



BOARDS &
COMMISSIONS
ANNUAL TRAINING

Wyoming Open
Meetings and Public
Records Acts

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Presentation by City Clerk's Office

The City of Laramie

Mission, Vision and Core Values

MISSION

Building Our Community Through Respect, Integrity, Teamwork, and Stewardship.

VISION

Community Excellence in the Gem City of the Plains.

CORE VALUES

Respect- treat others with a high level of courtesy and dignity.

Integrity- honest and ethical interactions with each other and the community.

Teamwork- work together to meet common goals while considering the needs of others.

Stewardship- careful and responsible management of all our resources and environment.

Roles and Responsibilities

- The purpose of “using their combined expertise and interest in the environmental field, the environmental advisory committee exists to analyze assigned issues, receive and analyze citizen concerns and complaints, formulate options and advise the City Council and the board of County Commissioners on environmental issues”.
- Duties/Responsibilities:
 - To receive public input concerning environmental problems;
 - to notify the City Council and County Commissioners of environmental problems; to suggest methods of investigation of these problems and recommend specific actions to address them;
 - to suggest environmental policy alternatives for consideration;
 - to examine environmental problems and potential problems as requested by the City Council and board of County Commissioners.

Chair

- A chair will be selected to preside over the meetings, call special meetings, and sign official documents of the committee. The Vice-Chair will act as the chair in their absence.
 - Run an orderly meeting using the set agenda
 - Help ensure that everyone has an opportunity to speak

Committee Members

- All boards and commissions members are volunteers and uncompensated residents that serve the City as part of an important democratic decision-making structure and have official contact with the public.
- **Thank you for your service to our community.**
- Members must display professionalism, appropriate demeanor, and exercise sound judgment.

Agendas

- The agenda and presentations will be developed by staff.
 - Maintain minutes and agendas, publish, and archive meeting recordings
 - Keep attendance records
 - Facilitate routing of questions or suggestions from the public
 - Record votes of the committee

Voting & Membership

- Voting may occur at any regular or special meeting.
- Decisions will be made by a majority vote of the members in attendance when the vote is called by the Chair.
 - Majority Vote for this committee = 4 members
 - Members must be a qualified elector of Albany County
 - A minimum of two (2) members shall reside within the corporate limits of the city, and a minimum of two (2) members shall reside in unincorporated Albany County.
 - Serve 3-year terms

Board Speaks As One

- Individual board members cannot speak for the Board or Commission - except in specific, limited, *and* predetermined cases.
- Members may offer their opinion but must be clear that it is their opinion not the Board's unless previous action has been taken.
- Encourage individuals to write the staff liaison or come to the next meeting to provide public comment. This provides all members of the Board or Commission with the same information.
- Members with additional information to be considered in decision making should email the document/information to the staff liaison for dissemination to the board.

Opening Meetings Act

(W.S. § Title 16 Article 4)

- W.S. § 16-4-401. Statement of purpose.

The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act.

- Helps to protect you and the City of Laramie of liability by adhering to proper conduct and procedures.
- Increasing transparency.

Opening Meetings Act (W.S. § Title 16 Article 4)

Agencies exist to conduct public business.

- ❖ 16-4-402 “Agency” means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature,...

What is a meeting?

- ❖ 16-4-402 “Meeting” means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business.”

What is an assembly?

- ❖ 16-4-402 “Assembly” means communicating **in person**, by means of **telephone** or **electronic communication**, or in any other manner such that **all** participating members are able to communicate with each other contemporaneously.”

Open Meetings Act *(continued)*

- WY § 16-4-403(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.
- WY § 16-4-404(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for future meetings of an agency. The request shall be in writing and renewed annually to the agency.

Open Meetings Act *(continued)*

WY § 16-4-403(b)

- A member of the public is not required to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance.
- A person seeking recognition at the meeting may be required to give his name and affiliation.

WY § 16-4-403(c)

- Must keep minutes of proceedings.

Open Meetings Act *(continued)*

- WY § 16-4-403(d) “No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.”
- AG (Attorney General) ruling: A series of emails falls under definition of “sequential communications.”
(A series of individual communications. Suggest that the topic be raised at the next meeting.)
- *Includes:* social events, emails, texting, phones, social media, computer, etc.
- Never hit “Reply All”.

