

WORKING DRAFT

1995

STATE OF WYOMING

95LSO-0224.W2DKG

HOUSE BILL NO. _____

Sponsored by: Representative(s) .

*** STAFF COMMENTS ***

This draft was prepared pursuant to the Corporations committee's request to review the Montana and Wyoming Constitutions and develop a bill, if possible, to authorize the consolidation of local governmental entities to the same extent Montana allows. There are a number of Wyoming constitutional provisions which appear to prohibit the legislature from simply passing legislation allowing consolidation in the same form and extent as Montana. A brief memo was prepared for the committee regarding these issues. In addition to the constitutional concerns, the adoption of "the Montana approach" also requires a number of policy decisions to be made in structuring the consolidated entity. A number of those issues as well as the constitutional concerns are referenced by staff comments in this draft bill.

A BILL

for

LEGEND: Underlined = New text added to existing statutes.
Stricken = Text deleted from existing statutes.

1 AN ACT to create W.S. 16-10-101 through 16-10-432 relating
2 to government organization; providing for the consolidation
3 of local government; specifying procedures for
4 consolidation; providing for study commissions to review
5 local government; specifying types of consolidated
6 governments; and providing for an effective date.

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8 Article 1. Local Government Review

9

10 16-10-101. SHORT TITLE.

11 This act shall be known as the Wyoming Local Government
12 Consolidation Act.

13 16-10-102. DEFINITIONS.

14 (a) As used in this act:

15 (i) "Governing body" means the city council,
16 town council, commission, board of commissioners, board of
17 trustees, board of directors or other body in which the
18 legislative powers of the local government are vested;

1 (ii) "Local government" means cities and towns,
2 counties, school districts, joint powers boards, airport
3 boards, public corporations, community college districts,
4 special districts and their governing bodies, all political
5 subdivisions of the state, and their agencies,
6 instrumentalities and institutions;

7 (iii) "Municipality" means any incorporated or
8 chartered city or town as established under Wyoming law;

9 (iv) "This act" means W.S. 16-10-101 through
10 W.S. 16-10-432.

11 16-10-103. PURPOSE.
12 The purpose of 16-10-101 through 16-10-124 is to provide a
13 mechanism for local government review.

14 16-10-104. PURPOSE OF STUDY COMMISSION.
15 The purpose of a study commission is to study the existing
16 form and powers of a local government and procedures for
17 delivery of local government services and compare them with
18 other forms available under the laws of the state.

19 16-10-105. ESTABLISHMENT OF STUDY COMMISSIONS.

1 (a) A study commission may be established by an
2 affirmative vote of the people as hereinafter provided. An
3 election on the question of conducting a local government
4 review and establishing a study commission shall be held:

5 (i) Whenever the governing body of the local
6 government unit calls for an election by resolution;

7 (ii) Whenever a petition signed by at least
8 fifteen percent (15%) of the electors of the local
9 government unit calling for an election is submitted to the
10 governing body.

11 16-10-106. ELECTION PROCEDURES.

12 (a) Votes cast on the question of establishing a
13 study commission and for electing study commission members
14 shall be counted, canvassed and returned as provided in
15 title 22 for general municipal elections and general county
16 elections as appropriate.

17 (b) The county clerk shall report the results of all
18 elections conducted under this article to the secretary of
19 state within fifteen (15) days of the date the results
20 become official.

1 16-10-107. ELECTION ON QUESTION OF ESTABLISHING STUDY
2 COMMISSION.

3 (a) The question of conducting a local government
4 review and establishing a study commission shall be
5 submitted to the electors within the local government unit
6 in substantially the following form:

7 Vote for one:

8 FOR the review of the government of (insert name
9 of local government) and the establishment of a
10 local government study commission consisting of
11 (insert number of members) members to examine the
12 government of (insert name of local government)
13 and submit recommendations thereon.

14 AGAINST the review of the government of (insert
15 name of local government) and the establishment
16 of a study commission.

17 (b) The question of conducting a local government
18 review and establishing a study commission requires an
19 affirmative vote of a majority of those voting on the
20 question for passage.

1 (c) A special election on the question of reviewing
2 a local government and establishing a study commission
3 shall be held no sooner than sixty (60) days and no later
4 than ninety (90) days after the passage of a resolution or
5 the certification of a petition calling for an election on
6 the question.

7 16-10-108. ELECTION OF COMMISSION MEMBERS.

8 (a) If the question of reviewing the local government
9 and establishing a study commission is approved, an
10 election to fill the positions on the local government
11 study commission shall be held at the first regularly
12 scheduled election of the local government conducted more
13 than ninety (90) days following the election establishing
14 the study commission. A primary election shall not be
15 held.

16 (b) The names of study commission candidates who have
17 filed declarations of nomination not later than
18 seventy-five (75) days before the date of the election
19 shall be placed on the ballot. There is no filing fee.
20 The election is nonpartisan, and candidates shall be listed
21 without party or other designation. The secretary of
22 state shall prescribe the ballot form for the election of
23 study commissioners.

1 (c) Candidates for study commission positions shall
2 be electors of the local government for which the study
3 commission has been established. The candidates shall not
4 be elected officials of the local government.

5 (d) The number of candidates, equal to the number of
6 study commission positions to be elected, receiving the
7 highest number of votes, which includes votes cast for
8 candidates who have officially filed nominations and votes
9 for write-in candidates, shall be declared elected. If
10 there is a tie vote among candidates, the governing body
11 shall decide by lot which candidate shall fill the
12 position.

13 (e) If the number of study commissioners elected is
14 not equal to the number required to be selected, the
15 governing body, shall appoint the additional study
16 commissioners within twenty (20) days of the election. No
17 elected official of the local government may be appointed.

18 16-10-109. COMPOSITION OF STUDY COMMISSION.

19 (a) The number of positions, which shall be an odd
20 number of not less than three (3) on the study commission
21 shall be set out in the resolution or petition calling for
22 the election on the question of reviewing the local

1 government or local governments and establishing a study
2 commission.

3 (b) Every study commission shall include as an ex
4 officio nonvoting member a member of the governing body or
5 an elected official or employee of the local government
6 appointed by the governing body. The ex officio member
7 shall be appointed prior to the organization of the study
8 commission provided for in W.S. 16-10-111.

9 16-10-110. TERMS OF OFFICE; VACANCIES; COMPENSATION.

10 (a) The term of office of study commission members
11 begins on the day their election to the study commission is
12 certified, or on the day of their appointment. If an
13 alternative plan submitted by the study commission for a
14 vote is adopted, the term continues for ninety (90) days
15 after the day of the vote on the alternative plan. If the
16 commission recommends no alternative plan, the term ends
17 thirty (30) days after submission of the final report in
18 accordance with W.S. 16-10-119.

19 (b) A vacancy on a study commission, including an ex
20 officio member vacancy, shall be filled by appointment by
21 the governing body of the local government being studied by

1 the commission. The appointment shall be made within
2 thirty (30) days of the date the vacancy occurs.

3 (c) Members of the study commission shall receive no
4 compensation other than for actual and necessary expenses
5 incurred in their official capacity.

6 16-10-111. ORGANIZATION OF COMMISSION.

7 (a) Not later than ten (10) days after all members of
8 the study commission have been elected or appointed, the
9 study commission shall meet and organize at a time set by
10 the governing body of the local government which the study
11 commission is to examine.

12 (b) At the first meeting of the study commission, the
13 study commission may elect a temporary chairman, who shall
14 serve until a permanent chairman is selected.

15 16-10-112. COOPERATION OF STUDY COMMISSIONS.

16 (a) Any two (2) or more study commissions may
17 cooperate in the conduct of their studies. A majority vote
18 by each of the affected study commissions is required for
19 a cooperative study.

1 (b) Cooperative studies shall not preclude each study
2 commission from making a separate report and
3 recommendation, unless the recommendation is for a
4 consolidated form, in which case there shall be a single
5 report and proposal.

6 16-10-113. CONDUCT OF BUSINESS.

7 (a) Meetings of the study commission shall be held
8 upon the call of the chairman, the vice-chairman in the
9 absence or inability of the chairman, or a majority of the
10 members. The chairman shall announce the time and place of
11 the meetings of the study commission.

12 (b) The study commission shall maintain a written
13 record of its proceedings and its finances. This record
14 shall be a public record open to inspection in accordance
15 with the Public Records Act.

16 (c) A majority of the members of the study commission
17 constitutes a quorum for the transaction of business, but
18 no recommendation of a study commission shall have any
19 legal effect unless adopted by a majority of the members of
20 the study commission.

1 (d) The study commission may adopt rules for its own
2 organization and procedure.

3 16-10-114. OPEN MEETINGS AND PUBLIC INVOLVEMENT.

4 All meetings of the study commission are open to the public
5 as provided in W.S. 16-4-401 through 16-4-407. The study
6 commission shall hold public hearings and community forums
7 and may use other suitable means to disseminate
8 information, receive suggestions and comments, and
9 stimulate public discussion of its purpose, progress,
10 conclusions and recommendations.

11 16-10-115. COMMISSION POWERS.

12 (a) A study commission may employ and fix the
13 compensation and duties of necessary staff. State,
14 municipal and county officers and employees, at the request
15 of the study commission and with the consent of the
16 employing agency, may be granted leave with or without pay
17 from their agency to serve as consultants to the study
18 commission. If leave with pay is granted, they may receive
19 no other compensation from the study commission except
20 mileage and per diem.

1 (b) A study commission may contract and cooperate
2 with other agencies, public or private, as it considers
3 necessary for assistance in carrying out the purposes for
4 which the commission was established. Upon request of the
5 chairman of the study commission, state agencies, counties
6 and other local governments and the officers and employees
7 thereof shall furnish or make available to the commission
8 such information as may be necessary for carrying out the
9 commission's function.

10 (c) A study commission may:

11 (i) Establish advisory boards and committees,
12 including on them persons who are not members of the study
13 commission;

14 (ii) Retain consultants; and

15 (iii) Do any other act consistent with and
16 reasonably required to perform its function.

17 16-10-116. FINANCIAL ADMINISTRATION.

18 (a) A study commission shall prepare a budget for
19 each fiscal year it is in existence and submit it to the
20 local governing body for approval.

1 (b) For the support of the study commission, for each
2 fiscal year the study commission is in existence, each
3 local government under study shall appropriate an amount
4 necessary to fund the study, not to exceed one (1) mill,
5 and the local government may levy up to one (1) mill in
6 excess of all other mill levies authorized by law to fund
7 the appropriation for the support of the study commission.

8

***** STAFF COMMENTS *****

9 This mill would have to be included in the
10 constitutional limit. The reversion of funds to
11 the general fund under subsection (f) removes any
12 doubt as to that question in my opinion.

13 (c) The local government shall provide office and
14 meeting space and clerical assistance to the study
15 commission. The cost of clerical assistance and other
16 in-kind services provided by the local government may be
17 used to partially fulfill the appropriation requirement of
18 subsection (b) of this section.

19 (d) The local government may in its discretion
20 provide additional funds and other assistance.

21 (e) The study commission may apply for and accept
22 available private, state and federal money and may accept
23 donations from any source.

1 (f) All money received by the study commission shall
2 be deposited with the local government treasurer. The
3 treasurer is authorized to disburse appropriated money of
4 the study commission on the study commission's order after
5 approval of the budget by the governing body. Unexpended
6 money of the study commission shall not revert to the
7 general fund of the local government at the end of the
8 fiscal year but carries over to the study commission's
9 appropriation for the following fiscal year. Upon
10 termination of the study commission, unexpended money
11 reverts to the general fund of the local government.

12 16-10-117. SCOPE OF STUDY COMMISSION RECOMMENDATIONS.

13 (a) A study commission examining the government of a
14 county may:

15 (i) Recommend amendments to the existing plan of
16 government;

17 (ii) Recommend any plan of government authorized
18 by law;

19 (iii) Draft a charter;

20 *** STAFF COMMENTS ***

1 There is no provision for county charters under
2 the constitution and such a provision may
3 possibly be a questionable delegation of the
4 state's legislative authority.

5 (iv) Recommend municipal-county consolidation or
6 amendments to an existing consolidation;

7 (v) In cooperation with a study commission in an
8 adjoining county, recommend county merger; or

9 *** STAFF COMMENTS ***

10 If this is interpreted to allow a portion of a
11 county to be "cut-off", the Wyoming constitution
12 requires an affirmative vote of the persons in
13 the section to be cut-off.
14

15 (vi) Submit no recommendation.

16 (b) In addition to one (1) of the items in subsection
17 (a) of this section, a county study commission may
18 recommend service consolidation or transfer in cooperation
19 with a study commission of another county or with a study
20 commission of one (1) or more municipalities.

