

**CHARTER ORDINANCE NO. 2020-6**

**AN ORDINANCE EXEMPTING THE TOWN OF MILLS, WYOMING,  
FROM THE PROVISIONS OF WS § 15-11-103 IN REGARD TO TERMS**

**WHEREAS**, The Town of Mills, Wyoming has had the occasion to review Title 2 of its Ordinances and to revise the same and in the course of the same has reviewed WS § 15-11-103 deals, in part, with Officers of first class city terms.

**WHEREAS**, Article 13 Section 1 of the Wyoming Constitution provides:

(c) Each city or town may elect that the whole or any part of any statute, other than statutes uniformly applicable to all cities and towns and statutes prescribing limits of indebtedness, may not apply to such city or town. This exemption shall be by charter ordinance passed by a two-thirds (2/3) vote of all members elected to the governing body of the city or town. Each such charter ordinance shall be titled and may provide that the whole or any part of any statute, which would otherwise apply to such city or town as specifically designated in the ordinance shall not apply to such city or town. Such ordinance may provide other provisions on the same subject. Every charter ordinance shall be published once each week for two consecutive weeks in the official city or town newspaper, if any, otherwise in a newspaper of general circulation in the city or town. No charter ordinance shall take effect until the sixtieth (60th) day after its final publication. If prior thereto, a petition, signed by a number of qualified electors of the city or town, equaling at least ten per cent (10%) of the number of votes cast at the last general municipal election, shall be filed in the office of the clerk of such city or town, demanding that such ordinance be submitted to referendum, then the ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed. An ordinance establishing procedures, and fixing the date of such election shall be passed by the governing body and published once each week for three (3) consecutive weeks in the official city or town newspaper, if any, otherwise in a newspaper of general circulation in the city or town. The question on the ballot shall be: "Shall Charter Ordinance No. .... Entitled (stating the title of the ordinance) take effect?". The governing body may submit, without a petition, any charter ordinance to referendum election under the procedures as previously set out. The charter ordinance shall take effect if approved by a majority of the electors voting thereon. An approved charter ordinance, after becoming effective, shall be recorded by the clerk in a book maintained for that purpose with a certificate of the procedures of adoption. A certified copy of the ordinance shall be filed with the secretary of state, who shall keep an index of such ordinances. Each charter ordinance enacted shall prevail over any prior act of the governing body of the city or town, and may be repealed or amended only by subsequent charter ordinance, or by enactments of the legislature applicable to all cities and towns.

(d) The powers and authority granted to cities and towns, pursuant to this section, shall be liberally construed for the purpose of giving the largest measure of self-government to cities and towns.

and

**WHEREAS**, WS § 15-11-103 provides, in part:

**15-11-103. Officers of first class city; terms; how elected.**

The elective officers of a first class city, not including a city adopting the commission or city manager form of government, are a mayor and the number of councilmen determined by the governing body of the city when they provide for the number of wards in the city. The term of office of the mayor and a councilman is four (4) years and until his successor is qualified. . .

and

**WHEREAS**, the Town Council of the Town of Mills, Wyoming chooses to exempt the town from those provisions regarding terms system of office to the extent provided for below under Ordinance Section 2.04.070:

**2.04.070 Conduct of Members of the Governing Body**

Members of the Town Council shall all times conduct themselves with the decorum required of the office. No member shall disparage the Council or individual Councilpersons at any time. Members of the Council shall:

- (a) Attend all Council meetings of which they have notice unless a matter of sufficient importance precludes them from doing so, in which case they shall provide notice to the Town Clerk of their anticipated absence as soon as practical. In no case shall a Councilperson miss more than 25% of regular Town Council work session and general sessions in any one year.
- (b) Excuse themselves from matters in which they have a direct financial interest or personal conflict.
- (c) Make reasonable efforts to remain informed of Town Council business and matters at all times.
- (d) Accept such appointments as the Town Council shall make of individual Councilpersons.
- (e) Perform those duties ordinarily and customarily incumbent upon a Town Councilperson.

(f) Town Councilpersons shall submit to the same drug testing policies and procedures as Town of Mills employees with it a positive test indicating illegal or impairing drug use being deemed improper conduct in office.

(g) Should 75% of the Town Council judge that a Councilperson has failed in to perform in accordance with the provisions set forth above, the Town Council may take censure the Town Councilman as the Town Council sees fit, including fining said Town Councilman an amount not in excess of \$750.00. Should the Council, by unanimous consent, view an action as warranting removal, the Town Council may vote to remove a Town Councilman with the removal taking effect immediately upon the Town Council so voting.

(h) Should 35% of the registered voters in the Town of Mills sign a petition to have a member of the governing body removed the Council must have a hearing on the same within thirty (30) days of the petition being received and the signatures verified. Any vote to remove the Councilman shall be by unanimous consent. A vote to remove a Councilperson under this section shall take effect immediately.

(i) No Councilperson may be removed through these provisions except through a hearing in which the Councilperson has a right to participate and provide testimony and evidence.

**NOW THEREFORE**, The Town Council of the Town of Mills hereby exempts itself under Art 13 Sec. 1 of the Wyoming Constitution from the provisions of WS § 15-11-103 et seq as set forth above.

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1<sup>st</sup> reading the \_\_\_\_\_ day of November 2020.

PASSED on 2<sup>nd</sup> reading the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED, APPROVED AND ADOPTED on 3<sup>rd</sup> and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020

TOWN OF MILLS, WYOMING

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Seth Coleman, Mayor

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Sara McCarthy, Council

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Darla R. Ives, Council

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James Hollander, Council

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Ronald Wales, Council

ATTESTED:

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Christine Trumbull, Town Clerk