Open Meetings Act *(continued)*

- ✓ “Meeting” definition by WY § 16-4-402(iii)
 - an assembly of at least a quorum of the governing body *(or board; no action can be taken without a quorum)* which has been called by proper authority

 - for the purpose(s) of
 - **discussion**
 - **deliberation**
 - **presentation of information, or**
 - **taking action regarding public business.**

Open Meetings Act *(continued)*

- ✓ “Action” definition by WY § 16-4-402(i)
 - The transaction of official business of an agency, board, commission, committee, or municipal, including:
 - a collective decision of the Board,
 - a collective commitment or promise by the Board to make a *(positive or negative)* decision, or
 - an actual vote by the Board upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting;

Violations

- WY § 16-4-408 “Any member or members of an agency who knowingly or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection.”
- Any member of a Board who attends or remains at a meeting where an action is taken, knowing that the action is in violation, can be found liable.
 - ***EXCEPTION:** unless minutes were taken during the meeting and the member's objections are recorded and made public, or at the next regular public meeting the member objects to the meeting where the violation occurred.*

Conflicts of Interest

- The following are questions you may want to pose to yourself whenever you perceive you may have a potential conflict. If you respond “yes” to *any* of these questions, it may be advisable to abstain from voting on the matter.
 1. Is your interest direct and immediate, as opposed to speculative and remote?
 2. Does your interest provide you a greater benefit or a lesser detriment, than it does for a large or substantial group or class of persons who are similarly situated?
 3. Does your interest give any potential appearance of impropriety?

Although it may not be necessary to consider the appearance of impropriety in determining an actual conflict of interest, the WY AG suggests this be considered to maintain the public's confidence.

Conflicts of Interest

- A member may say “I recuse myself” from a Board Vote for action or decision in the case of a conflict of interest.
- Robert’s Rules of Order Newly Revised 12th Edition, pg. 45:4 “No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization.
 - **For example**, if a motion proposes that the organization enter into a contract with a commercial firm of which contract he would derive personal pecuniary profit, the member should abstain from voting on the motion.”

Disclosures/Ex-parte Communications

Disclosure of Information that is it available to everyone but could affect the decision should be shared with the decision making body before formal action is taken. *(If you have information that could affect the vote on a decision it should be fully disclosed.)*

Ex-parte communications (W.S. 16-3-111)

- Unless required for the disposition of ex parte matters authorized by law, members of the agency, employees presiding at a hearing in a contested case and employees assisting the foregoing persons in compiling, evaluating and analyzing the record in a contested case or in writing a decision in a contested case shall not directly or indirectly in connection with any issue in the case consult with any person other than an agency member, officer, contract consultant or employee or other state or federal employee, any party other than the agency or with any agency employee, contract consultant or other state or federal employee who was engaged in the investigation, preparation, presentation or prosecution of the case except upon notice and opportunity for all parties to participate. Nothing herein contained precludes any agency member from consulting with other members of the agency.... A staff member is not disqualified from participating or advising in the decision, recommended decision or agency review because he has participated in the presentation of the case in the event the staff member does not assert or have an adversary position.

Immunity from Legal Liability

- Qualified Immunity – actions while acting within scope of duties. *(Provides for legal defense if acting within scope of duties.)*
- Erode Immunity – unethical actions or wrongful purpose could lead to exposure to liability. *(Intentionally violating due-process rights, equal protection, or acting contrary to legal advice. A legal defense will NOT be provided.)*
- It is necessary for members to know the roles and responsibilities of the board or commission they serve on to keep agenda items and conversations within the scope of their duties in accordance with the ordinances, bylaws, or governing documents of each agency.
 - When a motion is on the floor the chair must be sure the discussion remains germane (relevant) to the item on the floor. If the discussion is off topic the Chair must bring the discussion back in order.

Public Records Act

WY § 16-4 Article 2

- Public Records– WY § 16-4-201(v) *definition*: “...includes any information in a physical form created, accepted, or obtained by a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a governmental entity in furtherance of the transaction of public business of the governmental entity, whether at a meeting or outside a meeting.”
 - “paper, electronic, or other physical form” (includes emails and text messages written in the furtherance of public business)
- WY § 16-4-202 Open to public for inspection by holder of record. (Public Records Request form can be found at www.cityoflaramie.org/publicrecords.)
- Fee to provide duplication/recordings, etc. is set by City Council.
- Civil Penalty – Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages may be assessed by the court.

Public Records

- The committee members have been issued a City of Laramie email address for use while serving on the committee.
- Emails in furtherance of city business are considered a public record and must be retained in accordance with Wyoming State Archives retention schedules which is why a City of Laramie email address has been issued for each member.
- This helps to protect you and remain in compliance with state requirements.
- Do not delete emails without first consulting the City Manager's Office.
- City of Laramie Boards and Commissions Email Policy must be adhered to.

