-at-arms of the Town Council, or an appropriate Town staff member managing the virtual proceedings, to remove that person or persons from the Town Council proceedings.
2. Warning. Prior to removing a person or persons from Town Council proceedings, the Mayor shall warn the person or persons that their behavior is disrupting or impeding the proceedings and their failure to cease their behavior may result in their removal. If, after receiving the warning, the person or persons persist in disrupting or impeding the meeting, the Mayor may then remove the person or persons from the Town Council proceedings.
3. Sergeant-At-Arms. Any law enforcement officer who is serving as sergeant-at-arms of the Town Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at Town Council proceedings. Upon instruction from the Mayor it shall be the duty of the sergeant-at-arms to remove from Town Council proceedings any person or persons disrupting the proceedings.

#### **Section X. Motions.**

- A. When a motion is made and seconded, it may be stated by the Mayor or the Town Clerk before a vote on said motion is taken. Any Councilmember may ask that a motion be restated or displayed on screen prior to voting. Restatement of the motion may be by the Mayor or delegated to any Councilmember or staff member.
- B. A motion shall not be withdrawn by the mover without the consent of the seconder.
- C. If the question contains two or more divisible propositions, the Mayor may, and upon the request of a Councilmember shall, divide the same.
- D. No motion is before the Town Council until it has been seconded.
- E. When a motion is before the Town Council, no other motion shall be entertained except:
  1. To adjourn.
  2. To fix the hour of adjournment.
  3. To lay on the table (postpone indefinitely).
  4. For the previous question (to vote immediately).
  5. To table to a certain day.
  6. To refer (to a committee or a member of staff for report).

7. To amend or to substitute another motion.
8. To refer to the Town Manager for placement on a future meeting agenda.

These motions have precedence in the order indicated. The first four (4) motions are not debatable, though it is always permissible to raise a point of order on the proper use of any motion and it is also permissible to appeal the point of order. Once an item of business has been disposed of, it is not available for further debate except upon a motion and majority vote to reconsider pursuant to subsection G hereof.

- F. Friendly Amendments. A Councilmember may offer a friendly amendment to a motion that has already been made and seconded. If the motion maker and the second accept the request for the friendly amendment, the motion is thereby deemed amended and, when the Mayor calls for the vote, the vote is on the motion as amended.
- G. Reconsideration. A Councilmember may make a motion to reconsider the vote on a particular item to permit correction of hasty, ill-advised, or erroneous action; or to take into account added information; or to address a changed situation that has developed since the taking of the vote. Because of the investment made by members of the public to attend specific Council meetings to hear entire presentations and debate, to make public comments, and hear the vote on a particular item, motions to reconsider are strongly discouraged.
  1. A motion to reconsider shall occur either at the same meeting where the original vote was taken, or at the next regular or special meeting prior to the approval of the minutes of the meeting during which the original vote was taken.
  2. A motion to reconsider must be made by a Councilmember who voted on the prevailing side.
  3. A motion to reconsider can be acted upon immediately or it can be delayed until a future Town Council meeting.
  4. If the motion to reconsider will be acted on immediately:
    - a. Debate, a motion, and a vote occurs.
    - b. If the motion to reconsider is successful, the item is then before the Council for action pursuant to the original motion. Additional information can then be presented and discussed, amendments to the original motion can be made, and a vote taken.
  5. If the reconsideration will occur at a future meeting:
    - a. The Mayor directs the Town Clerk to place the reconsideration item as the first action item on the next agenda and to place the minutes of the previous meeting as the first item immediately following reconsideration.
    - b. Public notice for the subsequent meeting includes that the Council intends to reconsider the vote on the item in question.
    - c. At the subsequent meeting, debate, a motion, and a vote occurs.
    - d. If the motion to reconsider is successful, the item is then before the Council for action pursuant to the original motion. Additional information can then be presented and discussed, amendments to the original motion can be made, and a vote taken.