21 (c) A study commission examining the government of a
22 municipality may:

23 (i) Recommend amendments to the existing plan of
24 government;

1 (ii) Recommend any plan of government authorized
2 by law;

3 (iii) Draft a charter;

4 (iv) Recommend municipal-county consolidation;

5 (v) Recommend disincorporation; or

6 (vi) Submit no recommendation.

7 (d) In addition to one of the items in subsection (c)
8 of this section, a municipal study commission may recommend
9 service consolidation or transfer in cooperation with:

10 (i) A county study commission;

11 (ii) A county study commission and one (1) or
12 more municipal study commissions; or

13 (iii) One (1) or more municipal study
14 commissions.

15 ***** STAFF COMMENTS *****

16 I don't see any obvious conflict between this
17 section and the home-rule provision of the
18 constitution, as interpreted by the supreme
19 court. Proponents of home rule may disagree with
20 that assessment.

1 16-10-118. STUDY COMMISSION TIMETABLE.

2 (a) Each local government study commission shall,
3 within ninety (90) days of its organizational meeting,
4 establish a timetable for its deliberations and actions.
5 The timetable shall be published in a local newspaper of
6 general circulation. The timetable may be revised, but
7 each revision shall be published.

8 (b) The timetable shall provide, at a minimum, the
9 following provisions, to be accomplished chronologically in
10 the order presented:

11 (i) Conduct one (1) or more public hearings for
12 the purpose of gathering information regarding the current
13 form, functions and problems of local government;

14 (ii) Formulate, reproduce and distribute a
15 tentative report, containing the same categories of
16 information required to be included in the final report;

17 (iii) Conduct one (1) or more public hearings on
18 the tentative report;

19 (iv) Adopt the final report of the commission
20 and set the date for a special election on the question of

1 adopting a new plan of government or, if the study
2 commission is not recommending any changes, publish and
3 distribute the final report as provided in W.S. 16-10-119
4 within sixty (60) days after the final report is adopted.

5 16-10-119. FINAL REPORT.

6 (a) Every study commission shall adopt a final
7 report. If the study commission recommends an alternative
8 form of government, the final report shall contain the
9 following materials and documents, each signed by a
10 majority of the study commission members.

11 (i) A certificate containing the plan of
12 government of the existing form of local government;

13 (ii) A certificate containing the plan of
14 government of the proposed new form of local government or
15 amendments to the existing plan;

16 (iii) A comparison of the existing plan and
17 proposed plan of local government, including, if desired,
18 a statement of the strengths and weaknesses of the existing
19 and proposed plans of local government, information that
20 supports the adoption of the proposed plan and information
21 that supports retention of the present plan;

1 (iv) A certificate establishing the date of the
2 special election, which may be held in conjunction with a
3 regularly scheduled election, at which the alternative form
4 of government shall be presented to the electors and a
5 certificate establishing the form of the ballot question or
6 questions; and

7 (v) A certificate establishing the dates of the
8 first primary and general elections for officers of a new
9 government if the proposal is approved and establishing the
10 effective date of the proposal if approved.

11 (b) The final report shall contain any minority
12 report signed by members of the commission who do not
13 support the majority proposal.

14 (c) If the study commission is not recommending any
15 changes, its final report shall so indicate.

16 (d) The study commission shall file two (2) copies of
17 the final report with the secretary of state, one (1) of
18 which the secretary shall forward to the state library. A
19 copy of the final report shall be certified by the study
20 commission to the municipal or county clerk of the local
21 government subject of the study within thirty (30) days
22 after the adoption of the final report.

1 (e) Sufficient copies of the final report shall be
2 prepared for public distribution. The final report shall
3 be available to the electors not later than thirty (30)
4 days prior to the election on the issue of adopting the
5 alternative plan. Copies of the final report may be
6 distributed to electors or residents of the local
7 government or governments affected.

8 (f) After submission of the final report, the
9 commission shall deposit copies of its minutes and other
10 records with the county clerk.

11 16-10-120. SPECIAL FINAL REPORT REQUIREMENTS; CONSOLIDATION OR COUNTY
12 MERGER.

13 (a) Consolidation or merger of local government units
14 shall be placed on the ballot only by a joint report by
15 cooperative study commissions.

16 (b) A final report, in addition to the material
17 required in W.S. 16-10-119, shall contain a consolidation
18 plan if county-municipal consolidation or county merger is
19 recommended. The consolidation plan shall conform to the
20 following requirements:

1 (i) Whenever county-municipal consolidation is
2 recommended, the plan shall:

3 (A) Provide for adjustment of existing
4 bonded indebtedness and other obligations in a manner which
5 assures a fair and equitable burden of taxation for debt
6 service;

7 (B) Provide for establishment of
8 subordinate service districts;

9 (C) Provide for the transfer or other
10 disposition of property and other rights, claims, assets
11 and franchises of the local governments consolidated under
12 its proposal;

13 (D) Provide the official name of the
14 consolidated local government; and

15 (E) (I) Provide for the transfer,
16 reorganization, abolition, adjustment of boundaries or
17 absorption of all existing boards, bureaus, special
18 districts, subordinate service districts, local improvement
19 districts, agencies and political subdivisions of the
20 consolidated governments, excluding school districts and
21 non-consolidated municipalities; or

1 (II) Grant the legislative body of the
2 consolidated government the authority to transfer,
3 reorganize, abolish, adjust boundaries (and may provide a
4 method for adjusting boundaries), or absorb existing
5 boards, bureaus, special districts, subordinate service
6 districts, local improvement districts, agencies and
7 political subdivisions of the consolidated governments,
8 excluding school districts and non-consolidated
9 municipalities.

10 (ii) Whenever county merger is recommended, the
11 plan shall:

12 (A) Provide for adjustment of existing
13 bonded indebtedness and other obligations in a manner which
14 assures a fair and equitable burden of taxation for debt
15 service;

16 (B) Provide for establishment of
17 subordinate service districts;

18 (C) Provide for the transfer or other
19 disposition of property and other rights, claims, assets
20 and franchises of local governments consolidated under the
21 alternative plan;

1 (D) Provide the official name of the
2 consolidated local government; and

3 (E) (I) Provide for the transfer,
4 reorganization, abolition, adjustment of boundaries or
5 absorption of existing boards, subordinate service
6 districts, local improvement districts, agencies and
7 political subdivisions of the consolidated governments,
8 excluding school districts, and incorporated
9 municipalities; or

10 (II) Grant the legislative body of the
11 consolidated government the authority to transfer,
12 reorganize, abolish, adjust boundaries or absorb existing
13 boards, subordinate service districts, local improvement
14 districts, agencies and political subdivisions of the
15 consolidated governments, excluding school districts and
16 incorporated municipalities.

17 16-10-121. SPECIAL FINAL REPORT REQUIREMENTS FOR
18 DISINCORPORATION.

19 (a) If a study commission proposes municipal
20 disincorporation, the final report shall contain the
21 following additional material and documents:

1 (i) A certificate of disincorporation instead of
2 a plan of government; and

3 (ii) A recommended plan of disincorporation.

4 16-10-122. SUPPLEMENTARY REPORTS.

5 A study commission may prepare separate reports in addition
6 to its final report. These reports may recommend
7 consolidation of services and functions and indicate
8 potential areas for inter-local agreements. Such reports
9 shall be submitted to all appropriate governing bodies for
10 reaction within one (1) year.

11 16-10-123. PUBLICATION OF SUMMARY.

12 Each study commission shall publish once each week for two
13 (2) successive weeks in a newspaper of general circulation
14 throughout the area of the affected local government a
15 summary of its findings and recommendations, together with
16 the address of a convenient public place where the text of
17 its proposal may be obtained. The summary shall include a
18 comparison of the existing and proposed plans of
19 government.

20 16-10-124. ELECTION ON RECOMMENDATION.

1 (a) An alternative plan of government recommended by
2 a study commission shall be submitted to the voters at a
3 special election to be held no less than seventy-five (75)
4 or more than one hundred twenty (120) days from the date of
5 the adoption of the final report. The special election may
6 be held in conjunction with any regularly scheduled
7 election. The election shall be held in accordance with
8 the following:

9 (i) The cost of the election shall be paid by
10 the local government;

11 (ii) The affirmative vote of a simple majority
12 of those voting on the question is required for
13 ratification;

14 (iii) In any election involving the question of
15 consolidation, each question shall be submitted to the
16 electors of the county and requires an affirmative vote of
17 a simple majority of the votes cast in the county on the
18 question for adoption. There is no requirement for
19 separate majorities in local governments voting on
20 consolidation.

21 ***** STAFF COMMENTS *****

22 **This seems to run contrary to the constitutional home rule**
23 **provision.**

24 (iii) In any election involving the question of
25 county merger, the questions shall be submitted to the
26 electors in the counties affected and requires a majority

1 of the votes cast on the questions in each affected county
2 for adoption.

3 (iv) If the electors disapprove the proposed new
4 form of local government, amendments or consolidation plan
5 the local government retains its existing form.

6 16-10-125. EFFECT OF ADOPTION OF NEW FORM OF GOVERNMENT.
7 The adoption of a new plan of government does not affect
8 the validity of any bond, debt, contract, obligation or
9 cause of action accrued or established under the prior form
10 of government.

11 16-10-126. FILING OF APPROVED PLAN.

12 (a) A copy of the existing or proposed plan of
13 government ratified by the voters and any apportionment
14 plan or consolidation or merger plan shall be certified by
15 the chairman of the governing body and filed with the
16 secretary of state, the county clerk and the municipal
17 clerk if it is a municipal plan.

18 (b) The approved plan filed with the secretary of
19 state is the official plan and is a public record open to
20 inspection by the public and judicially noticeable by all
21 courts.

1 16-10-127. JUDICIAL REVIEW.

2 Judicial review to determine the validity of the procedures
3 whereby any charter or alternative plan of government is
4 adopted may be initiated by petition in district court of
5 ten (10) or more registered voters of the local government
6 brought within sixty (60) days after the election at which
7 the charter or plan of government, revision or amendment is
8 approved. If no petition is filed within that period,
9 compliance with all the procedures required by this article
10 and the validity of the manner in which the charter or plan
11 of government was approved is conclusively presumed. It is
12 presumed that proper procedure was followed and all
13 procedural requirements were met. The adoption of a
14 charter or plan of government may not be considered invalid
15 because of any procedural error or omission unless it is
16 shown that the error or omission materially and
17 substantially affected its adoption.

18 16-10-128. THREE-YEAR MORATORIUM.

19 (a) The electors of any unit of local government
20 which has voted upon the question of changing the form of
21 local government, charter or consolidation plan or upon the
22 question of amending the alternative form, charter or
23 consolidation plan may not vote on the question of changing

1 or amending the form of local government for three (3)
2 years.

3 (b) For the purposes of this section, general
4 election dates are considered to be one (1) year apart and
5 may be used in computing the three (3) year moratorium. No
6 election on the question of changing an alternative form of
7 a unit of local government may be challenged as failing to
8 conform with the moratorium provisions of this section
9 because three (3) full calendar years may not have elapsed.

10 16-10-129. EFFECTIVE DATE OF ALTERNATIVE PLAN OR AMENDMENT.

11 (a) An alternative plan of local government approved
12 by the electors under this article takes effect when the
13 new officers take office, except as otherwise provided in
14 any charter or consolidation plan. A consolidation or
15 merger plan adopted by the electors takes effect in the
16 same manner.

17 (b) An amendment to an existing plan of government
18 becomes effective at the beginning of the local
19 government's fiscal year commencing after the election
20 results are officially declared.

21 16-10-130. GENERAL TRANSITION PROVISIONS.

1 (a) The governing body shall prepare an advisory plan
2 for orderly transition to a new plan of local government.
3 The transition plan may propose necessary ordinances, plans
4 for consolidation of services and functions and a plan for
5 reorganizing boards, departments and agencies.

6 (b) The governing body of a local government may
7 enact and enforce ordinances to bring about an orderly
8 transition to the new plan of government, including
9 transfer of powers, records, documents, properties, assets,
10 funds, liabilities or personnel. These ordinances are to
11 be consistent with the approved plan and necessary or
12 convenient to place it into full effect. Whenever a
13 question arises concerning transition which is not provided
14 for, the governing body may provide for the transition by
15 ordinance, rule or resolution not inconsistent with law.

16 16-10-131. TRANSITION PROVISIONS AFFECTING PERSONNEL.

17 (a) The members of the governing body holding office
18 on the date the new plan of government is adopted by the
19 electors of the local government under this article
20 continue in office and in the performance of their duties
21 until the governing body authorized by the plan has been
22 elected and qualified, whereupon the prior governing body
23 is abolished.

