

ORDINANCE 2024-4

AN ORDINANCE AMENDING TITLE 12 SECTION 12-2-7 MUNICIPAL JUDGE AND UPDATING SECTIONS 12-1-3 AND 12-3-3 AS PREVIOUSLY AMENDED

WHEREAS, the City of Lander Ordinance 1206 Section 12-2-7 Municipal Judge requires the Municipal Judge to give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties; and

WHEREAS, the Governing Body for the City of Lander finds it in the best interest of the City to expand this requirement to additional city employees having custody of public funds in accordance with state statute; and

WHEREAS, Section 12-1-3 was amended by Ordinance 1218 effective November 2017 and Section 12-3-3 was amended by Ordinances 2021-6 effective January 2022 and 2023-3 effective October 14, 2023 and should be updated herein,

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Lander, in the State of Wyoming, as follows:

TITLE 12 CITY ADMINISTRATIVE PROVISIONS

SECTION 1:

- 12-1-1 Corporate Limits
- 12-1-2 Wards and Council Members
- 12-1-3 Council Meetings
- 12-1-4 Special Meetings
- 12-1-5 Council Procedure
- 12-2-1 Appointments
- 12-2-2 Removal of Personnel
- 12-2-3 Appointive Offices
- 12-2-4 Subordinate Offices
- 12-2-5 Compensation of Officers
- 12-2-6 Department Regulations
- 12-2-7 Municipal Judge
- 12-2-8 Building Inspector
- 12-2-9 Mt. Hope Cemetery
- 12-3-1 Planning Commission
- 12-3-2 Airport Board
- 12-3-3 Parks & Recreation Board
- 12-3-4 Special Commissions
- 12-4-1 Economic Development Commission; Establishment
- 12-4-2 Same; Duties and Responsibilities
- 12-4-3 Same; Appointment and Term
- 12-4-4 Same; Compensation
- 12-5-1 Vacancies in the Office of Mayor
- 12-5-2 Members - Vacancies - Procedures for Filling
- 12-6-1 Creation and Establishment of a Urban Forest Council
- 12-6-2 Same; Duties and Responsibilities
- 12-7-1 Drug Free Workplace
- 12-8-1 Americans with Disabilities Coordinator

12-1-1. Corporate Limits. - An official map showing the corporate limits, zoned areas, and other specially designed areas of the City shall be maintained by the City **Administration** and shall be available for public inspection in the office of the City Clerk, together with legal descriptions for all boundary lines thereon.

12-1-2. Wards and Council Members. - The City shall be divided into three wards and two council members shall be elected from each ward. Council members shall

be qualified electors of the ward they represent. Ward boundaries will be adjusted after each census and approved by the City Council.

~~**12-1-3 Council Meetings.**—Regular meetings of the City Council of the City of Lander may be held on the second Tuesday of each month at 7:00 p.m. at the City Hall. Work sessions of the City Council may be held on the fourth Tuesday of the month at 7:00 p.m. at the City Hall. Public Hearings will be held at 6:30 p.m. or as determined by the City Administration and properly published in accordance with Wyoming State Statutes. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. —A regular meeting, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice.~~

12-1-3 Council Meetings. - Regular meetings of the City Council of the City of Lander may be held on the second and fourth Tuesday of each month at the City Hall. Work sessions of the City Council may be held ~~on all other~~ *the fourth* Tuesdays of the month at the City Hall. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. A regular meeting, *work session*, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice. The times, dates, and locations for regular meetings and special meetings of the City Council shall be established by resolution. *Amended by Ordinance 1218 effective November 22, 2017*

12-1-4. Special Meetings. - The Presiding Officer or four Council Members may call special meetings in accordance with W.S. 15-1-105 and 16-4-404 . Actual notice or constructive notice provided in Section 1-1-5 shall constitute sufficient notice under this section. The necessity of any notice may be waived by the presence and consent of every Council Member. (Review Wy Statutes).

12-1-5. Council Procedures. - Upon the request of any Council Member, Council procedure shall be conducted in accordance with Review Wy Statutes rules for the conduct of its proceedings as journaled by the City Administration.

12-2-1. Appointments. - Unless otherwise provided, all appointive offices shall be filled by the Mayor with the advice and consent of the Council.

12-2-2. Removal of Appointees. - The Mayor may remove or discharge any appointee, for incompetency, neglect, or, with the consent of the Council, for other cause **in accordance with W.S. 15-3-204.**

12-2-3. Appointive Offices – The following appointive offices are created in accordance with W.S. 15-3-204: Chief of Police, City Clerk, City Treasurer, City Attorney, Municipal Court Judge, Superintendent of Public Works, Assistant Mayor, City Engineer and Fire Chief terms for which shall coincide with the regular Mayor’s term; however, all officers shall remain in office until their replacements have qualified.