- e. The minutes of the previous meeting are then approved as amended to include the reconsideration and outcome.
- f. If the vote to reconsider fails, the minutes of the previous meeting are approved as presented and the meeting continues.

#### **Section XI. Voting.**

On the passage of every motion, the vote shall be taken and entered in the record by the Town Clerk.

- A. Every Councilmember should vote unless disqualified by a conflict of interest.
- B. The failure of a Councilmember to voice their vote will be considered as their having cast an affirmative vote on the motion.
- C. Abstention. (To refrain from voting)
  - 1. While it is the duty of every member who has an opinion on the question to express it by their vote, one cannot be compelled to do so. A Councilmember, though it is discouraged, may abstain from voting.
  - 2. An abstention has same the effect as if the member voted on the prevailing side.
- D. Recusal. (To disqualify oneself from participation in debate and voting on grounds such as prejudice or personal involvement)
  - 1. Councilmembers may recuse themselves for cause by publicly stating the reason for their disqualification. When a Councilmember recuses themselves from voting on a particular item, said Councilmember shall not remain in their seat nor, if it is a virtual meeting, appear via the electronic platform during the debate and vote on such item. The Councilmember shall step down and take a seat in the audience, leave the Council Chamber, or turn off their video during a virtual meeting. A Councilmember recusing themselves shall not be counted for purposes of the quorum and shall be considered absent for the purpose of determining the outcome of any vote on such item.
  - 2. If a Councilmember is requested to recuse themselves with respect to an item by another member, a party to the current matter, or anyone else who may be affected by a decision relating to the item, the member must decide whether to recuse themselves. If the Councilmember contends that there is no clearly disqualifying conflict of interest, the matter of disqualification shall be decided by the Town Attorney.

#### **Section XII. Consent Calendar.**

The consent calendar shall contain any and all items staff determines are routine and do not require debate or discussion. This includes minutes, disbursements, special event requests, bid awards, contracts for projects previously authorized, and the like. All contracts shall, before presentation to Town Council, have been approved as to form and legality by the Town Attorney. The Mayor or any Town Councilmember may pull an item off of the consent calendar to be considered individually.

### **Section XIII. Ordinances.**

Where the particular ordinance has been prepared in advance.

- A. An ordinance shall be accompanied by a staff report for each reading.
- B. All readings of ordinances may be made by title only. Upon completion of the appropriate reading by the Town Attorney, the Town Council may, by majority vote, make any changes or amendments it desires.
- C. Upon second or third reading, If the ordinance is substantially or materially changed at the time of second or third reading, the reading must be considered a first reading.
- D. Following the third reading, and at least ten (10) days after the first reading, except for emergency ordinances, upon motion made and seconded, the ordinance is adopted if there are at least three (3) affirmative votes.
- E. Ordinances shall become effective pursuant to Title 15 of the Wyoming Statutes.
- F. It is the duty of the Town Clerk to publish ordinances pursuant to Title 15 of the Wyoming Statutes.
- G. Emergency ordinances may be read by short title; require  $\frac{3}{4}$  of the qualified members of the governing body or four (4) affirmative votes for passage; require only one reading; and become effective immediately upon adoption. They may be declared void if no true emergency existed. No franchise may be granted by emergency ordinance.
- H. All ordinances shall, before presentation to the Town Council, have been approved as to form and legality by the Town Attorney.

### **Section XIV. Resolutions.**

- A. Where the particular resolution has been prepared in advance, the procedure is:
  - 1. Resolution title is read by the Mayor.
  - 2. Town Council questions of staff.
  - 3. Mayor asks for public comment.
  - 4. Mayor asks for a motion and second.
  - 5. Town Council discussion.
  - 6. Mayor calls for the vote.
- B. It is not necessary to read in full, as long as the resolution is sufficiently identified. However, any Councilmember may demand that it be read in full. All resolutions shall, before presentation to the Town Council, have been approved as to form and legality, by the Town Attorney.

