

CHAPTER 2

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ARTICLE I. RULES FOR GOVERNMENT OF COUNCIL

SEC. 2-1. TIME AND PLACE OF REGULAR MEETINGS.¹

The stated meetings of the Mayor and Town Council shall be held at the Council Chambers at City Hall, Buffalo, Wyoming, on the first and third Tuesday of each month at 5:00 p.m. (Ord. 1030, 6/85, R.O. 1344, 2/2011)

1. For state law as to regular meetings of town councils, see W.S. 1977, §15-1-105.

SEC. 2-2. SPECIAL MEETINGS.²

The Mayor and any two Councilmen, or a majority of the Council, shall have the power to call special meetings of the Council, the object and purpose of which shall be submitted to the Council, in writing, and the call and object, as well as the disposition thereof shall be made a matter of record upon the journal; provided, that no vote of the Council shall be reconsidered or rescinded at a special meeting, unless at such meeting there shall be present as large a number of Councilmen as were present when such vote was taken.

Whenever a special meeting of the Council shall be called, each member of the Council, together with the Mayor, shall be notified of such meeting, in writing, by the City Clerk, and the Mayor and Councilmen shall each accept service of such notice by his signature endorsed thereon, except only in the event the Mayor or any member of the Council shall not be available for his acceptance of service as provided in this section. In the event the Mayor or any Councilman shall refuse to accept service of such special meeting, that fact shall be reported to the Council by the City Clerk and noted upon the journal. In the case of any special meeting, a copy of the notice thereof, together with all endorsements thereon, shall be entered upon the journal of the proceedings, and such entry shall be presumptive evidence of the truth thereof. (R.O. 1955, §13-12, 13-13)

2. For state law as to special meetings of town Councils, see W.S. 1977, §15-1-105.

SEC. 2-3. PRESIDING OFFICER.

The Mayor shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order and may at the instance of any two members order the attendance of absentees. In the absence of the Mayor, and where there shall be a quorum present, the Council shall elect from their number an acting Mayor, who shall hold the chair until the return of the Mayor. (R.O. 1955, §13-2.)

SEC. 2-4. ORDER OF BUSINESS.

Section 2-4 of the Buffalo City Code, 1964, is hereby repealed. (Ord. 951, §2. 6/81)

SEC. 2-5. CONTENTS, PROCEDURE, ETC., OF PAPERS PRESENTED.

All petitions, memorials, resolutions or other papers previous to their being handed to the City Clerk shall have a brief statement of their contents endorsed upon them, together with the name of the member presenting the same. No application shall be entertained unless the same is in writing. Every member presenting a petition or memorial shall give a brief verbal statement of the contents thereof. If requested by a member, the same shall be read by the Clerk previous to any further order being taken thereon. (R.O. 1955, §13-4)

SEC. 2-6. VOTING OF MEMBERS.

Every member present when a question is put shall vote, unless the Council shall, for special reasons, excuse him. (R.O. 1955, §13-5)

SEC. 2-7. MAYOR ENTITLED TO VOTE; QUORUM.

The Mayor in all cases shall be entitled to a vote. The Mayor, together with any two members of the Council, or any three members of the Council in the absence of the Mayor, shall constitute a quorum for the transaction of business. (R.O. 1955, §13-6)

SEC. 2-8. "AYES" AND "NOES" TAKEN.

The ayes and the noes shall be taken and recorded upon any question before the Council upon the call of any two members and it shall not be in order for any member to explain the vote during the calling of the ayes and noes. (R.O. 1955, §13-10)

SEC. 2-9. DISPOSITION OF CLAIMS, ETC., AGAINST CITY.³

No account, claim or other demand against the City of Buffalo shall be allowed and directed paid unless the same shall be examined and certified to be correct by the Council. (R.O. 1955, §13-9)

3. For state law as to claims against the town, see W.S. 1977, §15-2-205.

SEC. 2-10. APPROVAL OF BONDS.

All official bonds presented for approval shall be approved as to sufficiency by the Mayor and as to form by the City Attorney, at any regular, adjourned or special meeting of the Council. (R.O. 1955, §13-11)

SEC. 2-11. ORDINANCES, RESOLUTIONS AND BYLAWS⁴

Every proposed ordinance, resolution or bylaw shall be introduced by the Mayor or one of the Councilmen, and for the purpose of identification, may be given a number. (R.O. 1955, §13-15.)

