

COUNCIL WORK SESSION
Tuesday, March 24, 2015, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. Proposed Bike Route Along Durbin Street
2. Downtown Plaza
3. CDBG Annual Action Plan FY 2016 – Executive Draft
4. Bees Ordinance
5. River Project Funding Update
6. Alcohol Monitoring Device
7. Discussion of Ethics Ordinance
8. One Cent Community Projects
9. Council Around the Table

February 28, 2015

MEMO TO: John C. Patterson, City Manager

FROM: Andrew B. Beamer, P.E., Public Service Director
Jason Knopp, City Engineer

SUBJECT: Proposed bike route along Durbin St. from Midwest Ave to 15th Street, and along 14th St./Farnum St. from Durbin St. to Sage Path.

Recommendation:

That the City of Casper create bike routes along Durbin Street from Midwest Avenue to 15th Street, and along 14th Street/Farnum Street from Durbin Street to Sage Path as outlined in the Casper Area Trails, Path, and Bikeway Plan 2013.

Summary:

The City of Casper adopted the Casper Area Trails, Path and Bikeway Master Plan in 2013. The master plan is a regional vision for a comprehensive and connected bicycle and pedestrian network that is safe, comfortable, and convenient for people of all ages and abilities. The master plan identifies deficiencies in bicycle and pedestrian infrastructure and recommends infrastructural improvements that support walking and biking.

The master plan provides a prioritized list of recommended improvements. The projects are ranked by the highest return on investment in terms of contributing to a connected and safe bicycle and pedestrian network that attracts the greatest numbers of users. The bike route on 14th/Farnum Street from Durbin Street to Sage Path is currently ranked third. Durbin Street from Midwest Avenue to 15th Street is not on the ranked list. However, adding a bike route to Durbin Street will create an ideal connection point between the current trail system, Casper College, and the proposed bike route on 14th/Farnum. Besides intersecting with 14th Street, Durbin Street intersects with the downtown rails-to-trails corridor just south of Midwest Avenue and College Drive. Casper College officials have been requesting a bike route from the campus to the downtown area for a number of years. See Figure 1.

The 14th/Farnum bike route will be accomplished utilizing the existing street width and lane configuration while adding a bike boulevard. Adding a bike boulevard includes installing bike route/bike boulevard signs and bike boulevard pavement markings intermittently along the route at an estimated cost of \$18,000 of materials and supplies. City crews will do the work using pavement marking paint.

The Durbin Street bike route will be accomplished utilizing the existing street width but restriping to create designated bike lanes. Durbin Street will be restriped from a four-lane road with two parking lanes to a two-lane road with two bike lanes and two parking lanes. The estimated cost is \$12,000 of

materials and supplies. City crews will perform the work and use pavement marking paint. See attached Figures 2 and 3.

Since the Streets Division currently has Durbin Street on its maintenance list to receive a chip seal resurfacing within the next year, the entire corridor will have to be restriped utilizing traffic paint versus thermoplastic inlay striping that the city normally uses on reconstruction and mil and overlay projects. The thermoplastic inlay will not hold up on a chip sealed surface, therefore traffic paint will need to be utilized for the first two to five years after the chip sealed surface is in place. Because traffic paint is significantly less expensive and is semi-temporary, it would be relatively inexpensive and easy to go back to the original four-lane configuration if it is not accepted by the general public.

In addition to its important connections and the opportunity to easily re-stripe, Durbin Street has the existing road width for the desired lane configuration and appropriate traffic volume. Durbin Street from Midwest Avenue to 15th Street currently has an average daily traffic (ADT) volume that ranges from 1,685 around Collins Drive to 2,200 south of 8th Street. The level of service for the given roadway and traffic volume of 2,000 vehicles per day when converting Durbin Street from four-lanes to two-lanes would result in a level of service "B." This corridor wouldn't show any degradation in service until the traffic volumes get to 2000 vehicles per hour. Given that the average daily traffic volume for this corridor is 2000 ADT or less, that Durbin Street connects to major points of interest, and that the existing road width allows for the desired lane configuration, makes this corridor the most feasible option to provide designated bike lanes.

Based on the priorities outlined in the Casper Area Trails, Path and Bikeway Master Plan and further assessment of connectivity and implementing the master plan, the finding is that combining a 14th/Farnum bike route project with a Durbin Street bike route project will provide a connected alternate mode of transportation for a large part of the community and meet the intent of the master plan. Funding for this project will come from the FY15 Walkability fund.