### **Section XV. Town Council Minutes.**

The minutes are the responsibility of the Town Clerk until presented to the Town Council for approval; the Town Council may, at the time of presentation for approval, by motion make such corrections as conform to fact. The minutes shall be published pursuant to Wyoming Statutes.

Minutes of executive sessions are the responsibility of the Town Attorney. If the Town Attorney is not present at an executive session, the Mayor shall take minutes or delegate the task to a Councilmember.

#### **Section XVI. Order of Business.**

The order of business for regular meetings held at 6:00 PM on the first and third Monday of each month shall be:

A. Opening

1. Call to Order.
2. Pledge of Allegiance.
3. Roll call.
4. Announcements and Proclamations.

B. Public Comment (public comment is reserved for questions and comments from the public on items that are not otherwise included in the agenda)

C. Consent Calendar

1. Minutes.
2. Disbursements.
3. Additional items deemed appropriate by staff or the Mayor.

D. Public Hearings, Discussion and/or Possible Action Items

E. Resolutions

F. Ordinances

G. Matters from Mayor and Council

H. Matters from the Town Manager

I. Adjournment

The regular order of business may be suspended at any time by the Mayor or by a majority vote of Council present. The order of business for meetings, other than regular meetings, shall be determined by the Town Clerk, with input from the Mayor, Town Manager, or their designees.

#### **Section XVII. Agendas and Packets for Meetings.**

- A. Regular Meetings. Agendas and packets for regular meetings shall be prepared by the Town Clerk. Agendas for regular meetings shall be closed at a day and time set by the Town Manager or their designee. The agenda shall be finalized by the Town Clerk with input from the Mayor and Town Manager, or their designees. With the exception of extenuating circumstances approved by the Town Manager or their designee, the packet shall be made available to the Town Council and the public a minimum of seven days prior to the Council meeting.
- B. The Mayor may add or remove items from the upcoming agenda presented by staff for a regular meeting except for:
1. General order of business items in Section XVI.A (ex: call to order, approval of minutes, etc.); or
  2. Statutorily required items or public hearings (ex: required public hearings for liquor licenses); or
  3. Items required by the Municipal Code or Land Development Regulations (ex: Conditional Use Permits, Final Plats, Annexation Public Hearings, Liquor License Public Hearings, etc.); or
  4. Items listed under Matters from Mayor and Council requested by the Mayor or Councilmembers before 12:00pm two Mondays prior to the regular meeting and provided to the Town Clerk.
- C. Items on the agenda of a 6:00 PM regular meeting may include the following:
1. Announcements. Announcements do not need to be accompanied by a staff report. Announcements notify the public of upcoming meetings, schedule changes, new employee introductions, office closings, and the like. Announcements do not require Town Council action and can be recommended for addition to the agenda by the Mayor or any Councilmember or staff member.
  2. Proclamations. Proclamations do not need to be accompanied by a staff report. Proclamations notify the public of community-wide events, such as burn week, or of issues of community significance such as commendations, remembrances, and the like. Proclamations do not require Town Council action and can be recommended for addition to the agenda by the Mayor, a majority of Council, or the Town Manager or their designee.
  3. Public Comment. This item on the agenda is reserved for questions and comments from the public on items that are not already included on the agenda. If prior notification has been given that a citizen intends to speak under Public Comment, their name shall be so listed on the agenda. If documents are provided prior to finalization of the Town Council packet, those items shall be included in the packet.
  4. Consent Calendar. See Section XII.
  5. Public Hearings, Discussion, and/or Possible Action Items. Items in this section shall be accompanied by a staff report. This section of the agenda is for public hearings, administrative items, departmental action items, contracts, public infrastructure project authorizations, and the like.
  6. Resolutions. Resolutions may be accompanied by a staff report. Resolutions are related to policy matters, budget adoption or amendment, elected official commendations, schedule amendments, and the like. Resolutions may amend the Municipal Code if an

ordinance allows amendment by resolution. Resolution numbers are designated by the Town Clerk.