1 (b) All other employees holding offices or positions,
2 whether elective or appointive, under the government of the
3 county or municipality continue in the performance of the
4 duties of their respective offices and positions until
5 provisions are made for the performance or discontinuance
6 of the duties or the discontinuance of the offices or
7 positions.

8 (c) A charter or a petition proposing an alteration
9 to an existing form of local government may provide that
10 existing elected officers shall continue in office until
11 the end of the term for which they were elected or may
12 provide that existing elected officers shall be retained as
13 local government employees until the end of the term for
14 which they were elected and their salaries may not be
15 reduced.

16 ***** STAFF COMMENTS *****
17 **This provision regarding the retention of elected officers**
18 **should be mandatory, at least for constitutional officers,**
19 **barring a constitutional amendment.**
20

21 16-10-132. TREATMENT OF EXISTING ORDINANCES AND RESOLUTIONS.

22 (a) All ordinances and resolutions in effect at the
23 time the new form of government becomes effective continue
24 in effect until repealed or amended in the manner provided
25 by law.

1 (b) Within two (2) years after ratification of a
2 consolidation plan, the governing body of the consolidated
3 local government shall revise, repeal or reaffirm all
4 rules, ordinances and resolutions in force within the
5 participating county and municipalities at the time of
6 consolidation. Each rule, ordinance or resolution in force
7 at the time of consolidation remains in force within the
8 former geographic jurisdiction until superseded by action
9 of the new governing body. Ordinances and resolutions
10 relating to public improvements to be paid for in whole or
11 in part by special assessments may not be repealed.

12 16-10-133. ELECTION OF NEW OFFICIALS.

13 (a) Within twenty (20) days after an election at
14 which the new plan of government is approved by the
15 electors, the governing body of the local government shall
16 meet and order a special primary and general election for
17 the purpose of electing the officials required by the new
18 form of government. The elections for officials may be
19 held in conjunction with any other election.

20 (b) The order shall specify:

1 (i) A date for the primary election to be held
2 no later than the next regularly scheduled city or county
3 primary election; and

4 (ii) A date for the general election to be held
5 no later than the next regularly scheduled city or county
6 general election following the primary election date
7 established under paragraph (i) of this subsection.

8 Article 2 City - county consolidation - Option 1.
9 16-10-201. CITY-COUNTY CONSOLIDATION AUTHORIZED.

10 (a) A county and a city or town within the county may
11 unite to form a single unit of local government under the
12 provisions of this article.

13 (b) An alternative form of government, including a
14 charter form, for a consolidated unit of government, may be
15 submitted to the voters only by those study commissions
16 that have cooperated in the formulation of the plan in
17 accordance with article 1 of this act. A majority vote by
18 each of the affected study commissions is required for the
19 submission of an alternative form of government for a
20 consolidated unit of local government. The affected study
21 commissions submitting a consolidated form shall issue a
22 single joint report and proposal.

1 (c) An alternative form of government for a
2 consolidated unit of local government does not need to
3 include more than one (1) municipality. A municipality
4 shall not be included unless the local government study
5 commission of that municipality participates in the
6 cooperative study and unless its study commission by a
7 majority vote approves the proposed alternative plan for
8 the consolidated government.

9 (d) This article shall not apply to excluded
10 municipalities or to school districts.

11 16-10-202. PLAN OF CONSOLIDATION.

12 (a) Study commissions proposing consolidation shall
13 prepare, adopt and submit to the voters a consolidation
14 plan in addition to the alternative form of government. If
15 the commission proposes a charter, the plan may be included
16 in the charter.

17 (b) The consolidation plan shall:

18 (i) Provide for adjustment of existing bonded
19 indebtedness and other obligations in a manner which will
20 provide for a fair and equitable burden of taxation for
21 debt service;

1 (ii) Provide for establishment of service areas;

2 (iii) Provide for the transfer or other
3 disposition of property and other rights, claims, assets,
4 and franchises of local governments consolidated under the
5 alternative form;

6 (iv) Provide the official name of the
7 consolidated unit of local government;

8 (v) Provide for the transfer, reorganization,
9 abolition, absorption, adjustment of boundaries (and may
10 provide a method for adjusting the boundaries) of all
11 existing boards, commissions, agencies, and political
12 subdivisions of the consolidated governments;

13 (vi) Include other provisions which the study
14 commission elects to include and which are consistent with
15 state law.

16 (c) The plan may grant the legislative body of the
17 consolidated government the authority to transfer,
18 reorganize, adjust boundaries, abolish, or absorb, and
19 provide a method for adjusting the boundaries of such
20 entities without referendum requirements.

1 16-10-203. EFFECT OF CONSOLIDATION.

2 (a) As a political subdivision of the state, the
3 consolidated unit of local government shall have the status
4 of a county and an incorporated municipality for all
5 purposes and shall replace and be the successor of the
6 county and any city or town consolidated.

7 (b) On its effective date, the alternative form of
8 government and consolidation plan operate to dissolve all
9 local governments within the area of consolidation in
10 accordance with their provisions. On the effective date,
11 the separate corporate existence of the county and of each
12 participating city and town shall be consolidated and
13 merged into one (1) local government unit under the name
14 selected, designated and adopted as provided in this act.
15 The consolidated local government shall thereupon succeed
16 to, possess and own all of the property and assets of every
17 kind and description and shall, except as otherwise
18 provided, become responsible for all of the obligations and
19 liabilities of the county, cities and towns so consolidated
20 and merged.

21 (c) All provisions of law authorizing contributions
22 of any kind, in money or otherwise, from the state or
23 federal government to counties and cities and towns shall

1 remain in full force with respect to a consolidated local
2 government.

3 16-10-204. GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.
4 A consolidated local government shall have and may exercise
5 all powers that are conferred on counties, cities or towns
6 by the constitution and laws of this state. The
7 consolidated local government may levy all taxes which
8 counties, cities and towns are authorized to levy.

9 *** STAFF COMMENTS ***

10 There is a substantial question as to whether the
11 consolidated entity can be authorized to tax the
12 cumulative constitutional limits of a county and
13 town.

14 16-10-205. RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
15 UNIT.

16 Within two (2) years after ratification of the
17 consolidation, the governing body of the consolidated unit
18 of local government shall revise, repeal or reaffirm all
19 rules, ordinances, and resolutions in force within the
20 participating county, cities and towns at the time of
21 consolidation. Each rule, ordinance or resolution in force
22 at the time of consolidation shall remain in force within
23 the former geographic jurisdiction until superseded by
24 action of the new governing body. Ordinances and

1 resolutions relating to public improvements to be paid for
2 in whole or in part by special assessments may not be
3 repealed.

4 Article 3. City - county consolidation - Option 2
5 16-10-301. AUTHORIZATION FOR CONSOLIDATED CITY-COUNTY
6 GOVERNMENT.

7 The separate corporate existence and government of any
8 county and of each and every city and town therein may be
9 abandoned and terminated and the county and each and all of
10 the cities and towns therein may be consolidated and merged
11 into one municipal corporation and government under this
12 article as hereinafter provided.

13 *** STAFF COMMENTS ***

14 There is an argument that this runs counter to
15 home rule under the Wyoming constitution.

16 16-10-302. NATURE OF CONSOLIDATED GOVERNMENT.

17 As a political subdivision of the state, the consolidated
18 municipality shall have the status of a county, and for the
19 purpose of representation in the legislature, as provided
20 by the constitution and laws of this state, and for all
21 other purposes, it shall replace and be the successor of
22 the county and shall be attached to the same judicial
23 district.

24 *** STAFF COMMENTS ***

25 This is a question for the legislature to decide.
26 A new division of judicial districts is required

1 **if counties from different judicial districts**
2 **were to consolidate.**
3

4 16-10-303. GENERAL POWERS OF CONSOLIDATED GOVERNMENT.

5 (a) The inhabitants of every consolidated municipality
6 organized under the provisions of this article and article
7 4 of this chapter, as its limits are at the time of such
8 organization or as they may be thereafter established as
9 provided by law, shall be a body politic and corporate
10 under the designation and name as adopted at the election
11 providing for such consolidation and merging and as such
12 shall have perpetual succession, may use a corporate seal,
13 may sue and be sued, may contract and be contracted with,
14 may acquire property within or without the boundaries of
15 the municipality for any municipal purpose, in fee simple
16 or lesser interest or estate, by purchase, gift, devise,
17 appropriation, lease or lease with privilege of purchase
18 and may sell, lease, hold, manage and control such property
19 as the interest of the municipality may require, may levy
20 and collect such taxes as are authorized by this article
21 and article 4 of this chapter or by the general laws of the
22 state and except as otherwise provided in this article and
23 article 4 of this chapter, the municipality shall have and
24 may exercise all other powers that are now or hereafter may
25 be conferred on counties, cities and towns by the laws of
26 this state.

1 (b) All powers of the municipality, whether expressed
2 or implied, shall be exercised and enforced in the manner
3 prescribed in this article and article 4 of this chapter or
4 in the general laws of the state or, when not so
5 prescribed, then as may be prescribed by ordinance or
6 resolution of the commission.

7 16-10-304. PETITION FOR CITY-COUNTY CONSOLIDATED GOVERNMENT --
8 ELECTION REQUIRED.

9 (a) The question of the abandonment and termination of
10 the separate corporate existence and government of a county
11 and of each city and town therein and the consolidation and
12 merging of the existence and government of the county and
13 each of the cities and towns therein into one (1) municipal
14 corporation and government under the provisions of this
15 article and article 4 of this chapter, shall be submitted
16 to the registered electors of the county if a petition is
17 filed in the office of the county clerk of the county,
18 signed by at least twenty percent (20%) of the electors of
19 the county whose names appear on the official register of
20 voters of the county on the date of the filing of the
21 petition, requesting that such question be submitted to the
22 registered electors of the county.

1 (b) The petition shall contain a summary of its
2 purpose and shall designate therein the name by which the
3 consolidated government is to be known, which must be
4 either that of the county or of one (1) of the cities or
5 towns therein. The petition shall be approved as to form
6 by and filed with the county clerk, who shall verify the
7 signatures as herein provided.

8 16-10-305. CERTIFICATION OF PETITION -- BOARD ACTION.

9 (a) If the county clerk shall find that such petition
10 or amended petition so filed is signed by the required
11 number of registered electors, he shall so certify to the
12 board of county commissioners of such county at their next
13 regular meeting.

14 (b) Such board shall, within ten (10) days after
15 receiving the county clerk's certificate, order a special
16 election to be held, at which election such question shall
17 be submitted to the registered electors of the county. Such
18 order shall specify the time when such election shall be
19 held, which shall be not less than ninety (90) or more than
20 one hundred twenty (120) days from and after the day when
21 such order is made, and the board of county commissioners
22 shall immediately upon making such order issue a
23 proclamation setting forth the purpose for which such

1 special election is held and the date of holding the same,
2 which proclamation shall be published at least once a week
3 for four (4) consecutive weeks in a newspaper in general
4 circulation in the county.

5 16-10-306. FORM OF BALLOT.

6 At such election the ballots shall have printed thereon the
7 following:

8 Shall the corporate existence and government of the
9 county of and of each and every city and town therein
10 be consolidated and merged into one municipal corporation
11 and government under the provisions of articles 3 and 4 of
12 the Wyoming Local Government Consolidation Act, to be known
13 and designated as "city and county of"?

14 YES.

15 NO.

16 16-10-307. CONDUCT OF ELECTION.

17 Such election shall be conducted, vote returned and
18 canvassed, and result declared in the same manner as
19 provided by law in respect to general elections.

20 16-10-308. ELECTION OF COMMISSION UPON FAVORABLE VOTE.

21 (a) If the majority of the votes cast at such election
22 shall be in favor of such consolidation and merging, the

1 board of county commissioners of such county shall, within
2 two (2) weeks after the election returns have been
3 canvassed, order a special election to be held for the
4 purpose of electing the number of members of the commission
5 to which the consolidated municipality shall be entitled.
6 This order shall specify the time when the election shall
7 be held, which shall be not less than ninety (90) or more
8 than one hundred twenty (120) days after the day when such
9 order is made; provided, however, that if any general
10 election is to be held in the county after three (3) months
11 but within six (6) months from the date of the making of
12 the order, then the order shall require the special
13 election to be held at the same time as the general
14 election. The board of county commissioners, immediately
15 upon making the order, shall issue a proclamation setting
16 forth the purpose for which the special election is held
17 and the date of holding the same, which proclamation shall
18 be published at least once a week for four (4) consecutive
19 weeks in a newspaper in general circulation in the county.

20 (b) No primary election shall be held for the purpose
21 of nominating candidates for members of the commission
22 hereinafter provided for, to be voted for at the special
23 election, but the candidates shall be nominated directly by
24 petition which shall be in substantially the same form and
25 be signed by the same number of signers as hereinafter

1 required for primary nominating petitions. The election
2 shall be conducted, vote returned and canvassed, and result
3 declared in the same manner as provided by law in respect
4 to general elections.