Email Notifications

- IT has approved setting up email notifications to a personal email account when City emails are received as long as emailed communications are sent through your City issued email account for retention purposes.
- Here's the steps to set it up:
 - Click on settings (upper-right corner, gear icon)
 - Select Mail, then Rules, then Add New Rule
 - Enter a name
 - Add a Condition: Apply to all messages
 - Add an Action: Forward to: enter email address
 - Save

Open Meetings Act (W.S. §16-4-401 through 408)
and Public Records Act (W.S. §16-4-201 through 205)

PROVIDE TRANSPARENCY

- ✓ Transparency = Integrity
- ✓ Transparency = Accountability
- ✓ Transparency = Credibility
- ✓ Transparency = Confidence & Public Trust

Parliamentary Procedure

- All Boards and Commissions meetings are conducted according to their bylaws and Robert's Rules of Order to ensure orderly and efficient conduct of city business.
- Resources:
 - Robert's Rules of Order Current Newly Revised Edition
 - www.robertsrules.org

Robert's Rules of Order

- Robert's Rules of Order is a parliamentary procedure to facilitate meetings and keep them organized.
- The chairperson is elected to preside over the meetings to ensure that they run in an orderly manner.
- In order to speak you must be acknowledged by the Chair.
- The Clerk or designee will help with questions of order.
- An agenda is used to keep order of business.
- All remarks must be directed to the Chair.

Making a Motion

- Motions are used to introduce business in a meeting. Items may also be placed on the floor by the Chair reading the title for introduction. A main motion must be made before discussion can occur from board or commission members on whether to approve or deny the item on the floor.
 - When making a motion speak clearly and precisely making sure to include all necessary information for clarity of the motion.
 - A motion needs a second in order for the motion to be brought to the floor, in most cases. If no second is received, the motion dies. State verbally that you second. C
 - Example: “I move to approve the recommendation to City Council to support the net metering Resolution 2025-01.”
 - The Chair will then state the motion and the motion maker and second for the record and discussion.

Making a Motion *(continued)*

- After motion is made and seconded the Chair should restate for the record who made the motion and seconded.
(Example: MOTION BY _____, seconded by _____.)
- If an amendment is made, the amendment must be voted on before voting on the main motion.
(An amendment must also be seconded before it is discussed. All discussion following an amendment must be about the amendment only until it has been voted on.)

Robert's Rules of Order Commonly Used Motions

(references from Newly Revised 12th Edition and www.robertsrules.org)

- **Amending a Motion.** Any member may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment made shall be voted on first. (*pg. 38-51, 117*)
- **Postpone to a Certain Date.** This motion is used to delay consideration of an item until a specified date. (*pg. 53-54*)
- **Postpone Indefinitely.** This motion is used to delay consideration of an item until an unspecified date. (*pg. 119-120, 126*)

Robert's Rules of Order *(continued)*

- **Point of Order.** Any council member may raise a point of order at any time. A point of order means that the council member is asking for a ruling on whether the rules of procedure are being followed. The point of order shall first be made to the mayor for a ruling. A point of order directed to the mayor or council does not require a second and is not subject to amendment. (pg. 90-93) *(Chair handles)*
- **Discussion on the Motion.** Council may discuss a pending motion only after the motion has been moved and seconded. (pg. 23-24, 29-37)
- **Voting on the Motion.** After discussion, the mayor or any council member may call a vote on the motion (Calling the “Previous Question”). After voting concludes the mayor will announce the results. (pg. 24-27, 66-76)

Robert's Rules of Order *(continued)*

- **Call the previous question.** When a motion to “move to the previous question” is called it requires a two-thirds voice vote because debate has been curtailed. To call the question. If a councilor calls the question, the chair shall allow the councilors that have not spoken to the motion one chance to speak. The chair shall then allow the public to comment, after which a roll call vote shall take place. (Two-thirds vote)
- **Approval or Denial.** If a motion is made to approve any application, and the council does not approve the motion, one of the councilors voting no shall make a motion to deny the application, citing at least one legal reason for the denial. A council member may ask the city attorney or other staff to assist them in stating the reasons for denial.

Robert's Rules of Order *(continued)*

- **Substitute.** Substitution is handled as an amendment to the main motion, can be done in parts or the whole document. *(Majority vote)(pg. 48-49)*
- **Limit or extend Debate.** Limit or extend debate is a motion by which the group can exercise special control over debate whereby reducing the number and length of speeches allowed, e.g. “I move to limit debate on this topic to one speech for two minutes to each member of council .” *(Two-thirds vote)*
- **Lay on the table.** Used to set aside an item on the floor temporarily to address something else of urgent matter before the pending question. *(Majority vote)(pg.119,127)*