7. Ordinances. See Section XIII.
8. Matters from Mayor and Council. Items listed in this section of the agenda may be presented by the Mayor or any Councilmember and may be accompanied by a staff report. Staff may also present items for Council consideration in this section with the Mayor's authorization. This section of the agenda is utilized for items and actions including, but not limited to:
  - a. Travel authorizations.
    - i. Action for pre-approval of travel authorization and expenditure for Councilmembers to attend specific conferences.
    - ii. Travel authorizations may be accompanied by a staff report.
  - b. Designation of meeting delegates.
    - i. Action for approval of a voting delegate(s) for upcoming meetings/conventions.
    - ii. A staff report is optional for this item.
  - c. Board appointments.
    - i. Action for board member appointments pursuant to applicable legal procedure.
    - ii. Board appointments may be accompanied by a staff report stating, the board at issue, the qualifications for appointment, that the candidates meet the qualifications, the term(s), and the candidates for the appointment.
  - d. Announcements regarding Councilmember out of office plans.
    - i. Action to announce when the Mayor or a Councilmember plans to be unavailable for meetings or communication.
    - ii. No staff report is provided with this item.
  - e. Future meeting date/time setting.
    - i. Action to either announce a selected meeting date/time by general consent or to approve a motion to set a specific meeting date/time.
    - ii. A staff report is optional for this item.
  - f. Items listed or raised by a Councilmember.
    - i. Action to request a scoping staff report on an agenda in the next 60ish days. The motion is made after the requesting Councilmember provides a brief summary about the item (3 minutes).
      - 1) If the motion fails, the item is added to the Potential Initiative List (PI List) for consideration at the next Council retreat.
      - 2) If the motion passes, at that future meeting, staff will present a scoping staff report with information and a recommendation to the Council so that a determination can be made whether to:

- (a) Make it one of the Council's Priorities and add it to a specific Department's Work Plan, and
  - (b) Determine what item, in turn, would be removed from the Council's Priority List, and
  - (c) Determine what item would be removed or delayed in the Work Plan for the specific Department,
- OR
- (d) To add the item to the PI List for consideration at the next Town Council retreat.

3) No staff report is provided with this item.

- g. Town Council members may announce an item they wish to be added to the PI List for consideration at the next Town Council retreat and provide a brief summary, no more than three (3) minutes, of the item. The item shall then be added to the PI List by staff.

- 9. Matters from the Town Manager. This section of the agenda is for the Town Manager to report to the Council on the various activities of note of Town government operations and to notify the Council of upcoming meetings and scheduling. Items contained in the Town Manager's report may include issues recommended for affirmative Council action and the Mayor may take public comment. Upon presentation of the Town Manager's report, the Council moves to approve the Town Manager's report.

D. Special or Regular Workshop Meetings. Agendas and packets shall be prepared for these meetings by the Town Clerk. Agendas shall be closed on the date so determined by the Town Manager, or their designee. With the exception of extenuating circumstances approved by the Town Manager or their designee, the packet shall be made available to the Town Council and the public a minimum of seven days prior to the Council meeting. Items on these meeting agendas may include the following:

- 1. Discussion and/or Action Items. These matters may require detailed discussion in an informal setting between Town Council and Town Staff, Town Council and other appointed boards, Town Council and citizen groups, or Town Council and individual applicants requesting Town Council action. Matters before the Town Council at a special or regular workshop meeting may be items requiring additional time for review of details or requests, draft ordinances for discussion purposes, complex public infrastructure projects, or items Town Staff is desirous of feedback on prior to placement on a regular meeting agenda for action. Public comment may or may not be taken on these items and is dependent upon statutory or municipal code requirements or whether public comment has already been taken on the item previously or is planned for a date in the future.
- 2. Upcoming Agendas and Review of Council Priorities. This item presents the upcoming draft meeting agendas for informational purposes, and allows time for discussion and review of Council priorities, the status of scoping reports, and a review of the list of potential initiatives not currently prioritized in the Council's workplan.