5 16-10-309. RESOLUTION DECLARING CREATION OF CONSOLIDATED
6 GOVERNMENT.

7 (a) At the first meeting of the commission whose
8 members are first elected under the provisions of this
9 article, the commission shall adopt a resolution reciting
10 the filing of the petition provided for in W.S. 16-10-304,
11 the ordering and holding of a special election as requested
12 in the petition, the result of the election and the holding
13 of the special election for and the election of the members
14 of the first commission, and the name and designation of
15 the consolidated municipality. This resolution shall be in
16 duplicate and signed by all of the members of the
17 commission and also entered at length on the journal of the
18 commission. One (1) copy of the resolution shall be filed
19 in the office of the county clerk, and the other copy shall
20 be transmitted to and filed in the office of the secretary
21 of state.

22 (b) Immediately upon the adoption of the resolution
23 by the commission, the separate corporate existence of the

1 county and of each city and town therein is considered to
2 be consolidated and merged into one (1) municipal
3 corporation under the name selected, designated, and
4 adopted as provided in this article, and the consolidated
5 municipality is considered to have succeeded to and to
6 possess and own all of the property and assets of every
7 kind and description and shall, except as otherwise
8 provided, become responsible for all of the obligations and
9 liabilities of the county, cities and towns consolidated
10 and merged.

11 16-10-310. EXISTING CONTRACTS CONTINUED.

12 All contracts entered into by the county or by any city or
13 town therein prior to the election and qualification of a
14 commission under this article and article 4 of this chapter
15 shall continue in full force and effect subsequent thereto.
16 Public improvements for which initial steps may have been
17 taken under laws effective in the county prior to the
18 election and qualification of a commission under this
19 article and article 4 of this chapter may thereafter be
20 carried to completion in accordance with the provisions of
21 such laws.

22 16-10-311. TREATMENT OF EXISTING ORDINANCES.

23 The commission first elected may, at its first meeting,
24 make an order that all existing ordinances and resolutions

1 of some one (1) city or town within the consolidated
2 municipality which are of general application in that city
3 or town shall be continued in force and be extended
4 throughout the consolidated municipality, and a copy of the
5 order shall be published at least once in a newspaper
6 generally in circulation within the consolidated
7 municipality within ten (10) days after the making of the
8 order. All other ordinances and resolutions of such city or
9 town and all ordinances of all other cities and towns
10 within the consolidated municipality, save and except
11 ordinances and resolutions relating to public improvements
12 to be paid for in whole or in part by special assessments,
13 shall, upon the making of the order, be deemed repealed.

14 16-10-312. TREATMENT OF EXISTING OFFICERS.

15 The members of the board of county commissioners of the
16 county and members of the council of every city and town
17 therein holding office on the date when any election is
18 held at which the question of the consolidation and merging
19 of the county and city and town governments is approved and
20 adopted by the qualified electors of the county shall
21 continue in office and in the performance of their duties
22 until the first commission shall have been elected and have
23 qualified, whereupon such board of county commissioners and
24 city and town councils shall be deemed abolished. All other
25 persons holding offices or positions, whether elective or

1 appointive, under the government of such county or under
2 the government of any city or town therein at the date of
3 such election shall continue in the performance of the
4 duties of their respective offices and positions until
5 provision shall be made by the commission for the
6 performance or discontinuance of such duties or the
7 discontinuance of such offices or positions.

8 ***** STAFF COMMENTS *****

9 The same comment made above regarding the early
10 termination of constitutional officers applies
11 here.

12 16-10-313. POWER TO EFFECTUATE TRANSITION.

13 The commission shall have power to take all necessary
14 actions not inconsistent with this article or article 4 of
15 this chapter for the transition from the several
16 governments of and within the county to the government
17 provided by this article and article 4 of this chapter,
18 including the transfer to the treasury of the consolidated
19 city and county of all funds and money of such several
20 governments.

21 16-10-314. CONSOLIDATED MUNICIPALITY COMMISSION.

22 (a) Except as otherwise provided in this article or
23 article 4 of this chapter, all powers of the consolidated
24 municipality are vested in a commission.

1 (b) In consolidated municipalities consisting of
2 municipalities of more than one (1) city of the first class
3 prior to the consolidation, the commission shall consist of
4 five (5) members. In all other consolidated municipalities
5 the commission shall consist of three (3) members.

6 *** STAFF COMMENTS ***

7 Montana has other classifications which didn't
8 fit here because of the number of different
9 classifications it has for cities.

10 16-10-315. QUALIFICATIONS FOR COMMISSION.

11 (a) Members of the commission shall be qualified
12 electors of the consolidated municipality and may not hold
13 any other public office except that of notary public or
14 member of the state militia.

15 (b) A member of the commission ceasing to possess any
16 of the qualifications specified in this section shall
17 immediately forfeit his office.

18 16-10-316. TERM OF OFFICE OF COMMISSION MEMBERS.

19 (a) Except as provided in subsection (b) of this
20 section, the term of office of members of the commission
21 shall be four (4) years and shall commence on the first
22 Monday of January following their election.

1 (b) The terms of office of the members first elected
2 at such special election shall commence on the first day of
3 the third month following their election, and the terms of
4 office of a majority of such members first elected, to be
5 determined by lot, shall expire when their successors are
6 elected and qualified in the first year following their
7 election, and the terms of the remaining members first
8 elected shall expire when their successors are elected and
9 qualified in the third year following their election.

10 16-10-317. VACANCIES.

11 (a) If a vacancy occurs in the commission it shall be
12 filled by a majority vote of the remaining members for the
13 unexpired term.

14 (b) Absence from all regular meetings for a period of
15 ninety (90) days shall operate to vacate the seat of a
16 member unless the absence is authorized by the commission.

17 16-10-318. MEETINGS OF COMMISSION.

18 (a) (i) Except as provided in paragraph (ii) of this
19 subsection, at 2 p.m. on the first Monday of January
20 following a regular municipal election, the commission
21 shall meet at the courthouse in the consolidated

1 municipality and the newly elected members shall assume the
2 duties of office.

3 (ii) The first meeting of the commission after
4 the special election at which the first members of the
5 commission are elected shall be held at 2 p.m. on the first
6 day of the third month following the special election, and
7 at this meeting the members of the commission shall
8 determine by lot the members whose terms will expire on the
9 first Monday of January in the first year following such
10 special election and the members whose terms will expire on
11 the first Monday of January in the third year following
12 such election.

13 (b) Thereafter the commission shall meet at such
14 times as may be prescribed by ordinance or resolution, but
15 not less frequently than once in each month. Special
16 meetings shall be called by the clerk of the commission
17 upon written request of the president, the manager or a
18 majority of the members of the commission. A notice of a
19 meeting shall state the subject to be considered at the
20 meeting, and no other subject shall be considered at the
21 meeting.

22 (c) All meetings of the commission and of committees
23 thereof shall be open to the public, and the rules of the

1 commission shall provide that citizens of the municipality
2 shall have a reasonable opportunity to be heard at any
3 meeting in regard to any matter considered thereat.

4 16-10-319. ORGANIZATION AND OFFICERS OF COMMISSION.

5 (a) At the first meeting of the commission following
6 the special election at which the members thereof are first
7 elected and thereafter at its meeting on the first Monday
8 of January following each general election at which members
9 of the commission are elected, the commission shall choose
10 one (1) of its members as president and another as
11 vice-president.

12 (b) The president shall preside at meetings of the
13 commission and shall exercise the powers and perform the
14 duties conferred and imposed by this article or article 4
15 of this chapter and the ordinances of the municipality. He
16 shall be recognized as the official head of the
17 municipality for all ceremonial purposes, by the courts for
18 serving civil processes, and by the governor for purposes
19 of military law. In time of public danger or emergency he
20 shall, if authorized by vote of the commission, take
21 command of the police, maintain order and enforce the law.
22 If a vacancy occurs in the office of president or in case
23 of his absence or disability, the vice-president shall act

1 as president for the unexpired term or during the
2 continuance of the absence or disability.

3 (c) The director of finance shall be ex officio clerk
4 of the commission and shall, either in person or by deputy,
5 keep the records of the commission and perform such other
6 duties as may be required by this article or article 4 of
7 this chapter or by the commission.

8 16-10-320. CONDUCT OF COMMISSION BUSINESS.

9 (a) The commission shall determine its own rules and
10 order of business and shall keep a journal of its
11 proceedings. It shall have power to compel the attendance
12 of absent members, may punish its members for disorderly
13 behavior, and, by vote of not less than two-thirds (2/3) of
14 its members, may expel a member for disorderly conduct or
15 the repeated violation of its rules; but no member shall be
16 expelled unless notified of the charge against him and
17 given an opportunity to be heard.

18 (b) A majority of the members elected to the
19 commission shall constitute a quorum to do business, but a
20 less number may adjourn from time to time and compel the
21 attendance of absent members in such manner and under such
22 penalties as may be prescribed by ordinance. The

1 affirmative vote of a majority of the members elected to
2 the commission shall be necessary to adopt any ordinance,
3 resolution, order, or vote; except that a vote to adjourn
4 or regarding the attendance of absent members may be
5 adopted by a majority of the members present.

6 16-10-321. COMPENSATION OF COMMISSION MEMBERS.

7 (a) Commission members shall be compensated in
8 accordance with all laws providing for compensation of
9 county commissioners.

10 *** STAFF COMMENTS ***

11 The constitution provides that all county
12 officers whose compensation is not set by the
13 constitution shall have their salaries set by the
14 legislature in proportion to the value of their
15 services and duties. These commissioners would
16 have more duties than normal county
17 commissioners. The compensation fixed in this
18 section probably should be adjusted.
19

20 16-10-322. PROCEDURE TO ENACT ORDINANCES AND RESOLUTIONS.

21 (a) Ordinances and resolutions shall be introduced in
22 the commission only in written or printed form. All
23 ordinances or resolutions, except ordinances making
24 appropriations, shall be confined to one (1) subject, which
25 shall be clearly expressed in the title, except as provided
26 in W.S. 16-10-326. Ordinances making appropriations shall

1 be confined to the subject of appropriations. No ordinance
2 shall be passed until it has been read on three (3)
3 separate days, unless the requirement of reading on three
4 (3) separate days has been dispensed with by a vote of not
5 less than two-thirds (2/3) of the members of the
6 commission. The final reading shall be in full unless a
7 written or printed copy of the measure shall have been
8 furnished to each member of the commission prior to such
9 reading.

10 (b) The enacting clause of all ordinances passed by
11 the commission shall be: "Be it ordained by the city and
12 county of", and the enacting clause of all ordinances
13 submitted by the initiative shall be: "Be it ordained by
14 the people of the city and county of".

15 (c) No ordinance, resolution, or section thereof
16 shall be revised or amended unless the new ordinance or
17 resolution contains the entire ordinance, resolution, or
18 section thereof as revised or amended.

19 (d) Every ordinance, or resolution upon its final
20 passage, shall be recorded in a book kept for that purpose
21 and shall be authenticated by the signatures of the
22 president and clerk. Within ten (10) days after its final
23 passage, each ordinance or resolution shall be published at

1 least once in such manner as the commission may provide by
2 ordinance.

3 (e) Initiated ordinances adopted by the electors
4 shall be published and may be amended or repealed by the
5 commission, as in the case of other ordinances.

6 *** STAFF COMMENTS ***

7 The above and following specific provisions are
8 from the Montana statutes for the consolidated
9 governments. The committee may wish to include
10 instead provisions for county legislation or for
11 municipal legislation from existing statutes.
12 Because this is a consolidated government I don't
13 think the legislation can simply incorporate
14 existing county or municipal statutes, too many
15 of the provisions would apply only to the single
16 entity.

17 16-10-323. EFFECTIVE DATE OF ORDINANCES.

18 (a) Ordinances making the annual tax levy, ordinances
19 and resolutions providing for local improvements and
20 assessments, and emergency measures shall take effect at
21 the time indicated therein. All other ordinances and
22 resolutions enacted by the commission shall be in effect
23 from and after thirty (30) days from the date of their
24 passage.

25 (b) When an ordinance proposed by initiative petition
26 is passed by the commission in a changed or amended form

1 and the committee of the petitioners requires that such
2 proposed ordinance be submitted to a vote of the electors,
3 as provided in W.S. 16-10-329, the ordinance as passed by
4 the commission shall not take effect until after such vote,
5 and if the proposed ordinance so submitted be approved by
6 a majority of the electors voting thereon, the ordinance as
7 passed by the commission shall be deemed repealed.

8 (c) Ordinances adopted by the electors shall take
9 effect at the time fixed therein or, if no time is
10 specified, thirty (30) days after the adoption thereof.

