

CHARTER ORDINANCE NO. 2020-5

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

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 with Officers of first class city; terms: how elected, and requires a ward system of municipal government and terms as there set forth, and the Town Council chooses for these provisions not to be applicable to the Town of Mills, Wyoming, and instead chooses the system and terms set forth in the attached Title 2; and

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:

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. The mayor shall be elected at large and the councilmen shall be elected at large or by wards or by a combination of at large and ward election districts. The governing body of the city shall determine by ordinance at the time wards are created or reorganized whether individual, multimember or at large election districts shall be provided. The districting system, as approved by the council to apply uniformly to the entire city, may provide individual member election districts, multimember election districts which do not exceed three (3) council members per district, or that a portion of the entire membership of the council not to exceed one-third (1/3) of the total members shall be elected from an at large district constituting the entire city. Once established, the districts, except to modify boundaries because of population changes and to encompass annexed territory, shall not be altered or amended more often than each ten (10) years or when the state reapportions.

and

WHEREAS, the Town Council of the Town of Mills, Wyoming chooses to exempt the town from those provisions requiring a Ward system of government and instead to provide that all councilmen shall be elected at large under the following provisions:

Chapter 2.76 - ELECTION AND TERMS OF MAYOR AND COUNCILMEN

2.76.010 - Elective offices established—Term.

The elective officers of the city shall be a Mayor and four councilmen. The term of office of the Mayor and the councilmen shall be four years and until successors are qualified. The Mayor shall be elected at large. Pursuant to the provisions found at Article 13, Sec 1, of the Wyoming Constitution the, the Town of Mills shall provide

that councilmen shall be elected at large and not by wards or districts, and therefore the provisions of WS § 15-11-103 and WS 22-23-103 pertaining to wards shall not apply to the city.

2.76.020 - Coordination of municipal and primary elections.

The city municipal primary and general elections shall be held at the same time, in the same manner, at the same polling places, and conducted by the same precinct officials, using the same poll lists, as the statewide primary and general elections.

2.76.030 - Candidates for municipal and primary elections.

All candidates for municipal office shall be nominated at the municipal primary election. Candidates equal to twice the number to be elected to each office who receive the highest number of votes at the primary election are nominated to run for the office at the next general election.

2.76.040 - Commencement of term.

The term of office of a person elected at the municipal general election commences on the first regularly scheduled Town Council meeting in January following the general election.

2.76.050 - Terms on which existing offices expire upon a Councilperson's successor being sworn in.

A person shall hold their appointment to the Town Council until their successor is sworn in at the January meeting following the general election.

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 1st reading the _____ day of November 2020.

PASSED on 2nd reading the _____ day of _____, 2020.

PASSED, APPROVED AND ADOPTED on 3rd and final reading this _____ day of _____, 2020

TOWN OF MILLS, WYOMING

Seth Coleman, Mayor

Sara McCarthy, Council

Darla R. Ives, Council

James Hollander, Council

Ronald Wales, Council

ATTESTED:

Christine Trumbull, Town Clerk