- E. General. Agendas and packets for meetings shall be produced by the Town Clerk and distributed/posted to members of the Council and the public on a timeline established by the Town Manager or their designee with input from the Mayor, or their designee.

#### **Section XVIII. Town Council Board and Committee Liaisons.**

- A. The Council may appoint individual members to liaise with various boards and committees throughout the community.
- B. Each January, or as soon thereafter as the Council deems appropriate, the Council shall review the list of board and committee liaisons and make changes as they deem necessary. The liaison appointments shall be by majority vote the Council and shall remain valid until changed.
- C. Council liaisons primary role is that of facilitator of communications from the relevant board or committee to the Council. As a liaison, Councilmembers should not be an advocate for the board or committee for whom they liaise, give direction, or influence a decision of that board or committee. Rather, as a liaison, Councilmembers:
  - 1. Assist and provide information to the board or committee; and
  - 2. Act as a spokesperson on behalf of the Council when so directed by the Council when seated as a body; and
  - 3. Act as a contact person, if the board or committee, or an individual member thereof, wants such a channel of communication.
- D. A Council liaison role is NOT:
  - 1. To make suggestions, offer input, or give direction into the operations of the Board/Committee;
  - 2. To participate in governing board executive sessions;
  - 3. To independently review and comment or offer feedback on information/issues (stating their personal opinions or desires, what they believe the volunteer board should or should not do, information they should or should not consider, etc.);
  - 4. To represent the Town Council's position on any matter not previously discussed and "resolved" through a Council vote;
  - 5. To assist in operations, direction, or decision making of the Board/Committee; or
  - 6. To advocate for the Board/Committee in question.
- E. A Councilmember who is appointed to sit as a member of a board, commission, or committee is not a liaison.
- F. Attendance is discretionary, however, despite attendance not being required, it is strongly encouraged.

#### **Section XIX. Town Staff Reports.**

The Town Manager shall approve all staff reports prior to placement in the packet for any Council meeting as they deem necessary. Town Staff reports shall be prepared in a format deemed appropriate by the Town Manager.

#### **Section XX. Town Attorney.**

The Town Attorney is retained to provide legal advice and assistance to the Council, staff, boards, and other bodies deemed appropriate by Council. Individual Councilmembers shall first obtain authorization from the Town Council prior to requesting the Town Attorney undertake research, legal work, or prepare resolutions and ordinances. In matters of extreme urgency, Councilmembers shall first obtain authorization from the Mayor for the same. Staff members shall first obtain authorization from their department director, or, if their department director is unavailable, the Town Manager, prior to requesting the Town Attorney undertake research or legal work.

#### **Section XXI. Research for Members of the Town Council.**

Individual Councilmembers shall refrain from requesting opinions or research from staff and shall direct all inquiries and requests through the Town Manager, or their designee.

#### **Section XXII. Official Correspondence from the Mayor or Members of the Town Council**

The Mayor shall be designated and authorized to represent the Town Council and author letters on issues supported by a vote of the Town Council. Individual Councilmembers shall refrain from using their position as a Councilmember to send official letters on Town letterhead in support of or in opposition to issues without a vote of approval from the Town Council. The Mayor or any Councilmember may author personal letters of reference to individuals on Town letterhead so long as those letters do not indicate that they are representing the Town Council as a whole.