4. As to effect of repeal of ordinances, see § 1-10 of this Code.

SEC. 2-12. SAME STYLE; PUBLICATION.⁵

The style of all Ordinances shall be:

'BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BUFFALO, WYOMING:'

Every ordinance, unless in case of emergency, shall be published at least once in a newspaper of general circulation within the City. Emergency ordinances shall become effective upon proclamation of the Mayor, and as soon thereafter as is practicable, they shall be published in the manner required of other ordinances. (Ord. 822, §1. 12/77)

5. For similar state law, see W.S. 1977, §15-1-115, 15-1-116.

SEC. 2-13. SAME – READING.

Section 2-23 of the Code of the City of Buffalo, Wyoming, 1984, is hereby repealed. (R.O. 1955, §13-16)(R.O. 1280, § 13, 4/07)

SEC. 2-14. SAME – EXECUTION AND RECORDATION.⁶

All ordinances, resolutions and bylaws of the City of Buffalo, after their introduction, reading and passage shall, within a reasonable time thereafter, be signed by the Mayor and attested by the City Clerk, and recorded in a book to be kept for that purpose. On the passage of any ordinance, resolution or bylaw, the ayes and nays shall be taken and entered on the journal. (R.O. 1955, §13-17)

6. For similar state law, see W.S. 1977, §15-1-106, 15-1-115, 15-1-116.

ARTICLE II. OFFICERS AND EMPLOYEES GENERALLY.⁷

7. For state law as to officers and employees generally, see W.S. 1977, §15-2-102.

SEC. 2-15. APPOINTMENT OF OFFICERS.⁸

It shall be the duty of the Mayor at the first meeting of the Council in each municipal year of his election or as soon thereafter as possible, to send the Council nominations for the several offices provided by this Code and other ordinances of the City of Buffalo and the laws of the state.ⁱ The Council shall, at the first meeting, proceed to consider the nominations sent to them by the Mayor, and to reject or confirm them, and notify the Mayor of their action. In case of the rejection of any of the nominations, the Mayor shall, upon receiving notice of such rejection, at once place new nominations before the Council and continue to do so until some person is confirmed for each of the offices. (R.O. 1955, §6-5)

8. See W.S. 1977, §15-2-102.

SEC. 2-16. TERM OF ELECTIVE OFFICERS.

The term of office for the Mayor of the City of Buffalo shall be four (4) years. The term of office for City Councilmen shall be four (4) years. (Ord. 908, §1. 10/78; R.O. 1264 § 1. 07/06)

SEC. 2-16.1. PROCEDURE FOR FILLING VACANCIES.

1. Any vacancy on the Buffalo City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four-year term of office occurs less than forty days before a primary election, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter.

2. The City Council at a regular council meeting, or at a special council meeting called for the purpose thereof, will declare the office of mayor or of a councilman vacant due to resignation, death or for conditions specified in Wyoming Statute § 15-1-107 and § 22-18-101, or failure to meet residency requirements per Wyoming Statute § 22-23-102, with the exception of Wyoming Statute §15-1-107(b) which shall not be considered as establishing a vacancy. A vacancy shall exist in the office of mayor or councilman if during the term for which elected any mayor or councilman fails to attend six (6) or more consecutive regularly scheduled meetings of the council without an excused absence. The City Council shall, by majority vote, determine whether any absence of a council member from a regularly scheduled council meeting is excused or unexcused.

3. The Buffalo City Council shall determine by a majority vote whether and when a vacancy occurs in the office, and who will fill the vacancy created.

SEC. 2-17. APPOINTIVE OFFICERS.⁹

In addition to the officers of the City of Buffalo required to be appointed by law, there shall be a City Attorney, a Police Judge, and such inspectors as may be required, all of which officers shall be appointed by the Mayor, by and with the consent of the Council. Such officers shall hold their offices for the term of two years and until their successors are appointed and qualified, unless sooner removed as provided by law. (R.O. 1955, §5-3)

9. For state law as to power of Council over appointive officers, see W.S. 1977, §15-1-103 (xxxv). See also, W.S. 1977, §15-1-107, 15-2-102.

SEC. 2-17.1. HEARING PROCEDURE FOR AN APPOINTED OFFICIAL WHEN REMOVED OR DISCHARGED FROM OFFICE.

