

ORDINANCE NO. 22-14

AN ORDINANCE AMENDING CHAPTER 2.64
OF THE CASPER MUNICIPAL CODE PERTAINING
TO THE REMOVAL **OR CENSOR** OF PUBLIC
OFFICIALS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF CASPER, WYOMING:

Section 1: That the heading for Chapter 2.64 of the Casper Municipal Code shall be amended to
read as follows:

Chapter 2.64

REMOVAL OR CENSOR OF PUBLIC OFFICIALS

Section 2: Section 2.64.005 of the Casper Municipal Code shall be amended to read as follows:

~~For the purposes of this chapter, the following words shall have the meanings respectively
ascribed to them:~~

~~"For cause" means: when one of the following has happened to a councilman:~~

1. Gross and persistent delinquency in being absent from regular meetings of the council.
Absence from three consecutive meetings without reasonable excuse shall be evidence
of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Casper Municipal Code Section
2.04.030;
4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of
office;
6. Refusing to take the oath of office or to give or renew an official bond if required by
law;
7. Conviction of any CRIME ~~law~~ involving ethics OR MALFEASANCE; INCLUDING,
BUT NOT LIMITED TO CONVICTION OF THE CRIME OF MALFEASANCE
PURSUANT TO W.S. § 15-1-113(m), AS IT MAY, FROM TIME TO TIME, BE
AMENDED;

8. ~~Conviction of any of~~ Violation of Wyoming State Statute Sections **9-13-101 ET SEQ.**, 12-4-103(a)(i), ~~15-1-113~~, 15-1-127, 15-1-128, or 16-6-118, or Casper Municipal Code Section 5.08.100(A)(1), AS THEY MAY, FROM TIME TO TIME, BE AMENDED;
9. VIOLATION OF ANY PROVISION OF THE PUBLIC SERVICE CODE OF ETHICS AS SET FORTH IN CHAPTER 2.60 OF THE CASPER MUNICIPAL CODE, OR VIOLATION OF ANY OTHER LAW OR ORDINANCE INVOLVING ETHICS, AS THEY MAY, FROM TIME TO TIME, BE AMENDED;
10. SEXUALLY HARASSMENT OF, WORKPLACE VIOLENCE ACT AGAINST, OR CREATION OF A HOSTILE WORK ENVIRONMENT FOR ANY AGENT OR EMPLOYEE OF THE CITY OF CASPER AS SET FORTH IN THE CITY OF CASPER PERSONNEL RULES AND REGULATIONS MANUAL, DATED AUGUST 20, 2002, AS IT MAY, FROM TIME TO TIME, BE AMENDED.

Section 3: Section 2.64.010 of the Casper Municipal Code shall be amended to read as follows:

~~Any joint powers board member or other board member appointed by the Casper city council may be removed from office at will by a vote of a majority of all the elected members of the city council. Any city councilman may be removed from office, for cause, by a vote of a two third's majority of all members of the city council. The city council shall follow the procedures set forth in Section 2.64.020 of this chapter in removing any such appointee or councilman.~~

A. ANY JOINT POWERS BOARD MEMBER OR OTHER BOARD MEMBER APPOINTED BY THE CASPER CITY COUNCIL MAY BE REMOVED FROM OFFICE AT WILL AT ANY TIME BY A VOTE OF A MAJORITY OF ALL THE ELECTED MEMBERS OF THE CITY COUNCIL.

B. ANY CITY COUNCILMAN MAY BE REMOVED FROM OFFICE, FOR CAUSE, BY A VOTE OF A TWO-THIRD'S MAJORITY OF ALL MEMBERS OF THE CITY COUNCIL AFTER FOLLOWING THE PROCEDURES SET FORTH IN SECTION 2.64.020 OF THIS CHAPTER FOR THE REMOVAL OF ANY SUCH CITY COUNCILMAN.

Section 4: Section 2.64.020 of the Casper Municipal Code shall be amended to read as follows:

~~City council shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. 16-3-101 et. seq.) in any removal proceeding pursuant to Section 2.64.010 of this chapter. However, such decision of city council shall not be appealable.~~

THE FOLLOWING PROCEDURES SHALL BE FOLLOWED FOR THE REMOVAL OF ANY CITY COUNCILMAN BY THE CASPER CITY COUNCIL FOR ANY OF THE "FOR CAUSE" REASONS SPECIFIED IN SECTION 2.64.005 OF THIS CHAPTER:

1. THE CITY COUNCIL MAY, BY A RESOLUTION **APPROVED BY A TWO-THIRDS MAJORITY VOTE OF ALL OF THE ELECTED MEMBERS OF THE CITY COUNCIL**, REFER ANY ALLEDGED "FOR CAUSE" CONDUCT TO AN

INDEPENDENT HEARING OFFICER WHO SHALL BE A CURRENT MEMBER OF THE WYOMING STATE BAR ASSOCIATION. SAID HEARING OFFICER SHALL BE RETAINED BY THE CITY FOR HEARING THE ALLEGATIONS AS SPECIFIED, AND SET FORTH IN THE RESOLUTION.