FIGURE 1

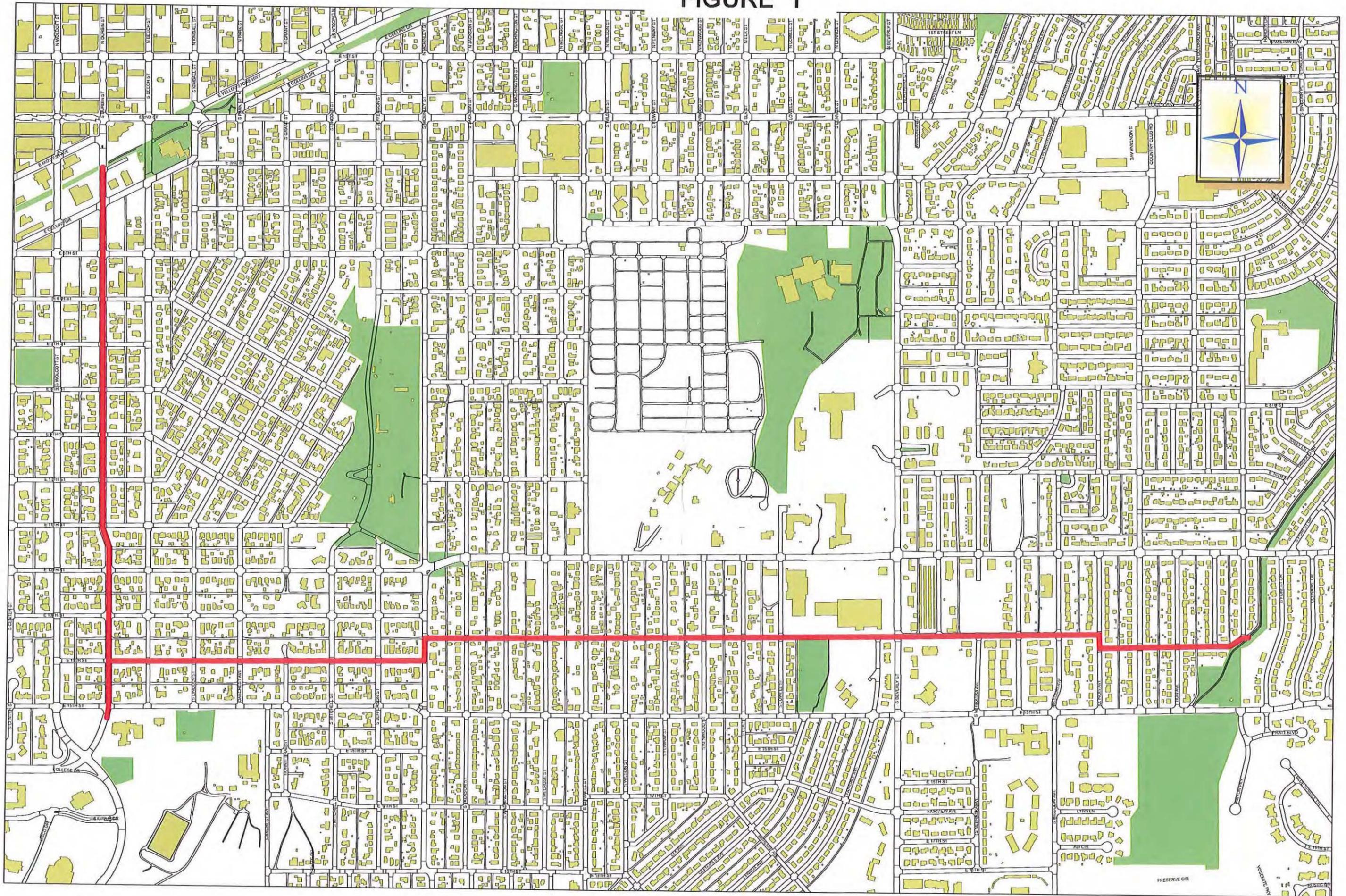


FIGURE 2



General Notes



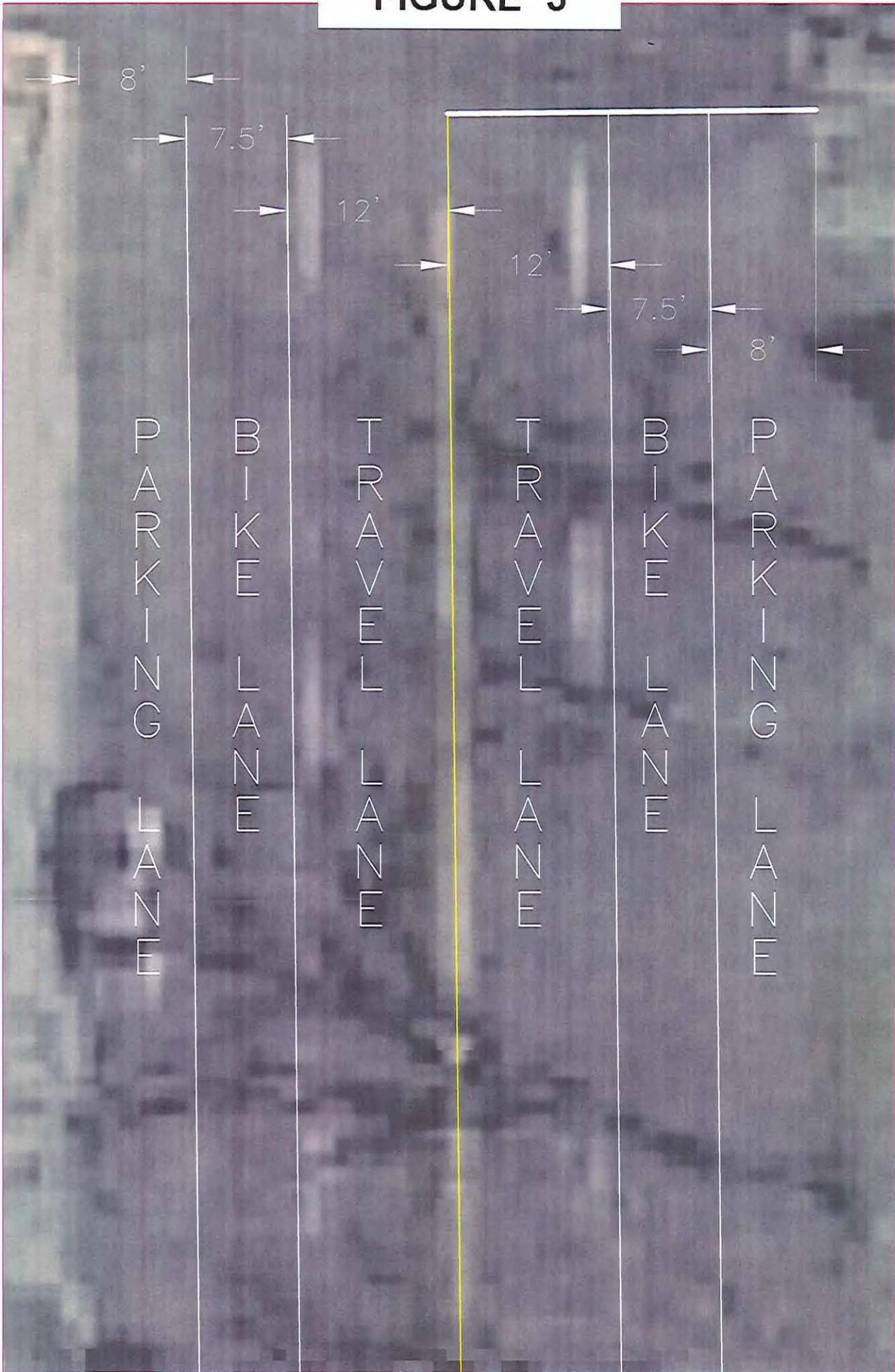
No.	Revision/Issue	Date

City Name and Address
 CITY OF CASPER
 ENGINEERING
 200 N. DAVID
 CASPER, WY 82601