I. Purpose:

As authorized by §15-2-102, Wyoming Statutes Annotated, 1977 (Laws 1984, Ch. 34, §2), the purpose of this grievance procedure is to provide an adequate and just means by which an appointed official may object to removal or discharge from the appointed position by the Mayor and/or City Council.

II. Notification of Removal or Discharge:

Notification of removal or discharge of an appointed official must be in writing and presented to that appointed official in person or by mail.

III. Hearing Procedure:

Any appointed official having a grievance regarding the removal or discharge of that official shall have a right to process such objection in accordance with the following provision:

An appointed official may present his/her objection in writing to the City Council within five (5) days of written notification of removal or discharge. The City Council shall convene a meeting to consider the objection within fifteen (15) days of its receipt.

The appointed official shall be entitled to appear in person to present objections to the City Council, to examine any evidence and to confront any witnesses whose testimony will be considered by the City Council. The Mayor shall also have the right to be heard.

The City Council and Mayor shall then approve or disapprove the removal or discharge of the appointed official by majority vote. The decision of the City Council and Mayor shall be final. (Ord. 1025, §1. 10/84)

SEC. 2-18. COUNCIL TO FIX SALARIES OF EMPLOYEES¹⁰

The Council of the City of Buffalo shall have the power, from time to time, to fix, establish, change and raise or lower the salary, wages, pay or other compensation of any, or all employees, of any title, rank or grade, who shall be employed, retained or paid by the City of Buffalo. (R.O. 1955, §5-7)

10. For state law authorizing the Council to fix compensation of officers and employees, see W.S. 1977, §55-1-103 (xxxv), 15-2-103.

SEC. 2-18.1. INDEMNIFICATION AND REIMBURSEMENT.

1. Power to Indemnify – Third Party Actions:

The Mayor and City Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the City of Buffalo, Wyoming,) by reason of the fact that the person is or was a public official, officer, employee or agent or is or was serving at the request of the City as a public official, officer, employee or agent of any board or commission, or other agency of the City, against expenses (including attorneys' fees), judgments, fines and amounts actually and reasonably incurred by him or her in connection with the defense or settlement of such action, suit or proceeding if that person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the City, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its

equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the City, and, with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.

2. Determination of Entitlement to Indemnification:

Any indemnification under Section 1 above (unless ordered by a court) shall be made by the City only as authorized in the specific case upon a determination that indemnification of the public official, officer, employee or agent is proper in the circumstances because the person has met the applicable standard of conduct set forth in Section 1 above. Such determination shall be made by the Mayor and City Council by a majority vote of a quorum consisting of members who were not parties to such action, suit or proceeding; or if such a quorum is not obtainable or, even if obtainable, a quorum of disinterested Council persons so directs, by independent legal counsel in a written opinion.

3. Advancement of Expenses:

Expenses incurred in defending a civil or criminal action, suit or proceeding or the deductible portion of any applicable insurance premium, may be paid by the City in advance of the final disposition of such action, suite or proceeding as authorized in the manner provided in Section 2 above upon receipt of an undertaking by or on behalf of the public official, officer, employee or agent to repay such amount unless it shall ultimately be determined that the person is entitled to be indemnified by the City as authorized herein.

4. Saving Clause:

The indemnification provided herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any agreement, vote of Mayor and City Council or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a public official, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

5. Insurance:

The Mayor and City Council shall have power to purchase and maintain insurance on behalf of any person who is or was a public official, officer, employee or agent of the City, or is or was serving at the request of the City as an officer, employee or agent of a board, commission or other City agency against any liability asserted against that person and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the City would have the power to indemnify the person against such liability under the provisions of this Ordinance. (Ord. 1034, 2/86)

ARTICLE III. CITY ATTORNEY.

SEC. 2-19. APPOINTMENT; TERM.

The City Attorney shall be appointed as provided in Sec. 2-15 and 2-17 and shall hold office for the term of one year and until his successor is appointed and qualified. (R.O. 1955, §7-5)

SEC. 2-20. OATH AND BOND.

There shall be a City Attorney, who shall, before entering upon the duties of his office, subscribe the oath required of other City officers, and shall give a bond to the City of Buffalo in the penal sum of five hundred dollars, with sufficient sureties, to be approved by the Council, conditioned for the faithful performance of the duties of his office. Such oath and bond shall be filed in the office of the City Clerk. (R.O. 1955, §7-1)

SEC. 2-21. DUTIES GENERALLY.

