

CHARTER ORDINANCE #2202 CERTIFICATION

STATE OF WYOMING )  
 ) ss.  
COUNTY OF SHERIDAN )

I, Cecilia Good, the duly appointed, qualified, and acting City Clerk of the City of Sheridan, Wyoming (the "City"), do hereby certify:

1. The following dates are true and correct records of the proceedings of the Governing Body of the City, as recorded in the records of the Governing Body kept in my office.

FIRST READING: JUNE 3RD, 2019

SECOND READING: JUNE 17TH, 2019

THIRD READING: JULY 1ST, 2019

PUBLISHED: JULY 8TH AND JULY 17TH

PETITION RECEIVED: SEPTEMBER 16TH, 2019

SPECIAL ELECTION HELD: NOVEMBER 5TH, 2019

RESULTS OF CANVASS:

BALLOTS MARKED "FOR" CHARTER ORDINANCE #2202: 1371

BALLOTS MARKED "AGAINST" CHARTER ORDINANCE #2202: 1292

THE SPECIAL CITY COUNCIL MEETING HELD TO CERTIFY RESULTS OF THE SPECIAL ELECTION WAS HELD ON NOVEMBER 7TH, 2019. CITY COUNCIL VOTED UNANIMOUSLY TO CERTIFY THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 5TH, 2019.

EFFECTIVE THE 7TH DAY OF NOVEMBER, 2019

2. The proceedings of the Governing Body were duly had, due notice and call was given each member, and the persons therein named as present at the meeting were present as shown by the minutes.

3. Notice of the meetings of the Governing Body and publication of Charter Ordinance #2202 has been conducted as required by statutes of the State of Wyoming.

WITNESS my name and the seal of the City, on November 15th, 2019.



*[Handwritten signature]*  
\_\_\_\_\_  
City Clerk

**Charter Ordinance #2202**  
**City of Sheridan City Administrator**

A Charter Ordinance establishing a City Administrator and prescribing the duties therefore; and making inapplicable or modifying in part or in whole Wyoming Statutes §§ 15-1-108; 15-3-204(a); 15-3-204(b)(iv)(C); 15-3-208(b); 15-3-210;

**WHEREAS**, the City of Sheridan has established and is currently operating as a first class city, pursuant to pertinent constitutional and statutory provisions of Wyoming law; and

**WHEREAS**, Article 13, Section 1, Wyoming Constitution, provides in part that a Wyoming city or town may elect that the whole or any part of any statute, other than statutes uniformly applicable to all cities and towns, shall not apply to any city and town; and further provides that such city or town may make other provisions on the same subject; and

**WHEREAS**, pursuant to the above and forgoing the Governing Body of Sheridan, Wyoming, enacted Charter Ordinance 2158 establishing a City Administrator; and

**WHEREAS**, the Governing Body of Sheridan, Wyoming desires to supersede Charter Ordinance 2158 and to create the position of City Administrator; provide certain authority for the City Administrator, provide budgetary and personnel guidelines, rules and procedures necessary for the proper operation and financial integrity of the City of Sheridan.

Now, therefore, be it ordained by the Governing Body of the City of Sheridan, Wyoming:

**1. Definitions:**

- a. The City specifically adopts W.S. § 15-1-101(a) definitions unless otherwise specifically defined herein.
- b. *City Administrator*: The person hired by the Governing Body to exercise the powers prescribed by this Charter Ordinance and the Ordinances of the City of Sheridan.
- c. *City Council*: The Governing Body of the City, excluding the Mayor,
- d. *Councilman/Councilmen/Council member*: The individuals elected to comprise the Governing Body of the City.
- e. *Governing Body*: The City Council of the City including the Mayor who is the presiding officer. *Mayor*: The person elected by either popular vote or vote of the Governing Body, to exercise the powers of the office and to be presiding officer of the Governing Body.
- f. *Superintending Control*: The authority to provide oversight and supervision necessary to ensure that the City Administrator is acting as required by this Charter Ordinance, statutes, the directives of the Governing Body the City and Administrator's job description.