CASPER, WY
 PROJ. NO. 14-45
 S. DURBIN ST.
 RE-STRIPING

Date	12/14	Figure 2
Drawn	AC	
Scale	1" = 40'	

FIGURE 3



General Notes



No.	Revision/Issue	Date

City Name and Address
 CITY OF CASPER
 ENGINEERING
 200 N. DAVID
 CASPER, WY 82601

CASPER, WY
 PROJ. NO. 14-45
 S. DURBIN ST.
 RE-STRIPING

DATE	12/14	Figure 3
SCALE	AC	
GRAPHIC SCALE	1" = 10'	

Bike Lane Examples





Bike Boulevard Examples





Jason Knopp

From: Andrew Nelson
Sent: Monday, March 02, 2015 11:13 AM
To: Jason Knopp
Subject: Durbin

		Year 2014
DURBIN STREET	SOUTH OF 8TH STREET	2197
DURBIN STREET	SOUTH OF MIDWEST AVENUE	1685

BEECH STREET	SOUTH OF 2ND STREET	2010
BEECH STREET	SOUTH OF COLLINS DRIVE	2110
BEECH STREET	SOUTH OF 12TH STREET	1284

WOLCOTT STREET	SOUTH OF 2ND STREET	2328
WOLCOTT STREET	SOUTH OF COLLINS DRIVE	3409
WOLCOTT STREET	SOUTH OF 8TH STREET	3885
WOLCOTT STREET	SOUTH OF 9TH STREET	3632
WOLCOTT STREET	SOUTH OF 11TH STREET	3656
WOLCOTT STREET	SOUTH OF 13TH STREET	4432
WOLCOTT STREET	SOUTH OF 14TH STREET	4387
WOLCOTT STREET	SOUTH OF 15TH STREET	3572
WOLCOTT STREET	SOUTH OF MIDWEST AVENUE	2799

CENTER STREET	SOUTH OF 8TH STREET	3225
CENTER STREET	SOUTH OF 9TH STREET	1652
CENTER STREET	SOUTH OF 11TH STREET	1631
CENTER STREET	SOUTH MIDWEST AVENUE	5524
CENTER STREET	SOUTH OF 5TH STREET	4106

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Andrew Nelson
Metropolitan Planning Manager



CASPER AREA
METROPOLITAN PLANNING ORGANIZATION

"Working with the public, elected officials, and professional staff to plan our road, trail, bus, and rail systems."

Phone: (307) 235-8255
Email: anelson@cityofcasperwy.com



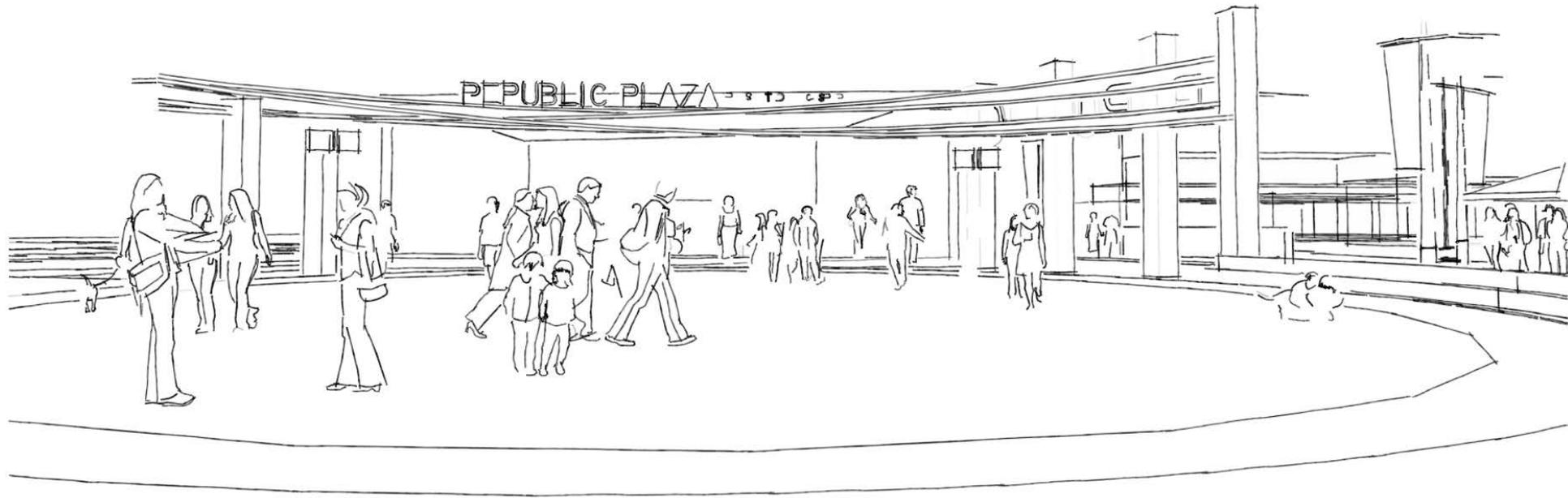
March 16, 2015

MEMO TO: Mayor Charlie Powell and Members of Casper City Council

FROM: Casper Downtown Development Authority

SUBJECT: Downtown Public Plaza

Comments: The Downtown Development Authority is currently working to bring an events-driven public plaza to the downtown and Old Yellowstone District. The DDA would like to present an update on our progress to the members of City Council. A presentation including operational pro-forma, schedule, case studies, capital campaign update, as well as community input will be given. The DDA would like to ask for a sign of commitment for the downtown plaza to be designated as a priority project, when funding becomes available.