11 16-10-324. EMERGENCY MEASURES.

12 An emergency measure is an ordinance or resolution to
13 provide for the immediate preservation of the public peace,
14 health or safety, in which the emergency claimed is set
15 forth and defined in a preamble thereto. The affirmative
16 vote of at least two-thirds (2/3) of the members of the
17 commission shall be required to pass an emergency ordinance
18 or resolution.

19 16-10-325. VOTE REQUIRED ON CERTAIN MEASURES.

20 No measure making or amending a grant, renewal, or
21 extension of a franchise or other special privilege may be
22 passed without first submitting the application therefor to
23 the qualified electors of the municipality.

1 16-10-327. PETITION FOR INITIATIVE.

2 (a) Any proposed ordinance, except an ordinance making
3 a tax levy or appropriation, may be submitted to the
4 commission by petition signed by ten percent (10%) of the
5 qualified electors of the municipality whose names appear
6 on the register of voters on the date when the proposed
7 ordinance is submitted to the commission.

8 (b) All petition papers circulated with respect to
9 any proposed ordinance shall be uniform in character and
10 shall contain the proposed ordinance in full.

11 (c) Proposed ordinances for repealing any existing
12 ordinance or ordinances, in whole or in part, may be
13 submitted to the commission as provided in W.S. 16-10-327
14 through 16-10-329 for initiating ordinances.

15 16-10-328. ACTION ON INITIATIVE PETITION.

16 (a) If an initiative petition or amended petition be
17 found sufficient by the clerk, he shall so certify and
18 shall submit the ordinance therein set forth to the
19 commission at its next meeting, and the commission shall at
20 once read and refer it to an appropriate committee, which
21 may be a committee of the whole.

1 (b) Provision shall be made for public hearings upon
2 the proposed ordinance before the committee to which it is
3 referred. Thereafter, the committee shall report the
4 ordinance to the commission, with its recommendations
5 thereon, not later than sixty (60) days after the date on
6 which such ordinance was submitted to the commission by the
7 clerk.

8 (c) Upon receiving the ordinance from the committee,
9 the commission shall proceed at once to consider it and
10 shall take final action thereon within thirty (30) days
11 from the date of such committee report.

12 16-10-329. SUBMISSION OF INITIATIVE MEASURE TO ELECTORS.

13 (a) If the commission fails to pass an ordinance
14 proposed by initiative petition or passes it in a form
15 different from that set forth in the petition therefor, the
16 committee of the petitioners hereinafter provided for may
17 require that it be submitted to a vote of the electors
18 either in its original form or with any change or amendment
19 presented in writing, either at a public hearing before the
20 committee to which the proposed ordinance was referred or
21 during the consideration thereof by the commission. If the
22 committee of petitioners requires the submission of a
23 proposed ordinance to a vote of the electors, the committee

1 shall certify that fact to the clerk and file in his office
2 a certified copy of the ordinance, in the form in which it
3 is to be submitted, within ten (10) days after final action
4 on such ordinance by the commission.

5 (b) Upon receipt of the certified copy of a proposed
6 ordinance from the committee of the petitioners, the clerk
7 shall certify the fact to the commission at its next
8 regular meeting. If a general election is to be held within
9 six (6) months but more than ninety (90) days after the
10 receipt of the clerk's certificate by the commission, such
11 proposed ordinance shall be submitted to a vote of the
12 electors at such election. If no such election is to be
13 held within the time aforesaid, the commission shall
14 provide for submitting the proposed ordinance to the
15 electors at a special election to be held not sooner than
16 ninety (90) days nor later than one hundred twenty (120)
17 days after receipt of the clerk's certificate. If when
18 submitted to the electors a majority of those voting on a
19 proposed ordinance shall vote in favor thereof, it shall
20 thereupon be an ordinance of the municipality.

21 16-10-330. PETITION FOR REFERENDUM.

22 (a) The electors shall have power to approve or reject
23 at the polls any ordinance passed by the commission except

1 an ordinance making a tax levy or an emergency measure,
2 such power being known as the referendum. Ordinances
3 submitted to the commission and passed by the commission
4 without change or passed in an amended form and not
5 required by the committee of the petitioners to be
6 submitted to a vote of the electors shall be subject to the
7 referendum in the same manner as other ordinances.

8 (b) If, within thirty (30) days after the final
9 passage of an ordinance, a petition signed by ten percent
10 (10%) of the qualified electors whose names appear on the
11 register of voters on the date when such petition is filed
12 shall be filed with the clerk requesting that the ordinance
13 or any specified part thereof be either repealed or
14 submitted to a vote of the electors, it shall not become
15 operative until the steps indicated herein have been taken.
16 Referendum petitions shall contain the text of the
17 ordinance or part thereof, the repeal of which is sought.

18 16-10-331. ACTION ON REFERENDUM PETITION.

19 (a) If a referendum petition or amended petition is
20 found sufficient by the clerk, he shall certify that fact
21 to the commission at its next regular meeting, and the
22 ordinance or part thereof set forth in the petition shall

1 not go into effect, or further action thereunder shall be
2 suspended if it shall have gone into effect, until approved
3 by the electors as hereinafter provided.

4 (b) Upon receipt of the clerk's certificate, the
5 commission shall proceed to reconsider the ordinance or
6 part thereof, and its final vote upon such reconsideration
7 shall be upon the question "Shall the ordinance (or part of
8 the ordinance) set forth in the referendum petition be
9 repealed?" If upon such reconsideration the ordinance or
10 part thereof is not repealed, it shall be submitted to the
11 electors at the next municipal election held not less than
12 ninety (90) days after such final vote by the commission.
13 The commission, by vote of not less than two-thirds (2/3)
14 of its members, may submit the ordinance or part thereof to
15 the electors at a special election to be held not sooner
16 than the time specified in this section. If when submitted
17 to the electors any ordinance or part thereof is not
18 approved by a majority of those voting thereon, it shall be
19 deemed repealed.

20 16-10-332. PRELIMINARY ACTS AUTHORIZED PRIOR TO SUBMISSION OF
21 CERTAIN ORDINANCES TO ELECTORS.

22 In case a petition is filed requiring that an ordinance
23 passed by the commission providing for the expenditure of
24 money, a bond issue, or a public improvement be submitted

1 to a vote of the electors, all steps preliminary to such
2 actual expenditure, actual issuance of bonds, or actual
3 execution of the contract for such improvement may be taken
4 prior to the election.

5 16-10-333. APPOINTMENT AND REMOVAL OF MANAGER OF CONSOLIDATED
6 MUNICIPALITY.

7 (a) The commission shall appoint a manager. He shall
8 be chosen by the commission solely on the basis of his
9 executive and administrative qualifications and need not,
10 when appointed, be a resident of the municipality. No
11 member of the commission shall, during the time for which
12 elected, be chosen manager. In case of the absence or
13 disability of the manager, the commission may designate
14 some responsible person to perform the duties of the
15 office. The manager shall receive compensation as may be
16 fixed by the commission.

17 (b) The manager shall not be appointed for a definite
18 term but shall be removable at the pleasure of the
19 commission. In case the commission determines to remove the
20 manager, he shall, if he so demands, be given a written
21 statement of the reason alleged for the proposed removal
22 and the right to be heard thereon at a public meeting of

1 the commission prior to the date on which his final removal
2 shall take effect, but pending and during such hearing the
3 commission may suspend him from office. The action of the
4 commission in suspending or removing the manager shall be
5 final, it being the intention of this section to vest all
6 authority and fix all responsibility for any such
7 suspension or removal in the commission.

8 16-10-334. ROLE OF MANAGER.

9 (a) The manager shall be the chief executive officer
10 of the municipality.

11 (b) The manager shall be responsible to the
12 commission for the proper administration of the affairs of
13 the municipality placed in his charge and to that end shall
14 appoint all officers and employees in the administrative
15 service of the municipality, except as otherwise provided
16 in this article or article 4 of this chapter and except as
17 he may authorize the head of a department or office
18 responsible to him to appoint subordinates in such
19 department or office.

20 16-10-335. APPOINTMENTS BY MANAGER.

21 Appointments by or under the authority of the manager shall
22 be confined to citizens of the municipality, except in such

1 specific cases as the commission may suspend this
2 requirement, and shall be on the basis of the ability,
3 training and experience of the appointees in the work which
4 they are to perform. All such appointments shall be without
5 definite term unless for temporary service not to exceed
6 sixty (60) days.

7 16-10-336. REMOVAL OF APPOINTEES.

8 (a) Any officer or employee of the municipality
9 appointed by the manager or upon his authorization may be
10 laid off, suspended, or removed from office or employment
11 either by the manager or the officer by whom appointed.
12 Verbal or written notice of layoff, suspension or removal
13 given to an officer or employee or written notice left at
14 or mailed to his usual place of residence shall be
15 sufficient to put any such layoff, suspension, or removal
16 into effect unless the person so notified shall, within
17 five (5) days of such notice, demand a written statement of
18 reasons therefor and the right to be heard thereon before
19 the manager. Upon such demand the officer making the
20 layoff, suspension, or removal shall supply the person
21 notified thereof with a written statement of the reasons
22 therefor, and the manager shall fix a time and place for
23 the public hearing. Following the public hearing the
24 manager shall either confirm the layoff, suspension, or

1 removal as specified in the notice, reinstate the person so
2 notified in the service, or make such other disposition of
3 the matter as in his opinion the good of the service may
4 require.

5 (b) The decision of the manager in any such case
6 shall be final, and there shall be no appeal therefrom to
7 any officer, body or court whatsoever. A copy of the
8 written statement of reasons given for any layoff,
9 suspension, or removal and a copy of any written reply
10 thereto by the officer or employee involved, together with
11 a copy of the decision of the manager, shall be filed as a
12 public record in the office of the clerk.

13 ***** STAFF COMMENTS *****

14 Under the United States' Supreme Court rulings
15 public employees are entitled to at least minimal
16 due process rights in cases of dismissal. I
17 haven't researched this thoroughly. It is the
18 Montana statute.

19 16-10-337. RELATIONSHIP OF COMMISSION AND MANAGER REGARDING
20 APPOINTMENTS AND ADMINISTRATIVE SERVICE.

21 (a) Neither the commission nor any of its committees
22 or members shall direct or request the appointment of any
23 person to or his removal from office or employment by the
24 manager or any of his subordinates or in any manner take
25 part in the appointment or removal of officers and

1 employees in the administrative service of the
2 municipality. Except for the purpose of inquiry, the
3 commission and its members shall deal with that portion of
4 the administrative service for which the manager is
5 responsible solely through the manager, and neither the
6 commission nor any member thereof shall give orders to any
7 subordinate of the manager either publicly or privately.

8 (b) Any violation of the provisions of this section
9 by a member of the commission shall be a misdemeanor,
10 conviction of which shall immediately forfeit the office of
11 the member so convicted.

12 16-10-338. GENERAL DUTIES OF MANAGER.

13 It shall be the duty of the manager to act as chief
14 conservator of the peace within the municipality, to
15 supervise the administration of the affairs of the
16 municipality, to see that the ordinances of the
17 municipality and the laws of the state are enforced, to
18 make such recommendations to the commission concerning the
19 affairs of the municipality as may seem to him desirable,
20 to keep the commission advised of the financial conditions
21 and future needs of the municipality, to prepare and submit
22 to the commission such reports as may be required by that
23 body, and to perform such other duties as may be prescribed

1 by this article or article 4 of this chapter or be required
2 of him by ordinance or resolution of the commission.

3 16-10-339. ATTENDANCE AND PARTICIPATION OF MANAGER, DIRECTORS,
4 AND OTHER OFFICERS AT COMMISSION MEETINGS.

5 The manager, the directors of all departments, and all
6 other officers of the municipality shall be entitled to be
7 present at all sessions of the commission. The manager
8 shall have the right to take part in the discussion of all
9 matters coming before the commission, and the directors and
10 other officers shall be entitled to take part in all
11 discussions of the commission relating to their respective
12 departments and offices.

13 16-10-340. DEPARTMENTS OF CONSOLIDATED MUNICIPALITY.

14 (a) In any consolidated municipality which previously
15 contained at least two (2) first class cities, there shall
16 be a department of finance, a police department, a
17 department of public works, a department of health, a fire
18 department, and such other departments and offices as may
19 be established by ordinance. In any other consolidated
20 municipality, there shall be a department of finance, a
21 police department, a department of public works, a
22 department of health, and such other departments and
23 offices as may be established by ordinance.

1 may authorize the manager to determine the number of such
2 assistants and subordinates in and for a specified
3 department or office, subject to the appropriations made
4 thereto.