A. The City Attorney shall, as part of his office, perform the following duties and he shall negotiate, with the City Council, his compensation for the performance of these duties as provided for by Sec. 2-22.

1. He shall appear in the District Court on behalf of the City of Buffalo in all suits and proceedings which may be pending or arise in the State wherein the City of Buffalo or the people thereof may be a party.

2. He shall prosecute or defend against all appeals or writs of error, which may be removed from the District Court of the County wherein the City of Buffalo is located to the Supreme Court of the State, in all cases where the City of Buffalo or the people thereof is a party.

B. The City Attorney shall, as part of his office, perform the following duties and he shall be compensated for these duties by his annual salary and he shall receive no additional, negotiated compensation for the performance thereof.

1. He shall appear in the Police Court of the City of Buffalo or in the District Court of the County in all prosecutions for the violation of this Code or other ordinances of the City of Buffalo.

2. He shall, upon request of any elected official, give his opinion, in writing, upon all questions of law having reference to the duties of such elected official which may be submitted, and shall file and preserve in his office and with the City Clerk a copy of all such opinions. He shall, upon request, attend all meetings of the Mayor and City Council, and advise them concerning procedural matters and questions of law arising at said meetings.

3. He shall examine the bonds offered by every City officer, as such City officer, before such bonds are approved, and shall report, in writing, whether or not such bonds are executed as required by law, this Code or other ordinances. (Ord. 934, §2. 9/79)

SEC. 2-22. COMPENSATION.

The City Attorney shall receive an annual salary in the amount as may be determined by the Council and in addition the City Attorney shall receive an hourly rate to be negotiated between the Mayor, the City Council and the City Attorney, and upon the initiation of each contested civil action. Upon completion of negotiations for said hourly rate, the Mayor and City Council shall, by resolution, acknowledge said hourly rate. Whenever the City Attorney may be called upon to render services for the City of Buffalo pursuant to law or the ordinances of the City of Buffalo, away from the City of Buffalo, he shall receive his actual and necessary traveling expenses in attending to such services, in addition to his salary as City Attorney and the negotiated hourly rate he shall receive for contested cases. (Ord. 934, §1. 9/79)

ARTICLE IV. CITY CLERK

SEC. 2-23. APPOINTMENT; TERM.

There shall be a City Clerk, who shall be appointed as provided in Sec. 2-15, who shall hold office for the term of two years, and until his successor is appointed and qualified. (R.O. 1955, §8-1)

SEC. 2-24. DUTIES GENERALLY.

It shall be the duty of the City Clerk to keep the corporate seal, papers and books belonging to the City of Buffalo, to attend the meetings of the Council and to keep a journal of all their proceedings; also, to keep the record of all ordinances passed by the Council which journal and record, after the approval of the same, shall be signed by the Mayor and attested by the City Clerk; to issue all licenses authorized by the Council, this Code or other ordinances of the City of Buffalo upon payment of the required fee by the applicant; to attest all warrants, bonds and licenses issued in pursuance to the orders and ordinances of the Council; to affix the corporate seal thereto; to keep an account, in a suitable book, under an appropriate head, of all warrants drawn upon the treasury, and the amount thereof, to receive

and file applications for sewer permits and water licenses and sign the same under seal; to collect all the water licenses and water rents and all fines and penalties arising under this Code or other ordinances of the City of Buffalo, respecting the use of the City water and City water system, and shall turn over to the City Treasurer all money so collected on the first day of each month, or more often, taking the treasurer's receipt therefore. He shall likewise perform such other duties as may, from time to time, be imposed upon him by the Council or such things as he may be instructed to do by the Mayor. (R.O. 1955, §8-2)

SEC. 2-25. COMPENSATION; DEVOTION TO DUTY.

The City Clerk shall receive as full compensation for all duties an annual salary in an amount as may be determined by the Council. The Clerk shall devote his entire time and attention to the duties of his office, to the exclusion of any other business. (R.O. 1955, §8-5)

SEC. 2-25. BOND.

Before entering upon his duties as such officer, the City Clerk shall give bond to the City of Buffalo, in a sum determined by the Mayor and Council, conditioned for the faithful performance of the duties of his office, both as City Clerk and City Treasurer, which bond shall be approved by the Mayor. (Ord. 951, §3. 6/81)

ARTICLE V. CITY TREASURER.¹¹

11. For state law as to treasurer's accounts, etc., see W.S. 1977, §15-2-206.
As to publication of treasurer's report, see W.S. 1977, §15-2-207.