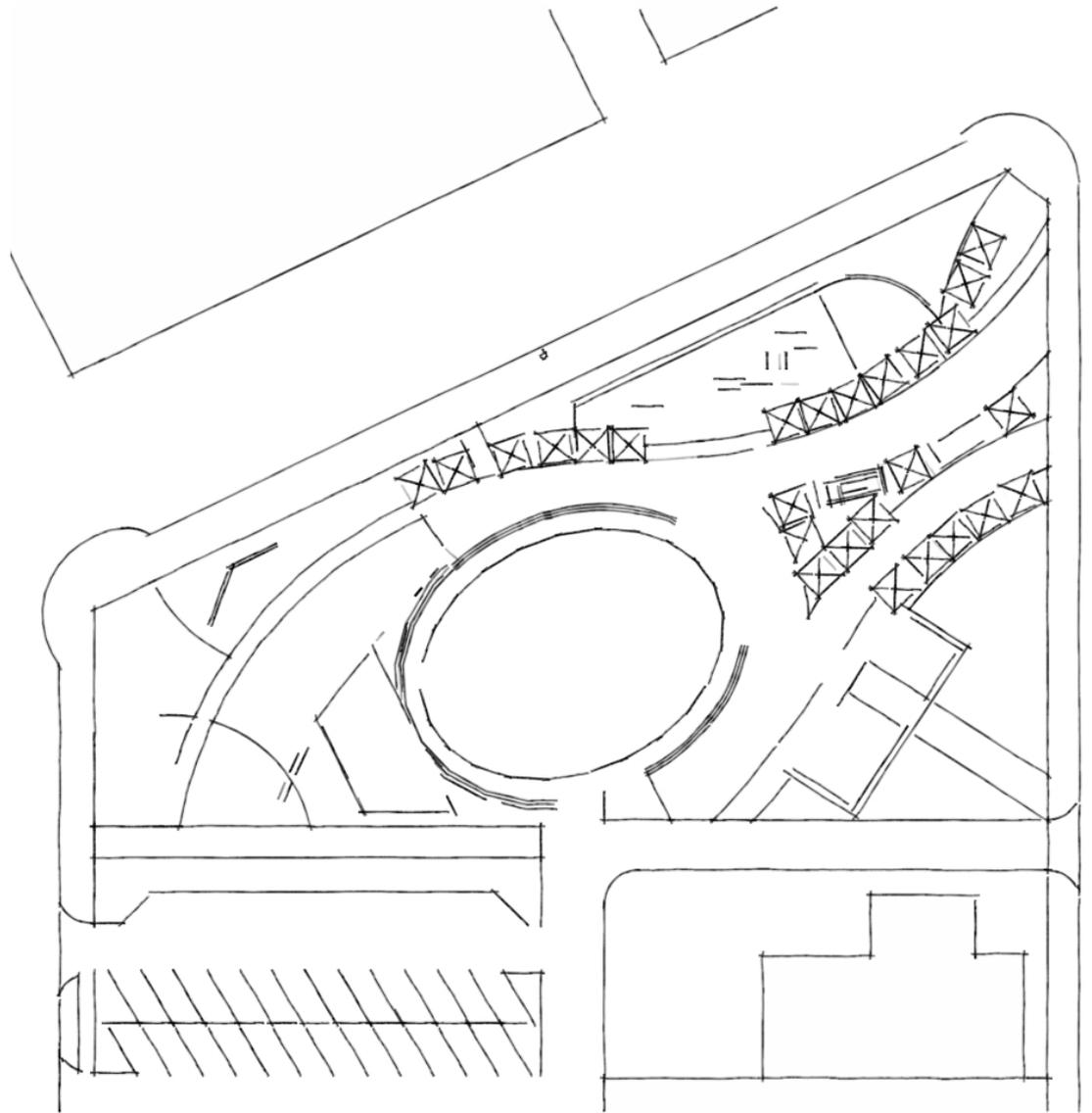


DOWNTOWN DEVELOPMENT
AUTHORITY
www.downtowncasper.com

Friends of the Plaza

AGENDA

- ▶ Case Studies
- ▶ Operations
- ▶ Schedule
- ▶ Budget
- ▶ Events
- ▶ Community Input
- ▶ Partnership



**Missoula, MT : Caras
Park**

Population: 69,122

Sq Miles: 23.9

Median Income: \$44,865

Median Age: 32



Rapid City, SD : Main Street Square

Population: 70,812

Sq Miles: 44.6

Median Income: \$44,626

Median Age: 36

Cheyenne, WY : Depot

Population: 62,448

Sq. Miles: 21.1

Medium Income: \$54,901

Medium Age: 36.5



Buffalo, WY: Crazy Woman Square

Population: 4,638

Sq Miles: 3.53

Median Income: \$53,750

Median Age: 42.2



Casper, WY

Population: 59,628

Sq Miles: 23.9

Median Income: \$53,674

Median Age: 36



Project Scope - Perspectives

DDA PLAZA ENTRY

OYD PLAZA ENTRY



Plaza - Operations

- City Owns All Land
- City Leases land back to 501c3; minimum of 25 years
- “Friends of the Plaza” manage, maintain, and operate
- Independent Board, Staff, and Policies
- Endowment
Wyoming Community Foundation



SCHEDULE

LOCATE TEMP OFFICE SITE	1.1.2015	4.15.2015
ACQUIRE NECESSARY LAND	1.1.2015	5.15.2015
DEMOLISH BUILDINGS	7.1.2015	9.15.2015
DESIGN	5.1.2015	4.15.2016
CONSTRUCTION “BUILD A BETTER WYOMING DAY”	3.10.2016	10.30.2016
OPENING DAY	11.1.2016	11.1.2016

BUDGET - CAPITAL COSTS

Land & Construction: 7.5 Million

Endowment: 1 Million

Total: 8.5 Million

1.5 million in private commitments to date

Not about a Space....This is about EVENTS

250+ Events 100+ Unique Events 300,000 Visitors per year



"What attracts people most, it would appear, is other people."
- William H. Whyte





“It’s one of the best things that has ever happened to our downtown”
Mayor Sam Kookier, Rapid City



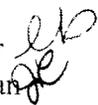
Discussion

Continue moving forward with plaza



March 24, 2015

MEMO TO: John C. Patterson, City Manager

FROM: Liz Becher, Community Development Director 
Joy Clark, Community Development Technician 

SUBJECT: Proposed Uses of Program Year 2015/2016 Community Development Block Grant Funds

Summary:

As a recipient of entitlement Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), the City wishes to solicit community opinion in its submission of an Annual Action Plan outlining its proposed use of CDBG funds. After taking into account community input, the Housing and Community Development Division will prepare and publish a draft of the Annual Action Plan (AAP) to be available for a 30-day comment period. The CDBG allocation for FY2015/2015 is **\$272,671**.