#### **Section XXIII. Appointments.**

- A. Mayoral Appointments. Mayoral appointments shall follow a procedure as determined by the Mayor. This procedure may involve advertising, accepting letters of interest, interviews by the Mayor, interviews by the Council, interviews by staff, or any other procedure the Mayor deems appropriate. For Mayoral appointments that require the advice and/or consent of the Council, a majority of Council may set a procedure for providing their advice and/or consent and that procedure may involve interviews by the Council, interviews by staff, or any other procedure a majority of Council deems appropriate. Any procedure used by the Council for the advice and/or consent may change at any time by majority vote of the Council.
- B. Majority of Town Council Appointments. Appointments that require a majority vote of the Council shall follow a procedure as determined by majority vote of the Council. This procedure may involve advertising, accepting letters of interest, interviews by the Council, and interviews by staff or any other procedure as the Council deems appropriate. Any procedure set forth by majority vote of the Council may change at any time by another majority vote of the Council.

#### **Section XXIV. Swearing In of New Members.**

- A. Upon Election. Pursuant to Wyoming Statutes, the term of office for a person elected at the general municipal election commences the first Monday in January following the general election but before entering their duties, they must be administered the Oath of Office. The Town Clerk shall arrange a Swearing In Ceremony to be held on the first Monday in January in the morning, prior to any Town Council meetings being called to order.
- B. Upon Appointment. Upon appointment at a regular or special meeting, the Oath of Office shall be administered.

#### **Section XXV. Censure and Admonition**

- A. Purpose. The Council is committed to the ethical practice of government in service of the residents of the community. It is the policy of the Town Council that all of its members conform to certain standards and that failure to do so tends to injure the good name of the Town and undermine the effectiveness of the Town Council as a whole. If a member is accused of failing to meet the standards, they have the right to be informed of the allegation and given time to prepare a defense, to appear and defend themselves, and to be fairly treated. This Section sets out the standards and procedures for the Town Council for admonition and censure.
- B. Violations of the below standards ("Standards") may form the basis for admonition or censure.
  - 1. Sections of these Rules and Procedures. Section VII Rules of Debate; Section IX Rules of Decorum; Section XVIII Town Council Board and Committee Liaisons; Section XX Town Attorney; Section XXI Research for Members of the Town Council; and Section XXII Official Correspondence from the Mayor or Members of the Town Council.
  - 2. Applicable Provisions of the Statutes for Government Ethics and Confidentiality. Wyo. Stat. § 9-13-101 to § 9-13-107 and Wyo. Stat. § 16-4-405(b), as the same may be amended.
  - 3. Policy Role of Town Officials. Councilmembers shall respect and adhere to the Town Manager structure of the Town government. In this structure, Council determines the policies of the Town with the advice, information, and analysis provided by staff, contracted professional services providers, the public, as well as board, taskforce, and commission members resulting in the Town Manager implementing those policies. Councilmembers shall not interfere with the administrative functions of the Town or the professional duties of Town staff nor shall they impair the ability of staff to implement Council decisions.
  - 4. Council Decisions. Expression of individual thoughts, ideas, and points of view is to be respected and encouraged as integral to the Council's decision-making process. Once a decision is made by the Council, each Councilmember shall support the legitimacy and authority of the final determination of the Council, irrespective of their personal position on the issue, and shall not take actions outside the meeting that are aimed at undermining a Council decision.