## **2. City Administrator- Appointments, Review, Removal**

- a. The Governing Body shall appoint a City Administrator by a majority vote. The City Administrator's salary and terms shall be set by contract as approved by the Governing Body. The City Administrator may be discharged and employment terminated by a majority vote of the Governing Body.
- b. If the position of City Administrator becomes vacant for any reason, the Governing Body shall immediately proceed to seek another person for appointment to the position and must complete the process within one hundred eighty days(180) days. During the search and selection process, the Governing Body may appoint a qualified person as interim Acting Administrator.
  - i. Should the City Administrator be on vacation or leave, the City Administrator shall appoint a temporary City Administrator.
- c. The Mayor shall conduct an annual performance appraisal of the City Administrator and provide the Governing Body with copies of the review. The appraisal should include any aspect of job performance the Mayor or Governing Body find relevant. Further the appraisal should address the progress of all City policy objectives, administration, staff oversight or other areas which are the responsibility of the City Administrator per this Charter Ordinance, the City Administrator's job description.
- d. The Mayor shall appoint, with the consent of a majority of the Governing Body the City Attorney(s) and Municipal Court Judge(s). These appointees may be removed from employment at any time with or without cause by the Mayor, following notification to the Governing Body. The City Attorney(s) and Municipal Court Judge(s) may enter into a contract, as approved by the Governing Body, concerning the compensation and terms of appointment.

## **3. City Administrator- Duties, Roles, Responsibilities and Authority,**

### **Generally:**

- a. The City Council and/or Mayor shall interact with the City staff, administration, operation and policies of the City through the City Administrator. The Mayor may direct the City Administrator to provide information, updates and explanations of decisions, policies, initiatives, projects, and the work of staff.
- b. The City Administrator shall attend all meetings of the Governing Body and shall recommend to the Governing Body adoption of such measures as the City Administrator deems necessary for the health, safety, and welfare of the community or for the improvement of municipal services.
  - i. The City Administrator shall not attend any Executive Sessions of the Governing Body concerning the City Administrator's job performance

unless requested by the Mayor or the Governing Body. This provision shall not prohibit a City Administrator's from requesting a public hearing pursuant to W.S. § 16-4-405.

- c. The City Administrator shall be the purchasing agent for the City subject to the requirements of statutes, ordinances, and rules and regulations now or promulgated by the Governing Body, and shall purchase materials and authorize expenditures of funds on behalf of the City.
- d. The City Administrator shall supervise the administration and enforcement of all laws, ordinances, rules, regulations, policies and procedures of the City.
- e. The City Administrator shall supervise the administrative functions of all departments of the City; issue administrative regulations and outline general administrative procedures applicable to all areas and departments.
- f. The City Administrator shall prepare and submit to the Governing Body reports that the Administrator, Mayor or City Council may consider advisable.
- g. The City Administrator shall manage all utilities owned and/or operated by the City. Subject to the laws relating to public utilities, the Governing Body shall fix all rates and compensation to be paid by the customers of water, sewer, sanitation or any other public utility service owned or operated by the City. The City Administrator shall enforce all rules, regulations and penalties to enforce their collection, or for the protection of the property and rights pertaining to public utilities as required by Federal, State and Local Law.

#### **4. City Administrator & Governing Body- Budget Process:**

The City Administrator shall keep the Governing Body advised of the City's current financial condition and its future needs; and shall prepare a budget annually. The budget shall be submitted by the City Administrator to the Mayor for review. The summary proposed budget is published per W.S. § 16-4-109. Nothing here in is intended to replace the Uniform Municipal Fiscal Procedures Act and should any contradiction or ambiguity occur, the Uniform Municipal Fiscal Procedures Act shall prevail. The City Administrator shall be responsible for the budget's administration after adoption. The Governing Body may direct that budget to be prepared on a two-year cycle.