Staff is seeking Council's comments and questions about the following list of proposed projects before finalizing the draft AAP.

- Transportation Programs: **\$35,000** for ridership tokens to low income individuals for The Bus and CATC.
- Housing Rehabilitation Assistance Program: **\$25,671** for assistance to low-moderate income (LMI) homeowners with emergency repairs and program-related costs.
- LifeSteps Campus Care: **\$75,000** for necessary repairs and capital improvements.
- General Administration Costs: **\$54,000** to provide for salary and benefits for one full-time employee.
- Housing Initiatives: **\$45,000** to continue to address the housing needs in Casper for emergency, transitional, and market affordable shelters and units.
- City Core Revitalization Activities: **\$20,000** for matching façade grants.
- Clearance and Demolition: **\$18,000** for activities that remove health and safety issues in LMI areas.

The projects must meet one of three national objectives of the CDBG program: benefiting the low income population of Casper, addressing slum and blight, and/or urgent need. To ensure the public hearing is meaningful to the citizens, law requires that it be held in the presence of the Mayor and City Council members. The public hearing will be held on May 5, 2015 where a draft of the Program Year 2015/16 Annual Action Plan will be presented, and comments solicited. Review and final approval will be concurrent with City of Casper budget approval.

Date 3/16/15

MEMO TO: The Honorable Mayor of Casper, Charlie Powell, and the Esteemed Members of the City Council

FROM: Tory Cutrell, Metro Manager

SUBJECT: Beekeeping in Casper City Limits

Recommendation: No recommendation, informational only.

Summary: The Casper City Council has received requests from residents to allow owning and maintaining bee hives within the City.

Current city ordinance does not allow for the keeping of bees within the city limits. Information from other cities which allow the keeping of bees shows that well-maintained and properly kept bee hives have little negative impact on a neighborhood. By establishing an ordinance to regulate the number, size, and location of hives on any one property, nuisance behaviors can be mitigated.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 6.04 OF THE CASPER MUNICIPAL CODE, PERTAINING TO ANIMAL CARE AND CONTROL.

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

Section 1:

That a new definition shall be added to Section 6.04.010 of the Casper Municipal Code, to read as follows:

Section 2:

Section 6.04.260 of the Casper Municipal Code shall be amended to read as follows:

A. Beekeeping

- 1) Definitions. The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them.
 - A. “Apiary” shall mean a place where bee colonies are kept.
 - B. “Bee” shall mean any stage of the common domestic honey bee. Apis mellifera species.
 - C. “Colony” shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.
 - D. “Hive” shall mean a structure intended for the housing of a bee colony.
 - E. “Tract” shall mean a contiguous parcel of land under common ownership.
- 2) Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition.
- 3) Permit. Any person keeping bees pursuant to this provision must first have been issued a permit by Metro Animal Services, and have paid an annual fee of forty dollars (\$40), and conform to all applicable state regulations.

- 4) Prior to approval of a permit being issued, the applicant must provide written proof that all contiguous neighbors consent to the applicant owning and having bees on the applicant's property. The application shall be renewed on a yearly basis and the applicant must provide written proof that all contiguous neighbors consent on each application.
- 5) Setback. All hives shall be located at least ten (10) feet from any adjoining property with the back of the hive facing the nearest abutting private property lines. Hives may be located on the property line abutting alleyways.
- 6) Fencing of flyways. In each instance in which any colony is situated within twenty-five (25) of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line. The beekeeper shall establish and maintain a flyway barrier at least six feet (6') in height, consisting of a solid wall or fence parallel to the property line, and extending ten feet (10') beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet (7') above ground level over the property liens in the vicinity of the apiary.
- 7) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees, so that the bees will not congregate at swimming pools, bib cocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.
- 8) Maintenance. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- 9) Queens. In an instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- 10) Colony Densities.
 - A. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated. No hives may be kept on any lot that does not have an existing home.

1. One-quarter acre or less tract size – two (2) colonies.
 2. More than one-quarter acre, but less than one-half acre tract size – four (4) colonies.
 3. One-half acre or more, but less than one acre tract size – six (6) colonies.
 4. One acre or larger tract size – eight (8) colonies.
- 11) Prohibited. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, which has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the City Manager or his designee.
- 12) Violation of the regulations set forth can be grounds for seizure of the bees.

Section 4:

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1st reading the _____ day of _____, 2013.

PASSED on 2nd reading the _____ day of _____, 2013.

PASSED, APPROVED, AND ADOPTED on third and final reading the _____ day of _____, 2013.