5 (b) The director of finance shall maintain in his
6 office a list of all persons in the administrative service
7 of the municipality, showing in connection with each name
8 the position held, the date of appointment, the character
9 of employment, and the rate of compensation. Each
10 appointing officer shall promptly transmit to the director
11 of finance such information regarding his department or
12 office as may be necessary to keep this list accurate in
13 all respects at all times. The treasurer shall not pay nor
14 shall the director of finance issue any warrant for the
15 payment of any salary or compensation to any person whose
16 name does not appear upon such list, nor shall payment be
17 made at a rate other than that specified on such list. Any
18 sum paid contrary to the foregoing provisions of this
19 section may be recovered from any officer paying or
20 authorizing the payment thereof or from the surety on his
21 official bond. If through the failure of any officer to
22 give information to the director of finance as required in
23 this section or through omission or error in such
24 information, payment is made to any person whose name
25 should not be on such list or payment is made in excess of

1 the amount which any person whose name is rightfully on the
2 list should receive, then the amount of any such payment or
3 excess payment may be recovered from the officer by reason
4 of whose failure, omission or error the payment or excess
5 payment was made or from the surety on his official bond.

6 16-10-342. COMPENSATION OF OFFICERS AND EMPLOYEES.

7 The compensation of officers and employees in the
8 administrative service of the municipality shall be fixed
9 by ordinance, but all positions in such service, except
10 those of heads of departments and heads of offices not
11 included within regular departments, shall, for purposes of
12 compensation, be graded and classified by the manager
13 according to duties and responsibilities. The commission
14 shall by ordinance establish a schedule of compensation for
15 the positions so graded and classified, which shall
16 prescribe uniform compensation for like service as
17 determined by the grading and classification by the
18 manager. Such schedule of compensation may establish a
19 minimum and maximum for any grade, and an increase in
20 compensation within the limits provided for any grade may
21 be granted by the manager upon the basis of efficiency and
22 seniority.

23 16-10-343. ADVISORY BOARDS.

1 The manager may appoint a board of citizens qualified to
2 act in an advisory capacity to the head of any specified
3 department or office. The members of all such boards shall
4 serve without compensation, and it shall be their duty to
5 consult with and advise the officer in charge of the
6 department or office for which they are appointed, but not
7 to direct the conduct of such department or office. Public
8 meetings of such boards may be called for the consideration
9 of the affairs of the department or office for which they
10 are appointed.

11 16-10-344. INVESTIGATORY POWERS OF COMMISSION AND MANAGER.

12 (a) The commission, the manager, or any person or
13 committee authorized by either of them shall have power to
14 inquire into the conduct of any department or office of the
15 municipality and to make investigations as to municipal
16 affairs and for that purpose may subpoena witnesses,
17 administer oaths, and compel the production of books,
18 papers, and other evidence.

19 (b) It shall be the duty of the manager to designate
20 a peace officer to serve subpoenas. The commission shall
21 provide by ordinance the penalty or penalties for contempt
22 in refusing to obey any such subpoena or to produce such
23 books, papers and other evidence and shall have the power

1 to punish any such contempt in the manner provided by
2 ordinance.

3 16-10-345. DISPOSITION OF MONEY RECEIVED BY OFFICERS IN
4 OFFICIAL CAPACITY.

5 No person elected or appointed to any office or position
6 under the municipal government established by this article
7 and article 4 of this chapter shall be entitled to or
8 receive for his own use any fees, emoluments, commissions
9 or perquisites other than the salary or compensation fixed
10 by this article and article 4 of this chapter or by the
11 commission; and all such fees, emoluments, commissions and
12 perquisites ensuing out of the performance of official duty
13 shall belong to the municipality and be paid into the
14 treasury thereof at the times and in the manner provided by
15 the general laws of the state.

16 16-10-346. NONPARTISAN NATURE OF GOVERNMENT.

17 (a) No person holding an appointive office or position
18 in the municipal government shall directly or indirectly
19 solicit or receive or be in any manner concerned in
20 soliciting or receiving any assessment, subscription, or
21 contribution for any political party or purpose whatever.
22 No person shall orally or by letter solicit or be in any
23 manner concerned in soliciting any assessment,

1 subscription, or contribution for any political party or
2 purpose from any person holding an appointive office or
3 position in the municipal government. No person shall use
4 or promise to use his influence or official authority to
5 secure any appointment or prospective appointment to any
6 position in the service of the municipality as a reward or
7 return for personal or partisan political service. No
8 person shall take part in preparing any political
9 assessment, subscription or contribution with the intent
10 that it should be sent or presented to or collected from
11 any person in the service of the municipality, nor shall he
12 knowingly send or present, directly or indirectly, in
13 person or otherwise, any political assessment,
14 subscription, or contribution to or request its payment by
15 any person in such service.

16 (b) No person in the service of the municipality
17 shall discharge, suspend, lay off, reduce in grade or in
18 any manner change the official rank or compensation of any
19 person in such service or threaten to do so for withholding
20 or neglecting to make any contribution of money or service
21 or any valuable thing for any political service. No person
22 holding an appointive office or place in the municipal
23 government shall act as an officer in a political
24 organization or serve as a member of a committee of any

1 such organization or circulate or seek signatures for any
2 petition provided for by primary or election laws.

3 (c) Any person who, by himself or in cooperation with
4 one (1) or more persons, willfully or corruptly violates
5 any of the provisions of subsections (a) or (b) of this
6 section shall be guilty of a misdemeanor and shall upon
7 conviction thereof be punished by a fine of not less than
8 fifty dollars (\$50.00) or more than five hundred dollars
9 (\$500.00), or by imprisonment for a term not exceeding
10 three (3) months, or both, and if he is an officer or
11 employee of the municipality, he shall immediately forfeit
12 his office or employment.

13 16-10-347. COMMISSIONERS NOT TO HOLD OR SEEK OTHER OFFICE.
14 No person elected to the commission shall, during the term
15 for which elected, be appointed to any office or position
16 in the service in the municipality. If a member of the
17 commission shall become a candidate for any public office
18 other than that of commissioner, he shall immediately
19 forfeit his place on the commission.

20 16-10-348. APPOINTIVE OFFICERS NOT TO SEEK OTHER OFFICE.
21 Any appointive officer or employee of the municipality who
22 shall become a candidate for nomination or election to any

1 public office shall immediately forfeit the office or
2 employment held under the municipality.

3 16-10-349. CONTROL OF CONFLICT OF INTEREST.

4 No officer or employee of the municipality shall have a
5 financial interest, direct or indirect, in any contract
6 therewith or be financially interested, directly or
7 indirectly, in the sale to the municipality of any land,
8 materials, supplies or services except on behalf of the
9 municipality as an officer or employee. Any willful
10 violation of this section shall constitute malfeasance in
11 office, and any officer or employee found guilty thereof
12 shall thereby forfeit his office or position. Any violation
13 of this section with the knowledge, actual or implied, of
14 the person or corporation contracting with the municipality
15 shall render the contract involved voidable by the manager
16 or the commission.

17 16-10-350. OFFICIAL BONDS.

18 (a) The members of the commission, the manager, the
19 director of finance, the purchasing agent, the director of
20 law, the director of police and such other officers and
21 employees of the municipality as the commission requires to
22 do so shall, immediately upon taking office, give bonds
23 with such surety as may be approved by the commission; but

1 no officer or employee shall become surety upon the
2 official bond of another officer or employee. Members of
3 the commission shall give bonds in the sum of five thousand
4 dollars (\$5,000.00) and other officers and employees shall
5 give bonds in such amounts as the commission may require.
6 The premium on all official bonds shall be paid by the
7 municipality.

8 (b) All such bonds, except those of the manager and
9 the director of finance, shall be filed with the director
10 of finance. The official bonds of the manager and the
11 director of finance shall be filed with and kept by the
12 director of the department of law.

13 16-10-351. OATH OF OFFICE.

14 Every officer of the municipality shall, before entering
15 upon the duties of his office, take and subscribe to the
16 oath or affirmation required of officers by the
17 constitution of the state of Wyoming, which oath or
18 affirmation shall be filed and kept in the office of the
19 clerk.

20 Article 4. Departments of consolidated municipalities.

21 16-10-401. DEPARTMENT OF FINANCE.

1 (a) The director of finance has charge of the
2 administration of the financial affairs of the
3 municipality, including the keeping and supervision of all
4 accounts; the custody and disbursement of municipal funds
5 and money; the making of special assessments; the issuance
6 of licenses; the collection of license fees; the control
7 over expenditures; the purchase, storage, and distribution
8 of supplies needed by the municipality; and other duties as
9 the commission may by ordinance require.

10 (b) The director of finance has all powers and shall
11 perform all duties imposed upon county and municipal clerks
12 by general law.

13 (c) All of the provisions of the general laws of the
14 state with respect to budgets for cities and counties apply
15 to the municipality.

16 ***** STAFF COMMENTS *****

17 The provisions for counties and cities aren't
18 identical under the Wyoming statutes, thus one
19 or the other or a specific combination would have
20 to be spelled out here.

21 16-10-402. FISCAL YEAR.

22 The fiscal year of the municipality shall begin with July
23 1 and shall end with the succeeding June 30.

24 16-10-403. MONTHLY FINANCIAL STATEMENTS.

1 The director of finance shall prepare and submit to the
2 commission each month a summary statement of revenues and
3 expenses for the preceding month, detailed as to
4 appropriations and funds in such manner as shows the exact
5 financial condition of the municipality and of each
6 department and office thereof as of the last day of such
7 month.

8 16-10-404. DIVISION OF AUDIT AND ACCOUNTS.

9 There shall be in the department of finance a division of
10 audit and accounts, of which the director of finance shall
11 himself be the head. As head of such office he shall be
12 charged with keeping the books of financial account for all
13 departments and offices of the municipality, and whenever
14 practicable, such books and accounts shall be kept in the
15 office of the division of audit and accounts. Report shall
16 be made daily to the division of audit and accounts by each
17 department and office, showing the receipt of all money and
18 the disposition thereof.

19 16-10-405. CONDUCT OF AUDITS.

20 (a) Upon the death, resignation, removal or expiration
21 of the term of any officer of the municipality, the
22 director of finance shall cause an audit and investigation
23 of the accounts of such officer to be made and shall report

1 to the manager and the commission. Either the commission or
2 the manager may at any time provide for an examination or
3 audit of the accounts of any officer or department of the
4 municipal government.

5 (b) In case of the death, resignation or removal of
6 the director of finance, the manager shall cause an audit
7 to be made of his accounts.

8 (c) If, as a result of any such audit, an officer is
9 found indebted to the municipality, the director of finance
10 or other person making such audit shall immediately give
11 notice thereof to the commission, the manager, and the
12 director of law, and the latter shall forthwith proceed to
13 collect such indebtedness.

14 16-10-406. DIVISION OF TREASURY.

15 (a) There shall be in the department of finance a
16 division of the treasury, the head of which shall be
17 treasurer of the municipality, shall have the powers and
18 perform the duties prescribed for city treasurers and
19 county treasurers by general law, and shall be required to
20 qualify by giving a bond in the same amount required of
21 county treasurers of counties.

1 (b) All money received by an officer or employee of
2 the municipality for or in connection with the business of
3 the municipality shall be paid promptly into the treasury.
4 The commission shall by ordinance provide for the prompt
5 and regular payment of such money into the treasury and
6 shall also, in the manner hereinafter provided, designate
7 the banking institutions with which it shall be deposited.

8 16-10-407. DIVISION OF PURCHASES AND SUPPLIES.

9 There shall be in the department of finance a division of
10 purchases and supplies, at the head of which there shall be
11 a purchasing agent. The purchasing agent shall make all
12 purchases for the municipality in the manner and with such
13 exceptions as may be provided by ordinance and shall, under
14 such regulations as may be provided by ordinance, sell all
15 property, real and personal, of the municipality not needed
16 for public use or that may have become unsuitable for use.
17 He shall have charge of such storerooms and warehouses of
18 the municipality as the commission may by ordinance
19 provide.

20 16-10-408. PROCEDURE FOR PURCHASE, SALE, AND SUPPLY.

21 (a) Before making any purchase or sale, the purchasing
22 agent shall give opportunity for competition, under such
23 rules as the commission may by ordinance establish.

1 (b) Supplies required by any department or office of
2 the municipality may be furnished upon requisition from the
3 stores under the control of the purchasing agent and
4 whenever so furnished shall be paid for by the department
5 or office furnished therewith by warrant made payable to
6 the credit of the store's account of the division of
7 purchases and supplies. The purchasing agent shall not
8 furnish any supplies to any department or office unless
9 there is to the credit thereof an available unencumbered
10 appropriation balance sufficient to pay for such supplies.

11 16-10-409. DIVISION OF ASSESSMENT.