5. Integrity of Council. Councilmembers shall conform to the highest standards of personal and professional conduct. Councilmembers shall treat members of Council; Town staff; board, taskforce, and commission members; contracted professional services providers; and the public with dignity and respect, and shall refrain from abusive, harassing, or discriminatory conduct against these parties, defamatory personal attacks against them, as well as attacks upon their character or motives.
- C. Admonition. Admonition is a formal letter issued by the Mayor for specified conduct that violates the Standards, reminding a member that a particular type of behavior is in violation. An admonition may be directed to any member of the Town Council, reminding them that a particular type of behavior violates the Standards, and that, if it occurs, persists beyond a single marginal incident, or is found to have occurred to a serious degree, it could subject the member to censure. An admonition may be issued in response to a particular alleged action or actions. An admonition may be issued without a formal investigation or hearing because it is a warning or reminder. An admonition is not Council action.
  - D. Censure. Censure is an official condemnation by Town Council in response to specified conduct by one of its own members. Censure should not follow an occasional error in judgment, which occurs in good faith and is unintentional. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the subject Councilmember's alleged violations of the Standards, after a public hearing, and vote by Council. Censure may include an investigation and will protect the due process rights of the subject Councilmember. Censure carries no fine or suspension of the rights of the Councilmember as an elected official.
  - E. Admonition Procedure.
    1. Contents. The Mayor or any Councilmember may file a written admonition complaint concerning an alleged violation of the Standards by another member or the Mayor. The complaint shall include the following:
      - a. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
      - b. Specific references to sections of the Standards the complainant alleges were violated.
    2. Filing. Admonition complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. Complaints must be filed within thirty (30) calendar days of discovering the alleged violation.
    3. Investigation. The Mayor (or if the Mayor is involved, the Mayor Pro Tempore; or if the Mayor and the Mayor Pro Tempore are involved, the acting Mayor Pro Tempore; or if Mayor, the Mayor Pro Tempore, and the acting Mayor Pro Tempore are involved, the longest serving Councilmember, and if two members have served the same amount of time, the member whose last name is first alphabetically), is not required to, but may,

investigate the facts in an admonition allegation as necessary.

4. Determination. Whether an investigation is undertaken or not, within fifteen (15) calendar days from the date a complaint is filed, the Mayor (or appropriate Councilmember) shall provide one of the following:
  - a. A letter of admonition counseling the subject member about the conduct executed by the Mayor (or appropriate Councilmember). The letter shall be appended to an agenda item under Matters from Mayor and Council.
  - b. A letter summarizing the finding that admonition was not warranted executed by the Mayor (or appropriate Councilmember). The letter shall be appended to an agenda item under Matters from Mayor and Council.
5. No public comment will be taken on an admonition letter.

F. Censure Procedure for Conduct During Council Meetings.

1. With respect to alleged violations of Standards occurring during a Council meeting, there is no need for external testimony since the witnesses are Councilmembers and were present, thus a censure hearing shall proceed without external witnesses.
2. Complaint Procedure.
  - a. Contents. The Mayor or any Councilmember may file a written complaint concerning an alleged violation of the Standards by another member or the Mayor. The complaint shall include the following:
    - i. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
    - ii. Specific references to sections of the Standards the complainant alleges were violated.
  - b. Filing. Complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. Complaints must be filed within thirty (30) calendar days of discovering the alleged violation.
3. Hearing Motion. A Councilmember may move at the Council meeting in which the complaint is filed, or the meeting immediately following that includes a Matters from Mayor and Council, but no other meeting, to have a censure hearing placed on the next Town Council meeting and noticed on the agenda consistent with these Rules and Procedures. The motion shall direct staff to include a draft censure resolution. The subject Councilmember shall have the right to be heard prior to any decision by Council on the matter.
4. Vote and Resolution.

- a. A vote on a motion to censure a Councilmember requires a simple majority.
- b. A motion for censure must include that Council finds, by a preponderance of the evidence, that the subject Councilmember's conduct violated the Standards and must adopt a Resolution of Censure.
- c. A motion may include repercussions suspending the subject member from one or more of the following privileges for a specified temporary period of time:
  - i. Travel paid for by the Town.
  - ii. Participation in "Chats with Council."
  - iii. Representing Council in a liaison role.
  - iv. Sitting on Council committees or taskforces.
  - v. Attendance at staff functions or meetings.
  - vi. Meeting one-on-one with staff.
  - vii. Presence in non-public areas of Town facilities other than for Council Meetings.
- d. The subject Councilmember may participate in deliberations and vote on the censure resolution.
- e. No public comment will be taken on a censure resolution.