SEC. 2-27. DUTIES.

It shall be the duty of the City Treasurer to receive all money derived for the benefit of the City of Buffalo from any and every source, and disburse the same only on proper orders, signed by the Mayor and attested by the City Clerk and having affixed thereto the corporate seal. He shall keep an accurate and full account of all receipts and expenditures in a book provided for that purpose. The Treasurer shall pay all orders drawn on the City Treasury in the order of their presentation, and shall keep a register of all orders and drafts in a book provided for that purpose. All orders, when presented for payment to the Treasurer, shall be numbered by him upon the back from one, consecutively in the order of their presentation and corresponding to a number of the same kind in the record of the same, kept by the Treasurer. When any warrant is presented for payment and is not paid for want of funds, the Treasurer shall endorse, in addition to the registered number, the date of presentation across the back of each order or warrant and the reason why not paid, and the holder shall be entitled to receive interest thereon from the date of the endorsement until such time as such warrant or order is paid.

Provided, that the Council may at any time when there is money in the Treasury for the payment of such warrants instruct the Treasurer to call such warrants in the number and order in which they should be paid according to their date of presentation. Interest on all such warrants so called shall cease after one week from the date of their being so called and the call for such warrants shall be made by the Treasurer by advertisement for one week in some newspaper printed in the City of Buffalo and by posting a copy of such notice in the door of the building where the Council shall hold its regular meetings. The City Treasurer shall write, print or stamp across the face of each warrant or order the date of payment, preceded by the word "paid", and affix his name as Treasurer thereof.

He shall at all times keep his books as Treasurer open for inspection of the Mayor and the members of the Council, and shall furnish them when required with a full statement of all receipts, expenditures and disbursements with such other information relative thereto as they may require, and perform such other duties as may be required of him by the Council, the laws and ordinances of the City of Buffalo. All warrants and orders on the Treasurer shall have specified therein the service or indebtedness, for what and the fund from which the same was drawn. (R.O. 1955, §9-1)

SEC. 2-28. COMPENSATION.

The City Treasurer shall receive as compensation for his services as such Treasurer an annual salary to be determined by the Council, and he shall receive no other or further compensation whatsoever, for his services. (R.O. 1955, §9-2)

SEC. 2-29. BONDS.

The City Treasurer shall, before entering upon the duties of his office, give bond to the City of Buffalo, a sum to be determined by the Mayor and Council, for the faithful performance of the duties of his office. If the City Treasurer and the City Clerk are the same person, only one bond will be required. (Ord. 951, §4. 6/81)

ARTICLE VI. CITY MARSHAL

SEC. 2-30. APPOINTMENT; TERM.¹²

There shall be a City Marshal, who shall be appointed as provided in Sec. 2-15, who shall hold office for two years, and until his successor is appointed and qualified. (R.O. 1955, §10-1)

12. For state law as to appointment of City Marshal, see W.S. 1977, §15-2-102.
As to creation of office, see W.S. 1977, §15-1-103.

SEC. 2-31. DUTIES GENERALLY.

The City Marshal shall possess the same powers and be subject to the same liabilities possessed and conferred by statute upon peace officers, in executing the orders of the Council, and in enforcing this Code, other bylaws and ordinances of the City of Buffalo; he shall be Chief of Police, and shall at all times have power to make and order arrests with proper process, and for any offense against the ordinances of the City of Buffalo or the laws of the state, and bring the offender to trial before the proper officer, to arrest in all cases provided by law. The City Marshal shall further prepare and submit, at the beginning of his term of office, proposed rules and regulations governing law

enforcement employees. The rules and regulations shall be entitled the "Rules and Regulations of the Buffalo Police Department". These rules and regulations shall be reviewed by the Mayor and City Council and upon finalization, shall be adopted by the Mayor and City Council and approved by the City Marshal.
(Ord. 1220, §1 - 2/03)

SEC. 2-32. COMPENSATION.

The City Marshall shall receive as full compensation for his services an annual salary to be determined by the Council. (R.O. 1955, §106)

SEC. 2-33. DEPUTY MARSHAL.

The Council may, in its discretion, retain the services of a Deputy Marshal, whose duties shall be defined by the Council from time to time. (R.O. 1955, §10-7)