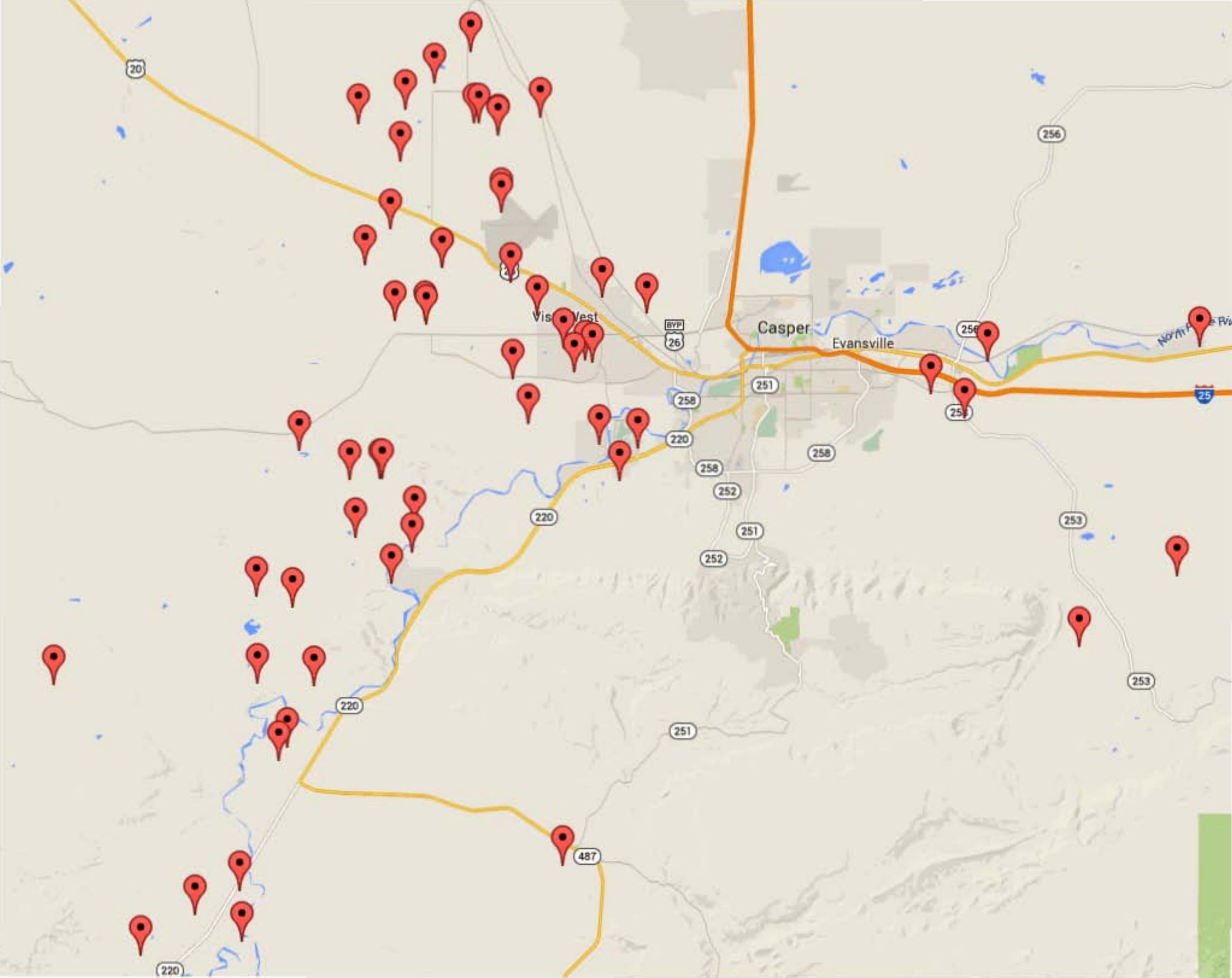
APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Kenyne Schlager
Mayor



March 24, 2015

MEMO TO: John C. Patterson, City Manager
FROM: Jolene Martinez, Special Projects Analyst
SUBJECT: North Platte River Restoration Funding Update

Recommendation:

That Council affirm its continued financial support of the North Platte River Restoration.

Summary:

The North Platte River is one of the city's most valuable assets, and the river restoration will be a transformational investment in Casper's infrastructure. Improved water quality; improved aquatic and terrestrial habitat; increased recreational opportunities and places for people to gather; and stabilized, aesthetically improved banks are a few of the river restoration outcomes that will improve community appearance, quality of life, and the environment. Former Councilman Paul Bertoglio said that in his sixteen years on Council this was the most significant project that he was a part of.

The entire river restoration effort is called the Platte River Revival. Founded in 2006 by the city of Casper and Two Fly Foundation, the Platte River Revival includes river restoration construction and a volunteer day every September that provides hands-on restoration opportunities. The projects outlined in the restoration master plan are a combination of riverbank and in-river construction, Russian olive removal, and vegetative plantings. The cost for seven riverbank and in-river construction projects is estimated at \$15.8 million.

In December 2014, Council authorized staff to write Wyoming Business Council Community Enhancement Grants through 2020 as part of the funding strategy for river restoration construction. In taking this bold step, Council established the Platte River Revival as one of its priorities. Community Enhancement Grants require a one-to-one match as do other grants identified by the Platte River Revival Advisory Committee in their five year construction funding plan. The funding plan was presented during the December 23, 2014 Council work session. Unallocated 1%#14 in the amount of \$1,500,000 is identified in the funding strategy as a source for grant match and leverage for private donations.

The Platte River Advisory Committee consists of representatives of partner organizations (both public and private), Council representatives, and City staff. To date, the Committee has secured \$5,500,000 in funding for restoration construction with the majority being state of Wyoming grants including the single largest Wyoming Wildlife and Natural Resource Trust Grant in the history of the Trust thus far (\$2,000,000) and a Wyoming Business Council Community Enhancement Grant (\$500,000). The Committee was able to secure these grants because the City had committed \$700,000 of its Above the Cap One Time Money to the project, which was

used as match funding, and the success of several years of Volunteer Days demonstrated the required public support for the project.

The ongoing support of Council and the City Manager is critical to the success of the Platte River Revival. The planning and implementation of the annual volunteer day, building and maintaining the strong public-private partnership that has been developed, and providing funding will attract more funding and provide the critical expertise to the restoration project within the City of Casper boundaries. The Platte River Revival Volunteer Day remains the largest National Public Lands Day event in the country. The Platte River Revival construction component is in the top ten of restoration projects in North America based on the size of the river and the miles of reach slated for construction. The public-private partnership and community involvement are unparalleled. In addition, the Platte River Revival aligns with all of Council's goals and Governor Mead's priorities as outlined in his Water Strategy released on January 15, 2015.