12 (a) There may be in the department of finance a
13 division of assessment, the head of which shall be the
14 assessor. The division of assessment has the powers of and
15 shall perform the duties prescribed for county assessors by
16 general law.

17 (b) The division of assessment is in charge of the
18 preparation of all special assessments for public
19 improvements, the giving of notice of the assessments to
20 property owners and purchasers of property under contracts
21 for deed, and the certification of all unpaid assessments
22 to the director of finance.

1 16-10-410. LIMITATION ON TAX LEVY.

2 (a) No ordinance making the annual tax levy shall be
3 passed fixing the rate to be levied upon all property
4 within the municipality to defray current expenses,
5 including salaries otherwise unprovided for, in excess of
6 the maximum levies prescribed by law for general fund
7 purposes in the county and the cities and towns which have
8 been consolidated into a single government.

9 (b) The tax limit provided by subsection (a) of this
10 section shall apply only to taxes for the purposes therein
11 specified. Taxes required by this article or article 3 of
12 this chapter to be levied on account of the debt of the
13 municipality or any district thereof and special taxes
14 authorized by this article or article 3 of this chapter or
15 by the general laws of the state shall not be affected by
16 such limits, nor shall such taxes be considered in
17 determining the limits of taxation fixed by subsection (a)
18 of this section.

19 ***** STAFF COMMENTS *****

20 I don't believe this can be done under the
21 current constitutional provisions. It goes beyond
22 even the cumulative mill limits. There is
23 considerable doubt that the consolidated
24 municipality would even be entitled to the
25 cumulative limits.

1 16-10-411. AUTHORITY FOR SPECIAL TAXES AND SPECIAL SERVICE
2 DISTRICTS.

3 (a) The municipality shall have the power and
4 authority to levy special taxes for all purposes which
5 counties, cities and towns are authorized to levy by
6 general laws of the state, and all of the provisions of
7 such laws shall be applicable to and shall govern and
8 control the municipality in the levying and collection of
9 such special taxes.

10 (b) The commission may by ordinance designate clearly
11 specified districts in or for which special services are to
12 be performed and may levy upon the property in any such
13 district such tax, in addition to any taxes authorized by
14 W.S. 16-10-410(a), as may be necessary with other available
15 funds and grants to pay the cost of such special service or
16 services. The boundaries of special service districts shall
17 be regularly reviewed by the commissioners and may be
18 adjusted upon recommendation by an authorized planning body
19 in response to changing population patterns. In no case
20 shall such additional levy be more than twenty (20) mills.

21 ***** STAFF COMMENTS *****

22 While the constitutional mill limits are often
23 not applicable to the special districts created
24 by legislation, this broad authority appears to
25 me to be clearly unconstitutional under the

1 Wyoming constitution. Both as going beyond the
2 mill limits and probably also for an unlawful
3 delegation of legislative authority in
4 authorizing any special district the consolidated
5 government wishes to create.

6 16-10-412. COLLECTION OF TAXES.

7 All taxes levied by the municipality shall be collected and
8 payable in the manner, at the time, and under the penalties
9 prescribed by law for the collection and payment of county
10 taxes.

11 16-10-413. SPECIAL TAXING DISTRICTS FOR INDEBTEDNESS EXISTING
12 PRIOR TO CONSOLIDATION.

13 (a) The district comprised within the boundaries of
14 any city, town, or district existing within the county at
15 the time of the adoption of this article and article 3 of
16 this chapter by the electors thereof shall, for the purpose
17 of paying the interest and principal of any debt incurred
18 by such city, town, or district prior to such adoption, be
19 continued as a special district until such debt shall have
20 been paid. The commission shall, in the annual tax levy
21 ordinance, levy upon the property within each such district
22 such tax, in addition to all other taxes, as the director
23 of finance shall report to be necessary to provide for
24 paying the interest on each such debt as it falls due and
25 the principal thereof as it matures, and no other property

1 within the municipality shall be taxable or made liable for
2 the payment of any such debt.

3 (b) The commission shall likewise provide in the
4 annual tax levy ordinance for the levy of such tax upon all
5 property within the municipality as the director of finance
6 shall report to be necessary to provide for paying the
7 interest as it falls due and the principal as it matures of
8 any debt of the municipality as a whole.

9 (c) The tax levy for the debt of the municipality as
10 a whole and the tax levy for the debt of each such district
11 shall each be a separate levy and shall be distinct from
12 and in addition to all other tax levies. The proceeds of
13 each such tax levy shall be placed in a separate fund for
14 the payment of the interest and principal of the debt for
15 which the tax was levied, and no part of any such fund
16 shall be used for any other purpose whatever.

17 16-10-414. PAYMENT AND INVESTIGATION OF CLAIMS -- USE OF
18 WARRANTS.

19 (a) No claim against the municipality shall be paid
20 except by means of a warrant on the treasury issued by the
21 director of finance. The director of finance shall issue no
22 warrant for the payment of a claim unless the claim is

1 evidenced by a voucher approved by the head of the
2 department or office for which the indebtedness was
3 incurred, and each such officer and his surety shall be
4 liable to the municipality for all loss or damage sustained
5 by reason of his negligent or corrupt approval of any
6 claim.

7 (b) The director of finance shall examine all
8 payrolls, bills and other claims and demands against the
9 municipality and shall issue no warrant for payment unless
10 he finds that the claim is in proper form, correctly
11 computed and duly approved; that it is legally due and
12 payable; and that an appropriation has been made therefor
13 which has not been exhausted. He may investigate any
14 claimant and for that purpose may summon before him any
15 officer, agent or employee of the municipality or any
16 claimant or other person and examine him upon oath or
17 affirmation relative thereto. If he finds a claim to be
18 fraudulent, erroneous or otherwise invalid or that the
19 appropriation out of which such claim is payable has been
20 exhausted, he shall not issue a warrant therefor. If the
21 director of finance issues a warrant on the treasury
22 authorizing payment of any claim in contravention of the
23 provisions of this subsection, he and his sureties shall be
24 individually liable to the municipality for the amount of
25 such warrant if paid.

1 16-10-415. CERTIFICATION OF CERTAIN OBLIGATIONS BY FINANCE
2 DIRECTOR.

3 (a) No contract, agreement, or other obligation, other
4 than contracts pertaining to work or improvements to be
5 paid for by special assessments, involving the expenditure
6 of any funds shall be entered into nor shall any order for
7 such expenditures be valid unless the director of finance
8 shall first certify to the commission that the object or
9 purpose for which such expenditure is to be made and the
10 amount thereof is provided for by an appropriation in the
11 annual budget or in a supplemental budget and that the same
12 has not been expended. The certificate of the director of
13 finance shall be filed and made a matter of record in his
14 office, and the appropriation for such purpose shall
15 thereafter be considered as having been set aside and
16 expended to the amount of such contract, agreement or
17 obligation.

18 (b) All contracts, agreements or other obligations
19 entered into, all ordinances and resolutions passed, and
20 all orders adopted contrary to the provisions of subsection
21 (a) of this section shall be void, and no person whatever
22 shall have any claim or demand against the municipality
23 thereunder, nor shall the commission or any officer of the
24 municipality waive or qualify the limitations fixed by

1 subsection (a) of this section or fasten upon the
2 municipality any liability whatever in excess thereof.

3 16-10-416. DESIGNATION OF DEPOSITORY BANKS.

4 On or before August 1 of each year, the commission shall
5 designate the banks subject to state or national
6 supervision in which the funds of the municipality shall be
7 deposited. In designating such banks, the commission shall
8 specify the maximum amount of municipal funds that may be
9 kept at any time in each.

10 16-10-417. DEPOSIT SECURITY.

11 (a) Unless a bank designated as a depository shall elect to
12 deposit securities with the treasurer as provided in
13 subsection (b) of this section, it shall give good and
14 sufficient bonds, with sureties to be approved by the
15 commission, conditioned for the safekeeping and payment of
16 the municipal funds deposited therewith and the interest
17 thereon. Any such bonds of a depository shall be in the
18 aggregate equal to the amount designated by the commission
19 as the maximum of municipal funds which may at any time be
20 kept by such depository. All surety bonds given by a bank
21 in accordance with the provisions of this subsection shall
22 continue in force so long as funds of the municipality
23 deposited therein shall be unpaid. Nothing provided herein

1 shall impair the rights and remedies of the municipality on
2 such bonds under the laws of the state.

3 (b) In lieu of the surety bonds specified in
4 subsection (a) of this section, any bank designated as a
5 depository of municipal funds may deposit with the
6 treasurer bonds of the class and kind in which, by the
7 provisions of W.S. 16-10-422, the sinking fund of the
8 municipality may be invested. Bonds so deposited shall be
9 in an amount equal to the amount of municipal funds
10 permitted at any time to be deposited with such bank, shall
11 be approved by the commission, and shall be accompanied by
12 proper assignment, to the end that the bank so depositing
13 and assigning such bonds will safely keep and pay over to
14 the treasurer or his order, on demand and free of exchange,
15 all money at any time deposited therein with interest
16 thereon at the rate agreed upon and that in case of default
17 on the part of such bank, the commission shall have power
18 and authority to sell such bonds or so much thereof as may
19 be necessary to realize the full amount of the funds
20 deposited therein. The bank shall be entitled to interest
21 on the securities so deposited with the treasurer, when
22 paid, and to the return of the securities at the
23 termination of such trust so long as the bank is not in
24 default. With the approval of the commission, a bank may at

1 any time substitute other like securities of equal value
2 for those so deposited.

3 (c) Bonds and other securities given by banks in
4 accordance with this article shall be entered in a record
5 to be kept for that purpose by the director of finance and
6 deposited with the treasurer for safekeeping. The record of
7 such bonds and securities kept by the director of finance
8 or copies thereof certified by that officer shall be
9 competent and prima facie evidence of the contents and
10 tenor thereof.

11 16-10-418. ADDITIONAL OR NEW DEPOSIT SECURITY.

12 Whenever for any cause the commission shall deem the bonds
13 or securities of any bank insufficient security for the
14 municipal funds deposited or likely to be deposited
15 therein, the commission shall require new bonds to be given
16 or new securities to be deposited with the treasurer. If
17 any bank shall fail promptly to execute and present such
18 new bonds or deposit such new securities, the treasurer
19 shall at once withdraw all deposits therefrom, and no
20 further deposit of municipal funds shall be made therein
21 until such bank shall have been redesignated by the
22 commission as a depository.

23 16-10-419. DEPOSIT OF FUNDS WITH DEPOSITORY BANKS.

1 (a) All funds received by the treasurer shall be
2 deposited by him in the designated banks in the name of the
3 municipality, subject to the order of the treasurer, and
4 shall be distributed among the designated banks as nearly
5 as may be in proportion to the maximum amounts which they
6 have been authorized to receive by the commission.

7 (b) Banks designated as depositories shall pay
8 interest on daily balances of municipal funds at a rate
9 approved by the commission, which shall in no case be less
10 than two and one-half percent (2 1/2%). The interest due on
11 such deposits shall be paid to the treasurer by check on
12 the last day of each quarter of the fiscal year. If the
13 treasurer shall at any time receive or have in any bank
14 funds which will probably remain on deposit three (3)
15 months or longer, he may, with the approval of the
16 commission, either take therefor certificates of deposit
17 from a designated depository, payable to his order on
18 demand and bearing a higher rate of interest, or invest
19 such funds in any bonds maturing within six (6) months in
20 which the sinking fund of the municipality may be invested.
21 The treasurer shall make a monthly statement to the
22 director of finance of the municipal funds in each bank and
23 the interest received therein, as of the last day of each
24 month.

1 (c) No bank receiving funds of the municipality on
2 deposit shall have authority to pay out any such money
3 except upon checks drawn upon that bank signed by the
4 treasurer.

5 16-10-420. LIABILITY FOR DEPOSITED FUNDS.

6 (a) When the funds of the municipality are deposited
7 and kept in designated banks according to the provisions of
8 this article, the treasurer and the sureties on his
9 official bond shall be exempt from all liability for the
10 loss of any funds so deposited if such loss is caused by
11 the failure, bankruptcy or any other act or default of such
12 banks, but the want of care or due diligence on the part of
13 the treasurer or commission in protecting the municipality
14 against loss shall not exempt the treasurer, the members of
15 the commission or sureties on their respective bonds from
16 liability.

17 (b) Nothing provided herein shall deprive the
18 municipality of any right or remedy against any defaulting
19 bank or against its officers or stockholders.

20 16-10-421. AUTHORIZATION TO INCUR INDEBTEDNESS -- LIMITATION.

1 (a) The consolidated municipality may borrow money or
2 issue bonds for any municipal purpose to the extent and in
3 the manner provided by the constitution and laws of this
4 state for the borrowing of money or issuing of bonds by
5 counties and cities and towns.