2. THE HEARING OFFICER SHALL FOLLOW THE HEARING PROCEDURES OF A CONTESTED CASE PURSUANT TO THE WYOMING ADMINISTRATIVE PROCEDURE ACT (W.S. 16-3-101 *ET SEQ.*) IN ANY REMOVAL PROCEEDING.
3. RECOGNIZING THAT THE CASPER CITY ATTORNEY'S OFFICE HAS A CONFLICT OF INTEREST IN PROSECUTING THE CITY'S POSITION IN ANY SUCH HEARING, THE CITY SHALL BE REPRESENTED BY A SPECIAL CITY ATTORNEY RETAINED BY THE CITY COUNCIL FOR THE PURPOSES OF THIS HEARING.
4. THE HEARING OFFICER SHALL STATE HIS OR HER FINDINGS IN WRITING AND WHETHER OR NOT "FOR CAUSE" EXISTS FOR THE REMOVAL OF SUCH COUNCILMEMBER, WHICH SHALL BE FORWARDED TO THE MEMBERS OF THE CASPER CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE CONCLUSION OF THE HEARING. THE DECISION OF THE HEARING OFFICER SHALL BE APPEALABLE UNDER THE PROVISIONS OF THE WYOMING ADMINISTRATIVE PROCEDURES ACT,
5. UPON A FINAL DECISION BY THE HEARING OFFICER FINDING THAT THE ALLEDGED "FOR CAUSE" CONDUCT HAS OCCURRED, THE COUNCILMAN MAY BE REMOVED FROM OFFICE **OR CENSORED** BY A TWO-THIRDS MAJORITY VOTE OF ALL OF THE ELECTED MEMBERS OF THE CITY COUNCIL. THE VOTE TO REMOVE OR **CENSOR** COUNCILMAN BY THE CITY COUNCIL IS A FINAL DECISION, SHALL NOT BE APPEALABLE, AND THE SEAT HELD BY SUCH COUNCILMAN SHALL BE VACATED.

PASSED on 1st reading the 5th day of August, 2014.

PASSED on 2nd reading the 19th day of August, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the _____ day of _____, 2014.

APPROVED AS TO FORM:



ATTEST:

V. H. McDonald
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Paul L. Meyer
Mayor

ORDINANCE NO. 21-14

AN ORDINANCE AMENDING CHAPTER 2.60
OF THE CASPER MUNICIPAL CODE
PERTAINING TO THE PUBLIC SERVICE
CODE OF ETHICS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF CASPER, WYOMING:

Section 1:

That paragraph C of Section 2.60.100 of the Casper Municipal Code shall be amended to read as follows:

- C. Violation of any provisions of this code of ethics should raise conscientious questions for A CITY ~~the~~ councilman or other official or employee OF THE CITY ~~concerned~~ as to whether voluntary resignation or other action is indicated to promote the best interests of the city. ~~Violation by any appointed official, employee or councilman, may result in discipline up to and including termination or constitute a reason for suspension, removal from office or employment or other disciplinary action at the discretion of the appointing authority.~~

Section 2:

That a new paragraph D of Section 2.60.100 of the Casper Municipal Code shall be created to read as follows:

- D. VIOLATION OF THIS CHAPTER BY ANY EMPLOYEE OR APPOINTED OFFICIAL MAY RESULT IN DISCIPLINE UP TO AND INCLUDING TERMINATION OF EMPLOYMENT, CONSTITUTE A REASON FOR SUSPENSION OR REMOVAL FROM OFFICE, OR OTHER DISCIPLINARY ACTION AT THE DISCRETION OF THE HIRING OR APPOINTING AUTHORITY.

Section 3:

That a new paragraph E of Section 2.60.100 of the Casper Municipal Code shall be created to read as follows:

- E. A CITY COUNCILMAN VIOLATING ANY OF THE PROVISIONS OF THIS CODE OF ETHICS SHALL BE SUBJECT TO REMOVAL FROM OFFICE PURSUANT TO CHAPTER 2.64 OF THE CASPER MUNICIPAL CODE.

PASSED on 1st reading the 5th day of August, 2014.

PASSED on 2nd reading the 19th day of August, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the _____ day of _____, 2014.

APPROVED AS TO FORM:



ATTEST:

V. H. McDonald
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Paul L. Meyer
Mayor