Casper's efforts to restore and revitalize the North Platte River will serve as a legacy to the Casper community and an example to other communities within Wyoming of how to preserve the important water resources in the state and what can be accomplished when people with a shared vision, though different perspectives, come together for the good of all.

MEMORANDUM

To: Members of Council

From: Keith R. Nachbar 
Municipal Court Judge

Date: March 20, 2015

Re: **Funding Request:** Assuring Sobriety Through Enhanced Monitoring of Participants in the Casper Municipal Court Alcohol Court Program

This is a request for the Council to consider funding for the use of portable alcohol monitoring devices through the upcoming fiscal year for participants in the Alcohol Court Program.

A grant of \$20,000 was recently secured from the Prevention Management Organization of Wyoming ("PMO") as seed money to get the portable monitoring program implemented immediately. This proposal seeks funding for continuation of the program after the grant money is exhausted.

Introduction: Casper Municipal Court Alcohol Court Program

The Casper Municipal Court Alcohol Court Program is a program initiated in November 2012 aimed at reducing the incidence of impaired driving in the City of Casper and surrounding areas. The program is unique in that it is a hybrid between a conventional court and a drug court. It does not meet the national standard definition of an alcohol or DUI court, and is not a drug court as defined by Wyoming state law. Yet, the Casper Municipal Court Alcohol Court Program employs some of the most effective components of traditional drug courts, all within the jurisdictional parameters and economic limitations of a Municipal Court. The court is aimed at first and second time DUI offenders arrested within the City of Casper and strives to impose firm, just, and effective sentences in every case. These sentences are unconventional in the State in that they almost always begin with a minimum of three days jail time actually served, and often more based on the severity of the crime. Fines in the maximum amount are usually imposed, with a small amount suspended. The jail time and fines are followed by a multi-faceted and highly supervised period of 6 to 12¹ months of probation

¹Twelve months probation is imposed only on deferrals pursuant to Wyo. Stat. § 7-13-301.

which includes addiction evaluation and appropriate counseling, group-based mutual support, education, community service, frequent monitoring of progress by a case coordinator, and monthly review hearings with the court.

Both statistics and anecdotal feedback have shown that the Alcohol Court Program is effective in deterring first time offenders, reducing the number of offenders who violate probation by committing new crimes or failing to obtain appropriate treatment, and reducing recidivism.

Remote Breath Testing Project

This project is intended to increase the effectiveness of alcohol monitoring during Alcohol Court probation to ensure that participants are not using alcohol while on probation.² Complete sobriety during the probationary period is viewed as a critical component of the Casper Municipal Court Alcohol Court Program. Complete sobriety helps participants develop a habit of sober living during their probationary period, which hopefully will put them in a better position to continue sobriety after probation is completed. In addition, complete sobriety during the probationary period increases the effectiveness of counseling, education and treatment, and reduces the risk of additional criminal activity on the part of participants, including specifically additional DUIs.

During the past two years of the Alcohol Court Program, most participants have been required to participate in random drug and alcohol

²Guidelines for Community Supervision of DWI Offenders, Dunlap, Mullins and Stein, NHTSA, 2008 provides at page 20:

According to Robertson and Simpson (2003), some DWI offenders (particularly repeat offenders) quickly learn that weaknesses in the monitoring process means that they do not necessarily have to comply with some or all of their conditions of supervision. When offenders are able to circumvent penalties and avoid compliance, it compromises public safety and can result in more problematic behavior by the offender. Research also shows that for sanctions for noncompliance to be effective, they must be swift and certain (Taxman & Soule, 1999). Assuring that offenders comply with their conditions of supervision and that issues of noncompliance are addressed in a timely manner can only be accomplished through close and consistent monitoring practices. There are a plethora of tools and technologies available to assist in more timely and effective monitoring of DWI offenders today and that can allow the offender to remain employed or in school, live at home, and continue to be involved in pro-social activities.

testing at a local facility.³ Participants are required to call in to the testing center each day, and if their “level” is announced on a recorded message, they must report to the testing center by 5 p.m. that day to be tested. At the beginning of probation, participants are given a level which corresponds to the frequency of random testing to which they will be subjected. Participants who are deemed more at risk are assigned a level that dictates more frequent random testing, and vice versa. The most frequently tested participants are generally tested about eight times a month, and the less frequently tested participants are generally tested about two times a month.

Despite the seeming effectiveness of random testing, and the widespread use of random testing by probation agencies in Wyoming and elsewhere, it is not hard to figure out that there are ways around random testing. In other words, a person who is addicted to alcohol can figure out how to continue to use or abuse alcohol and still successfully participate in random testing without detection. For instance, if a participant is tested today, they can probably use alcohol after being tested and have a very low likelihood of being called in tomorrow. Beyond that, if they are tested today, choose to abuse alcohol tonight and get called in tomorrow, they can probably flush their system and be alcohol free by tomorrow at 5 p.m., when they go in for tomorrow’s test. In fact, we have heard numerous reports from various sources where people who are subject to random testing have been consuming alcohol nonetheless. One participant, after being put on a SCRAMx continuous monitoring bracelet, told our case coordinator that he had been able to successfully participate in the random testing program and still drink alcohol regularly without detection.

Without complete sobriety among participants, the overall potential effectiveness of the Alcohol Court Program will never be known. It seems obvious that if a participant continues to abuse alcohol while fulfilling his probationary obligations for counseling, education and group support, he is merely going through the motions without achieving the habit of sobriety. We want Alcohol Court Program participants, some of whom have lost control of their lives due to alcohol abuse, to experience a period of complete sobriety so they have an opportunity to regain control of their lives and to see what it

³Virtually all participants are required to be subject to testing during their probation. A relatively small number of participants choose to participate in and pay for SCRAMx continuous alcohol monitoring to allow them to travel or work at remote locations. This costs about \$10.00 per day. We are not aware of any participants participating in the SCRAMx monitoring that have violated their probation by using alcohol.

is like to live a life free of alcohol abuse. Sobriety is especially important at the beginning of probation when they have not yet had any evaluation or counseling, and their life may still be spinning out of control. In addition, continued use of alcohol while on probation lends itself to participants being involved in other crimes and puts the public at risk for the participant to commit another DUI, with potentially devastating results.