12-2-4. Subordinate Offices. - Subject to the approval of the Council, the Mayor may create offices subordinate to the appointive offices listed in Section 12-2-3. The Mayor may delegate appointment of subordinate officers to the appointive officers, provided that the subordinate officer shall in any case be approved by the Council.

12-2-5. Compensation of Officers and Employees. -

- (a) The Mayor’s annual salary is \$21,000 a year. The Mayor is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines
- (b) Each Council Member shall receive \$75.00 for actual attendance at each regular or special meeting of the City Council and at each meeting of

committees that the Council Member shall attend. Each Council Member is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines.

- (c) The salaries of all other officers and employees shall be as shown on a step-grade scale as filed with the City Clerk.
- (d) Compensation for each Fireman for regular and special meetings each fireman attends shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. The yearly salary of each officer of the Lander Volunteer Fire Department shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander.

12-2-6. Department Regulations. -

- (a) The Mayor, subject to the approval of the Council, may establish regulations and policies concerning all City personnel.
- (b) Subject to the approval of the Mayor and Council, each appointive officer may establish regulations for the operation of his office or department, including the procedural requirements, priority schedules, and whatever standards or rules are necessary to the proper and efficient functioning of his office.
- (c) All Departmental regulations and procedures shall be filed with the City Clerk and must comply with the City of Lander Personnel Rules and Managerial Guidelines.

~~12-2-7. Municipal Judge.— The Municipal Judge shall give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties.~~

12-2-7 City Employee Bonding

- (a) Each City Officer or Clerk of the City having custody of money belonging to the City shall, before entering upon the performance of his/her respective duties, be required to furnish a bond in the amount prescribed in this article for such office, which bond shall be conditioned upon: (a) The faithful performance by such officer or clerk of all the duties of his office as prescribed by law; (b) the safekeeping of all money which may come into his hands by virtue of his office; (c) the prompt payment thereof to those legally authorized to receive the same in the manner provided by law; and (d) the delivery by him to his successor in office of all money then held by him as such officer. Each of the officers and his bondsmen and sureties, respectively, shall be responsible for the safekeeping and paying over according to law of all funds which shall come into his hands by virtue of his office.
- (b) When the bond of any officer of the City having custody of public money shall be furnished by a guaranty or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the City.
- (c) The bonds of the various City employees, deputies and clerks having custody of public money of the City shall be in the following amounts:

Mayor \$10,000

Council President \$10,000

Municipal Judge \$10,000

Municipal Court Clerk \$10,000

City Treasurer \$100,000

City Clerk \$10,000

Deputy Clerk \$10,000

Police Chief \$10,000

(d) When approved, the bonds of all City officers and employees shall be filed with the City Clerk.

(e) The City Council may, by amendments to this section, increase or lower the amount of such bonds and may also require similar bonds to be furnished by any other City officers or employees having custody of City funds.

12-2-8. Building Inspector. -

(a) The City may employ a Building Inspector and so many Deputy Building Inspectors as the Governing Body shall deem appropriate.

(b) The Building Inspector, or his designee, may, in addition to any other person authorized by law:

- (i) investigate, enforce and sign complaints concerning any violation of Titles 3, 4, 5, 9, 11 and 13 of the Ordinance of the City of Lander;
- (ii) serve any notices, orders or documents, relevant to such enforcement action.

12-2-9. Mt. Hope Cemetery. – Mt. Hope Cemetery will operate in accordance with W.S. 35-8-201 through 35-8-211. Cemetery rules and procedures shall be filed with the City Clerk.

12-3-1. Planning Commission. -

- (a) A Planning Commission for the City of Lander is established in accordance with Section WS 15-1-502. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.
- (b) The commission shall promulgate and publish rules and regulations on file with the City Clerk for the health, welfare, and safety of persons making use thereof.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.

12-3-2. Airport Board. -

- (a) The term of the appointive members of the Airport Board shall be 5 years.
- (b) The Board shall exercise general supervision of the Lander Airport, subject to the direction of the City Council. The airport **board** shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-3-3. Parks & Recreation Board.—

- ~~(a) A Parks and Recreation Board for the City of Lander is established to consist of nine board members who shall be residents of Lander. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.~~
- ~~(b) The board shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the City of Lander recreation facilities and functions.~~

- ~~(e) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.~~
- ~~(d) The duties of the board will be to review all related activities, programs, select committees and other functions whose operations are conducted in whole or in part by the City Recreation personnel and share their findings with the Public Works Director and/or a designated administrator of the City Administration.~~
- Amended by Ordinance 2021-6*

12-3-3. Parks And Recreation

A. Individual City Park Rules

1. All parks and recreational facilities within the City maintained by the City for the public shall have park rules for each park location as created by Resolution and approved and adopted by the Governing Body. Each park location shall have posted signage listing park rules pertaining to each location.
2. Violation of this Ordinance shall constitute a misdemeanor, unless otherwise stated, and upon conviction shall be punishable by a maximum fine of \$750.00 or imprisonment for not more than six months. Forfeitable bonds will be as set forth in the Lander Municipal Court Bond Schedule as adopted from time to time.
Amended by Ordinance 2023-3 effective October 14, 2023.