#### **5. City Administrator- Employment Matters:**

- a. Except for the City Administrator, the City Attorney(s), Municipal Court Judge(s) and Department Heads, all employees shall be hired by the City Administrator, be selected on merit and in accordance with the Governing Body's Policies and Procedures.
- b. The City Administrator shall recommend to the Mayor the hiring of Department Heads as specified by ordinance. The Mayor, after receiving the City Administrator's recommendation and concurrence of the Governing Body, shall hire the Department Head.

- c. The City Administrator shall recommend to the Mayor the removal of any Department Head. The Mayor, after receiving the City Administrator's recommendation, shall dismiss the Department Head with approval of the Governing Body.
- d. All employees, other than the City Attorney(s), Municipal Court Judge(s) and Department Heads, may be removed from employment by the City Administrator at any time with or without cause unless otherwise directed by the Governing Body's adopted Policy and Procedures or Ordinance. The City Administrator shall set salaries, wages and benefits in accordance with the compensation plan approved by the Governing Body. Nothing herein shall be construed as affecting or superseding the provisions of Wyoming Statutes, §§ 15-5-101 to 15-5-422 and 27-10-101 through 27-10-109.

**6. Mayor Duties, Authorities, Roles and Responsibilities:**

- a. The Mayor shall be the Chief Executive of the City of Sheridan as defined by the powers and responsibilities of this Charter Ordinance.
- b. Unless otherwise provided by Wyoming Statute and this Charter Ordinance, the Mayor shall:
  - i. Preside at all meetings of the Governing Body, and in his absence, a council member shall be appointed to act as Mayor pro tem;
  - ii. Exercise superintending control over the administration and affairs of the City;
  - iii. Provide oversight to ensure that the City Administrator supervises the enforcement of all ordinances, follows City policies and procedures, and administers all City Departments;
  - iv. Administer oaths;
  - v. Sign commissions and appointments and all bonds, contracts and other obligations required to be signed in the name of the City unless otherwise delegated by the Governing Body to City staff;
  - vi. Have one (1) vote on all matters coming before the Governing Body upon which a vote is taken, except a vote:
    - A. To override a veto;
    - B. To confirm an appointment other than a vote to break a tie vote of the Governing Body;
  - vii. Make appointments to all Committees, Boards and Commissions with the approval of City Council.
  - viii. Set the Council Agenda for each Governing Body meeting. A majority of Council members may amend the agenda by adding or removing matters.
- c. Perform all other duties and obligations as set forth by Wyoming Statute and City of Sheridan Ordinance.

**7. Severability**

If any section, paragraph, clause or provision of this Charter Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph,

clause or provision shall not affect any of the remaining provisions of this Charter Ordinance, the intention being that the various provisions hereof are severable.

**8. Repealer**

All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Charter Ordinance are hereby repealed to the extent of such inconsistency.

**9. Passage and Effective Date**

This Charter Ordinance shall be passed by a two-thirds vote of all members of the Governing Body and shall be published once each week for two consecutive weeks in a newspaper for general circulation of the City. This Charter Ordinance shall not take effect until the sixtieth (60<sup>th</sup>) day after its final passage. If prior thereto, a petition signed by a number of qualified electors of Sheridan, equaling at least ten percent (10%) of the number of votes cast at the last general municipal election, is filed in the office of the City Clerk, demanding that this ordinance be submitted to referendum, then this Charter Ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed.

**WHEREUPON**, a Special Meeting was held certifying the official canvass results of the Special Election held on November 5<sup>th</sup> regarding Charter Ordinance #2202. Charter Ordinance #2202 was declared officially adopted the 7<sup>th</sup> day of November, 2019.

CITY OF SHERIDAN, WYOMING

  
Mayor 12 18 19

ATTEST:

  
City Clerk

FIRST READING: JUNE 3<sup>RD</sup>, 2019

SECOND READING: JUNE 17<sup>TH</sup>, 2019

THIRD READING: JULY 1<sup>ST</sup>, 2019

PUBLISHED: JULY 8<sup>TH</sup> AND JULY 17<sup>TH</sup>

EFFECTIVE THE 7<sup>TH</sup> DAY OF NOVEMBER, 2019