Robert's Rules of Order *(continued)*

- **Commit or refer.** The motion should include the number of members and shall report back to council and include a date. An example: I move to refer to an ad hoc committee of 3 council members assigned by the mayor, city staff assigned by city manager if necessary/appropriate and shall report back to council on a date certain. *(Majority vote)(pg. 54-56)*
- **Motion to reconsider.** No motion to reconsider a vote shall be in order except by a councilor who voted on the prevailing side. Any member of the council shall have the right to change their vote at any time before final action is taken. *(Majority vote. pg. 300-319)*

Robert's Rules of Order *(continued)*

- **Rescind/Amend Something Previously Adopted.** Used to change an action previously taken. *(Two-thirds of the membership without notice or majority with notice)(pg. 60-62)*
- **Suspend the Rules.** Temporarily suspend the standing rules to allow something otherwise forbidden. Requires a second. *(Two-thirds vote)(pg. 93-94)*
- **Appeal from a Decision of the Chair.** Used when a member disagrees with a ruling of the chair. Requires a second. *(Majority vote)(pg. 90-93)*

Precedence of Motions

Precedence of Motions. When a question is under consideration, no motion shall be entertained except as follows, such motions having precedence in order as stated:

Privileged Motions:

- 1. Fix the Time to Which to Adjourn (*Majority vote*)
- 2. To adjourn (*Majority vote*)
- 3. Recess (*Majority vote*)
- 4. Raise a Question of Privilege (*Chair handles*)(pg.119,127)
- 5. Call for the Orders of the Day (*Chair handles*)

Precedence of Motions *(continued)*

Subsidiary Motions:

- 1. Lay on the Table *(Majority vote)*
- 2. Call the Question or Previous Question *(Two-thirds vote)*
- 3. Limit or extend debate. *(Two-thirds vote)*
- 4. To postpone to a date certain. *(Majority vote)*
- 5. To commit or refer *(Majority vote)* (pg. 54-56)
- 6. To amend. *(Majority vote)*
- 7. To postpone indefinitely. *(Majority vote)*

Thirteen Ranking Motions

<i>Please refer to the current version of Roberts Rules of Order Newly Revised for more information.</i>		May it interrupt when another has the floor	Does it require a second?	Is it debatable?	Is it amendable?	What vote is required for adoption?	May it be reconsidered?
Name of Motion							
Privileged	Fix the Time to Which to Adjourn	No	Yes	No	Yes	M	Yes
	Adjourn	No	Yes	No	No	M	No
	Recess	No	Yes	No	Yes	M	No
	Raise a Question of Privilege	Yes	No	No	No	C	No
	Call for the Orders of the Day	Yes	No	No	No	C	No
Subsidiary	Lay on the Table	No	Yes	No	No	M	Neg Only
	Previous Question	No	Yes	No	No	2/3	Yes
	Limit or Extend Liits of Debate	No	Yes	No	Yes	2/3	Yes
	Postpone to a Certain Time (Definitely)	No	Yes	Yes	Yes	M	Yes
	Commit (Refer to a Committee)	No	Yes	Yes	Yes	M	Yes
	Amend	No	Yes	Yes*	Yes	M	Yes
	Postpone Indefinitely	No	Yes	Yes	No	M	Aff Only
Main Motion		No	Yes	Yes	Yes	M	Yes

*Is debatable if applied to debatable motion

M = Majority

C = Chair handles

Incidental and "Bring Back" Motions

<i>Please refer to the current version of Roberts Rules of Order Newly Revised for more information.</i>		May it interrupt when another has the floor	Does it require a second?	Is it debatable?	Is it amendable?	What vote is required for adoption?	May it be reconsidered?
Name of Motion							
Incidental	Point of Order	Yes	No	No	No	C	No
	Appeal from a Decision of the Chair	Yes	Yes	Yes**	No	M-	Yes
	Suspend the Rules	No	Yes	No	No	2/3	No
	Objection to Consideration of a question	±	No	No	No	2/3-	Neg Only
	Division of a Question	No	Yes	No	Yes	M	No
	Consideration by Paragraph or Seriatum	No	Yes	No	Yes	M	No
	Division of the Assembly	Yes	No	No	No	C	No
	Parliamentary Inquiry - Requests Parliamentary Advice	Yes	No	No	No	C	No
	Request for Information- Requests Factual Information	Yes	No	No	No	C	No
Bring Back	Take from the Table	No	Yes	No	No	M	No
	Rescind/Amend Something Previously Adopted	No	Yes	Yes	Yes	2/3 M	Neg Only
	Reconsider	±	Yes	Yes*	No	M	No

* Is debatable if applied to debatable motion

** Is usually debatable

M- Majority in the negative is required to reverse the decision of the chair

2/3- 2/3 in the negative is required to sustain the objection

2/3 M 2/3 or majority of the membership without notice or majority with notice

M Majority

C Chair handles

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