12-3-4. Special Commissions. - The Council may authorize the creation of special commissions by resolution. Commissioners shall be appointed by the Mayor, with the advice and consent of the Council.

12-4-1. Economic Development Commission; Established. - Pursuant to the general powers conferred under Wyoming Statutes Section 15-1-103(a)(xli) and other applicable statutory authority, there is hereby created and established a commission, consisting of a minimum of seven (7) and a maximum of nine (9) commissioners. The Mayor and Council may approve by resolution the assignment of the Economic Development Commission duties and responsibilities to an established Economic Development Organization or include in City Staff job descriptions.

12-4-2 Duties and Responsibilities – The Economic Development Commission will assist and report to the governing body in determining and implementing plans for the beneficial diversification of Lander area economy. The commission shall promulgate and publish rules and regulations on file with the City Clerk.

12-4-3. Same; Appointment and Term. - Each commissioner shall be appointed by the Mayor upon the advice and consent of the City Council, which appointment shall be for a term of four years. Vacancies shall be filled after appointment by the Mayor with the advice and consent of the governing body for the unexpired term of any member. Members of the Commission may be removed from office by the governing body for cause, upon written charges and after public hearing.

12-4-4. Same; Compensation. - No commissioner shall be entitled to receive any pay or supplementary benefit for his or her service of office, either directly or indirectly, provided, however, actual authorized expenses incurred by any commissioner in the performance of his or her duties as such shall be paid by the City of Lander.

12-5-1. Vacancies in the Office of Mayor. -

Any vacancy in the office of Mayor shall be filled only from the governing body by a majority vote of all council members. An abstention shall be considered a no vote. WS 15-1-107.

12-5-2.Members - Vacancies - Procedure of Filing. -

(a) Any vacancy on the Lander City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter *WS 15-1-107*

(b) A councilmember or mayor shall be deemed a non-resident, and a vacancy therefore to exist, when he or she shall have failed to occupy a fixed, permanent and customary place of habitation, within the boundaries of the municipality.

(c) A resignation shall be deemed effective and a vacancy to have occurred as follows:

- (1) A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the City Clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.
- (2) The City clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.
- (3) The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.
- (4) The resignation, unless withdrawn as stated in subdivision 3 of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

(d) The refusal of the mayor or a councilmember to take the oath of office, as required by law; at the time and place, and before the person designated, shall constitute a failure to take the oath as required and a vacancy shall be deemed to exist at such time.

(e) The city council shall cause public notice to be given of its intention to solicit applications to fill any vacancy on the city council. The notice shall be published in a local newspaper of general circulation on two consecutive weeks. The letter of interest shall be submitted establishing applicant's legal qualifications to hold office.

(f) The council shall specify a time period for submitting applications and the council shall then review applications received and may conduct any further review of candidates deemed necessary and, by a majority vote of all council members, shall appoint a temporary successor.

12-6-1 Creation and Establishment of a City Urban Forest Council (Tree Board) – There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council. The Tree Board will be responsible for the care of all trees on the City owned property including the study, investigation, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

12-6-2 Duties and Responsibilities – The Tree Board shall promulgate and publish rules and regulations on file with the City Clerk to insure operations consistent with Tree City USA requirements.

12-7-1. – Drug Free Workplace - The Drug Free workplace as defined in the City of Lander Personnel Policy and Managerial Guidelines shall be strictly enforced to protect the City of Lander's status as a responsible source for the award of Federal contracts and grants.

12-8-1 - Americans with Disabilities Coordinator

(a) The city shall appoint an employee as an Americans with Disabilities Coordinator and any Deputy Americans with Disabilities Coordinator as deemed appropriate.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4: This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PUBLIC HEARING FEBRUARY 13, 2024

PASSED ON FIRST READING FEBRUARY 13, 2024

PASSED ON SECOND READING ____

PASSED ON THIRD READING ____

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the ____ day of _____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Monte Richardson, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on April 9, 2024 following passage, adoption and approval of Ordinance 2024-4, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being April 10, 2024.

Rachelle Fontaine, City Clerk

DRAFT