6 (b) The municipality may not become indebted in any
7 manner or for any purpose to an amount, including existing
8 indebtedness, in the aggregate exceeding twenty-eight
9 percent (28%) of the taxable value of the taxable property
10 therein, as ascertained by the last assessment for state
11 and county taxes prior to incurring such indebtedness. All
12 warrants, bonds, or obligations in excess of such amount
13 given by or on behalf of the municipality shall be void.

14 *** STAFF COMMENTS ***

15 The 28% is from the Montana law. The
16 constitutional debt limits for counties in
17 Wyoming is 2% of the assessed value. For cities
18 it is 4% plus an additional 4% for certain
19 specified uses, with some other uses completely
20 exempt from the provision. In addition, there
21 are constitutional limits on incurring debt in
22 excess of the current years taxes without a vote.
23 While logically it seems the combined
24 municipality should be able to incur the
25 cumulative debt, I haven't seen a case directly
26 on point in Wyoming.

27

28 16-10-422. INVESTMENT OF SINKING FUNDS.

1 (a) The sinking funds of the municipality shall be in
2 charge of a sinking fund board consisting of the president,
3 the director of finance, and the director of law. The
4 president shall be the chairman and the director of
5 finance, the secretary of the board. By and with consent of
6 the commission, the sinking fund board shall invest the
7 sinking fund in bonds or certificates of indebtedness of
8 the United States, state bonds or certificates of
9 indebtedness of any state of the United States, bonds of
10 the municipality, registered warrants on the treasury of
11 such municipality, bonds of any city in Wyoming, and in
12 such county or school bonds of Wyoming as may be approved
13 by the commission.

14 (b) In case the sinking fund is invested in bonds of
15 the municipality, such bonds shall not be canceled before
16 maturity but shall be held by the sinking fund board and
17 the interest thereon paid over and applied to the increase
18 of the sinking fund. Whenever the principal of any of the
19 bonds of the municipality shall become due, the sinking
20 fund board shall, with the consent of the commission,
21 dispose of such of the bonds belonging to the sinking fund
22 as, with the money on hand belonging to the sinking fund,
23 shall be necessary to pay the bonds so becoming due.

1 16-10-423. COMPETITIVE, ADVERTISED BIDDING REQUIRED FOR CERTAIN
2 CONTRACTS.

3 All contracts entered into by the municipality for supplies
4 or materials, for any public work, or for the construction,
5 reconstruction, repair, maintenance, or operation of any
6 public works or improvements, for which must be paid a sum
7 exceeding two thousand dollars (\$2,000.00), shall be
8 awarded to the lowest responsible bidder after public
9 advertisement and competition as may be prescribed by
10 ordinance, but the manager shall have the right to reject
11 all bids and advertise again. All advertisements as to
12 contracts shall contain a reservation of the foregoing
13 right. All contracts entered into by the municipality shall
14 be signed by the manager after approval thereof by the
15 commission.

16 ***** STAFF COMMENTS *****

17 Again this is from Montana, perhaps the special
18 treatment of public works as per this section is
19 necessary. I don't know why it would be. If not
20 it could simply refer to the general statutes
21 regarding public works, (bids, etc.)

22 16-10-424. ALTERATION OF CONTRACTS.

23 When it becomes necessary in the opinion of the manager to
24 make alterations or modifications in any contract entered
25 into by the municipality, such alterations shall be made
26 only when authorized by the commission upon the written
27 recommendation of the manager. No such alteration shall be
28 valid unless the new price to be paid for any supplies,

1 material, or work under the altered or modified contract
2 shall have been agreed upon in writing and signed by the
3 contractor and the manager prior to such authorization by
4 the commission.

5 16-10-425. DEPARTMENT OF PUBLIC WORKS.

6 (a) The department of public works is in the charge of
7 a director, who shall manage and have charge of the
8 construction, repair, improvement and maintenance of all
9 public buildings; of roads, streets, alleys, sidewalks,
10 bridges, viaducts, and other public ways; of sewers,
11 drains, ditches, culverts, streams, and watercourses; and
12 of boulevards, parks, playgrounds, cemeteries, and other
13 public places and grounds dedicated to public use. He shall
14 manage and control all public cemeteries, crematories,
15 market places or houses, garbage and sewage disposal plants
16 and farms, and all public utilities belonging to the
17 municipality or any subdivision thereof and shall have
18 charge of the enforcement of the obligations to the
19 municipality of all privately owned or operated public
20 utilities enforceable by the municipality. He shall have
21 charge of the cleaning, sprinkling, and lighting of the
22 streets and the collection and disposal of garbage and
23 waste. He shall also be responsible for the making and
24 preservation of all surveys, maps, plans, drawings, and

1 estimates for such public work and for the preservation of
2 contracts, papers, plans, tools, and appliances belonging
3 to the municipality and pertaining to the functions of the
4 department.

5 (b) The director of public works shall have the
6 qualifications prescribed by law for county surveyors, and
7 in addition to the duties required by this article or
8 article 3 of this chapter and by the ordinances of the
9 municipality, he shall have the powers and shall, either in
10 person or by a deputy having the qualifications prescribed
11 by law for county surveyors, perform the duties required of
12 county surveyors by the laws of the state.

13 16-4-426. PUBLIC WORKS AND IMPROVEMENTS.

14 (a) Any local public work may be done or any local
15 public works or improvements may be constructed,
16 reconstructed, repaired, maintained, or operated, either by
17 contract or directly by the municipality, as may be
18 determined by the commission. Before authorizing that any
19 local public works or improvements be directly constructed,
20 reconstructed, repaired, maintained, or operated, detailed
21 plans and estimates for each such work or improvement shall
22 be submitted to the commission by the manager, and there

1 shall be separate accounting for each work or improvement
2 so executed.

3 (b) The municipality shall have the same power and
4 authority to create special improvement districts and for
5 like purposes and to create special lighting districts and
6 maintenance districts for cities and towns as provided by
7 the laws of the state.

8 (c) The director of public works shall be the
9 engineer in charge of all such work, works, or
10 improvements. The provisions of the general law of the
11 state regarding special improvement districts, special
12 lighting districts and maintenance districts in cities and
13 towns shall apply to and control the establishment under
14 this part of special improvement districts, special
15 lighting districts, and maintenance districts in and for
16 the municipality and the procedure according to which any
17 local public work or the construction, reconstruction,
18 repair, maintenance, or operation of any local public work
19 or improvement is to be provided for when the cost thereof
20 is to be paid in whole or in part by assessments upon the
21 property within any such district, and such general law
22 shall also apply to the manner of levying and collecting
23 such assessments.

1 16-10-427. DEPARTMENT OF LAW.

2 (a) The department of law is in the charge of a
3 director to be appointed by the commission without definite
4 term, who shall be a resident and elector of the
5 municipality and who shall possess all of the
6 qualifications required of county attorneys.

7 (b) He shall have all the powers and, either
8 personally or by such assistants as he may designate, shall
9 perform all the duties that are prescribed for county
10 attorneys and city attorneys, and in addition thereto, he
11 shall be chief legal adviser of and attorney and counsel
12 for the municipality and of all departments and offices
13 thereof and shall perform such other duties as may be
14 required by the commission.

15 (c) He shall qualify by taking the oath of office
16 prescribed by the constitution of public officers and
17 giving a bond in the amount required of a public
18 administrator in a county of the same class. He shall
19 receive from the state as part of his salary the same
20 amount which is paid by the state to district attorneys.
21 The remainder of his salary shall be paid by the
22 municipality. For all purposes in connection with criminal

1 prosecutions he shall be known and designated as "district
2 attorney of the city and county of".

3 ***** STAFF COMMENTS *****

4 Some of this has been changed to be consistent
5 with Wyoming nomenclature. Other provisions
6 don't correspond with current statutes, such as
7 the requirement of a bond for a county attorney
8 and the sharing of salary with the municipality.
9 It was left in from the Montana statutes to give
10 you an idea of how those issues were handled in
11 the Montana consolidation.
12

13 16-10-428. CITY COURT.

14 (a) A city court is established in and for each
15 municipality, with the jurisdiction, powers, and duties
16 within the municipality provided by general law for city
17 courts in cities and towns and for justices of the peace.

18 (b) The commission shall by ordinance determine the
19 number of judges required for operation of the city court.
20 City court judges are to be elected every four (4) years in
21 a nonpartisan election held in conjunction with the
22 regularly scheduled general election. The term of office
23 for city judge is four (4) years.

24 (c) The qualifications to hold the office of city
25 judge shall be set by ordinance by the commission.

1 (d) Whenever a vacancy occurs in the office of city
2 judge, the commission shall appoint a qualified individual
3 to serve for the remainder of the term. The compensation of
4 the city judge or judges shall be fixed by the commission.

5 *** STAFF COMMENTS ***

6 Again this is left in from the Montana
7 provisions. I don't know if the committee wants
8 a county court system, city court system and
9 justices of peace, both or a combination.

10 16-10-429. POLICE DEPARTMENT.

11 (a) The police department is in the charge of a
12 director, who shall be chief of the police force of the
13 municipality. The director shall have the powers and
14 perform the duties conferred on and required of sheriffs.

15 (b) Peace officers of the municipal police
16 department, subordinate to the director, have the powers
17 and duties conferred on and required of peace officers by
18 the general laws of this state for cities and towns and
19 such powers and duties as may be conferred and required by
20 the ordinances of the municipality. Municipal peace
21 officers have the powers and duties conferred on and
22 required of deputy sheriffs by the general laws of the
23 state.

1 (c) For the purpose of serving and making return on
2 all criminal and civil process, executing judgments,
3 decrees, and orders of court, and making sales thereunder
4 and returns thereof, the director shall be known and
5 designated as Sheriff of the city and county of, and
6 each peace officer of the municipality shall be known and
7 designated as deputy sheriff.

8 *** STAFF COMMENTS ***

9 The issue of the abolishment of a constitutional
10 office is directly confronted here. At the
11 least, the currently elected officials would have
12 to be able to serve out their terms.
13

14 16-10-430. PRIOR RIGHTS OF LAW ENFORCEMENT OFFICERS.

15 (a) Any peace officer employed by any police
16 department or departments established as required by law in
17 any city or town of the county prior to the election and
18 qualification of a commission under this article and
19 article 3 of this chapter has the same job tenure rights as
20 though no such election and qualification had taken place.

21 (b) Any police officer who has vested rights in a
22 retirement fund shall maintain prior vested rights in the
23 fund upon its transfer to a consolidated county
24 municipality. Any police retirement fund established as
25 required by law in any city or town of the county prior to
26 the election and qualification of a commission under this

1 article and article 3 of this chapter shall be continued as
2 such for the police department of the municipality,
3 subject, however, to the prior vested rights of any police
4 officer employed by any police department or departments
5 established as required by law in any city or town of the
6 county prior to the election and qualification of a
7 commission under this article and article 3 of this
8 chapter. The governing board of such police retirement fund
9 shall consist of the president, the director of finance,
10 the director of law, and two (2) members of the police
11 department from the active list of the police officers of
12 the municipality who shall be selected by a majority vote
13 of the members of the police department on the active list
14 of the municipality. The selection shall be made between
15 May 1 and May 10 each year, and the active police officer
16 members of the board shall serve overlapping two (2) year
17 terms. Except as provided in this section, the police
18 retirement fund shall be continued and administered in the
19 manner prescribed by law for such funds established in
20 cities and towns.

21 16-10-431. FIRE DEPARTMENT.

22 (a) The fire department of the municipality is in the
23 charge of a director, who shall be chief thereof and who

1 shall manage and control the department in the manner
2 prescribed by the ordinances of the municipality.

3 (b) Notwithstanding any other provision of law, the
4 adoption of a consolidated county municipal government
5 shall have no effect on the existence, rights, or duties of
6 any voluntary fire department or fire district created and
7 legally in existence pursuant to the laws of this state.

8 (c) Nothing in this article or article 3 of this
9 chapter shall be construed to prohibit the creation of
10 voluntary fire departments or fire districts within the
11 consolidated county municipalities. Fire districts within
12 consolidated county municipalities may only be organized,
13 created, supported, financed, dissolved, and managed and
14 their boundaries may only be changed pursuant to the
15 provisions of W.S. 35-9-201 through 35-9-209.

16 16-10-432. DEPARTMENT OF HEALTH.

17 The director of the department of health shall be a
18 physician legally authorized to practice medicine and
19 surgery in Wyoming. Except as otherwise provided in this
20 article or article 3 of this chapter, the director of the
21 department of health shall have the powers and perform the
22 duties conferred on and required of coroners and county
23 health officers and local health officers by the general

1 laws of the state. He shall also have such other powers and
2 perform such other duties as may be prescribed by
3 ordinance.