G. Censure Procedure for Conduct Outside Meetings.

- 1. Contents. The Mayor or any Councilmember may file a written complaint concerning an alleged violation of the Standards by another member or the Mayor for conduct occurring outside a Council meeting. The complaint shall include the following:
  - a. Specific statements, including dates of incidence(s) and supporting evidence of specific conduct, alleged to violate the Standards.
  - b. Specific references to sections of the Standards the complainant alleges were violated.
- 2. Filing. Censure complaints shall be stated publicly during Matters from Mayor and Council and the written complaint shall be simultaneously delivered to the Town Manager. The Town Manager shall forward the complaint to all Councilmembers. Complaints must be filed within ninety (90) calendar days of discovering the alleged violation.
- 3. Investigation. The Town Manager, or their designee, shall engage a third-party (person or entity) with the requisite knowledge, skills, and expertise to investigate the complaint and provide a report, including a conclusion as to whether a preponderance of evidence exists to warrant censure to the Town Manager, or their designee.
- 4. Report. Within thirty (30) calendar days from the date a complaint is filed, the Town

Manager, or their designee, shall disseminate the written report from the third party to all Councilmembers.

- a. If a preponderance of evidence exists to warrant censure, a censure hearing, including the report and a draft censure resolution, shall be placed on a Town Council meeting, noticed on the agenda consistent with these Rules and Procedures, but in no case less than 20 days or more than 45 days after the report was provided to Council.
  - b. If there is not a preponderance of evidence to warrant censure, the complaint shall not proceed to censure, and the report may recommend an admonition be issued to counsel the subject member about the conduct that gave rise to the complaint. If admonition is recommended, the report shall include a draft of the letter of admonition.
5. Hearing. The subject Councilmember shall be afforded the opportunity for a hearing at a Town Council meeting, if the subject member so elects.
  - a. The hearing shall be chaired by the Mayor (or if the Mayor is involved, the Mayor Pro Tempore; or if the Mayor and the Mayor Pro Tempore are involved, the acting Mayor Pro Tempore; or if Mayor, the Mayor Pro Tempore, and the acting Mayor Pro Tempore are involved, the longest serving Councilmember, and if two members have served the same amount of time, the member whose last name is first alphabetically).
  - b. The hearing chair shall introduce the agenda item, including, at a minimum, reading the allegations.
  - c. The hearing chair shall allow the subject Councilmember and the Councilmember that filed the complaint to give an opening statement (if they so elect) of no more than three (3) minutes in length each.
  - d. The hearing chair shall allow the Councilmember that filed the complaint to present testimony, limited to five (5) minutes in length.
  - e. The hearing chair shall allow the subject Councilmember to present testimony, limited to five (5) minutes in length.
  - f. The hearing chair shall allow the subject Councilmember and the Councilmember that filed the complaint to each give a closing statement (if they so elect) of no more than three (3) minutes in length each.
  - g. Either the Councilmember that made the complaint or the subject Councilmember may request to extend the time limits noted above. The hearing chair may extend a time limit if they determine that additional speaking time is necessary to adequately address the allegations.
6. Vote and Resolution.
  - a. A vote on a motion to censure a Councilmember requires a simple majority.

- b. A motion for censure must include that Council finds, by a preponderance of the evidence, that the subject Councilmember's conduct violated the Standards and must adopt a Resolution of Censure.
- c. A motion may include repercussions suspending the subject member from one or more of the following privileges for a specified temporary period of time:
  - i. Travel paid for by the Town.
  - ii. Participation in "Chats with Council."
  - iii. Representing Council in a liaison role.
  - iv. Sitting on Council committees or taskforces.
  - v. Attendance at staff functions or meetings.
  - vi. Meeting one-on-one with staff.
  - vii. Presence in non-public areas of Town facilities other than for Council Meetings.
- d. The subject Councilmember may participate in deliberations and vote on the censure resolution.
- e. No public comment will be taken on a censure resolution.



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