While it would be greatly beneficial to the program and the individual participants to require everyone in the Alcohol Court Program to participate in remote breath testing, doing so is not financially feasible without some outside funding. The current random testing program costs participants \$60 per month, which they pay themselves. The cost of the remote breath testing with the portable units is about \$6.50 per day, which works out to about \$195 per month. This is more than three times the current cost for testing. Realistically, the majority of participants cannot financially afford \$195 per month in addition to the already existing obligations of fines, mandatory court costs and assessments, public defender fees, and ASI and counseling costs, among the other expenses they incur during probation.

We are requesting funding in order to continue a remote breath testing program for carefully selected alcohol court participants after the PMO grant money is exhausted. This will allow continuation of the remote breath testing program for those participants who are identified as the most at risk for continued use of alcohol during probation. Participants will still be required to pay a portion of the remote breath testing costs but the requested funding will allow us to require a greater number of participants to be subjected to remote breath alcohol testing and to continue this program through the fiscal year. In order to maximize the benefit of both the grant and budget funding, low risk participants will at this time remain on the conventional random drug and alcohol testing at a testing facility. SCRAMx bracelets will still be available for those participants who are financially able to afford these devices and who have a need to travel or work at remote locations.

Program Description

Remote Breath Testing Devices

There are two vendors of remote breath testing devices that we have identified. Alcohol Monitoring Systems, Inc. supplies a device called SCRAM

remote breath. Soberlink, Inc. supplies a device called Soberlink SL2. Both devices are very similar in design and features, and the prices are very comparable. At this point, we have not identified one device as superior over the other. For purposes of program design and description here, only the SCRAM remote breath device is discussed.⁴

The remote breath device is a wireless, portable, handheld device that is equipped with automated facial recognition and GPS locating. It operates using cellular telephone networks. If the device is out of cell phone range it stores information until it is back in range. It automatically turns on and prompts participants for either scheduled or random tests up to six times per day. It can also send a text message to the participant's cell phone to signal the time for a test. The automated facial intelligence feature photographs the user and automatically confirms their identity before accepting test results. If the test result is positive, it is transmitted to the supervising agent and the device requests another test in a short time. If the facial recognition feature detects deception, the device will ask for another sample so it can reanalyze the identity of the tester. The GPS location of each test is recorded and can be forwarded to the supervising agent.

Implementation

The Casper Municipal Court Alcohol Court Program will use three criteria to determine which participants will be required to participate in the remote breath testing program. These criteria are:

- a. Participants who had a blood alcohol content greater than or equal to .15% upon arrest;
- b. Participants that have a prior DUI conviction or arrest; and
- c. Participants that have previously tested positive for use of alcohol while on random testing, whether on bond or on probation.

These participants are ones that we have identified as having the greatest risk of use of alcohol while on probation. Therefore, in our view, the expenditure of funds for remote breath monitoring on these participants will yield the greatest benefit for the money spent.

⁴Manufacturer's literature on this device is attached.

The project will be implemented by requiring new probationers who meet the criteria above to participate in the remote breath testing program. The program will be implemented as soon as the grant money is received. The probationers on remote breath testing will be required to pay \$100 per month toward the cost of their testing, and the grant money will be used to pay the balance of that cost.⁵ The requested budgeted funding from the City Council will allow the program to continue on a long term basis.

The vendor who supplies the remote breath testing device will complete a form notifying the court that the participant has been assigned remote breath testing device and is subject to remote breath testing. From that point forward, the vendor will supervise the use of the remote breath testing device, however the software will automatically notify the case coordinator electronically if a participant fails to test, attempts to circumvent the device, or tests positive for use of alcohol.

At the commencement of probation when the remote breath testing requirement is assigned to a probationer, a probationer will be required to sign a remote breath testing agreement. That agreement will provide that if a participant fails to test, tests positive, or has some other abnormal event with the device, they will be required to immediately notify the case coordinator by phone and report personally to the case coordinator. In such instances the case coordinator will question the probationer⁶ and where indicated will send the probationer for a confirmatory test such as an ETG urine test. An ETG urine test reliably detects the presence of alcohol in the system with a look back period of about 72 hours. If the probationer fails to notify the case coordinator, or fails to report to the case coordinator as required by the testing agreement, the case coordinator will promptly initiate revocation proceedings and seek the issuance of a warrant for the probationer's arrest pursuant to those proceedings.

⁵We may also require that the participants be financially unable to pay for their own remote breath testing in order to be eligible for the subsidy.

⁶We have found that in most instances where probationers have tested positive for use of alcohol and they are properly questioned, they admit their violation to the case coordinator. This eliminates the proof issues involved in proving a violation of probation by use of the remote breath testing device in a contested adversarial probation revocation hearing because the probationer has admitted their violation to the case coordinator. In such instances the case coordinator merely testifies to the probationer's admission of the violation, i.e. the use of alcohol while on probation.

If a probationer admits to the use of alcohol or is determined through testing to have used alcohol while on probation, they are either sanctioned by the case coordinator or the case coordinator recommends probation revocation to the city attorney's office. These probation revocations are given top priority and the objective is to move forward as quickly as possible with a revocation, thereby promoting the goal of swift and certain punishment for the use of alcohol on probation.⁷

If a probationer is making good progress on probation, has completed the majority of the requirements of probation including evaluation and alcohol treatment, the case coordinator will have the discretion to eliminate the remote breath testing requirement and allow the probationer to merely participate in traditional random drug and alcohol testing. This will allow the funds to be used for maximum benefit, without unnecessarily expending funds on participants who may not need such intensive monitoring. If a probationer who is stepped down to traditional random drug and alcohol testing misses a test or tests positive, that person can be put back on remote breath at their own expense for the remainder of their probation.

Goals and Objectives

The goals of this program are to:

1. Assure sobriety of Alcohol Court participants during their probationary period, particularly during the early stages of their participation in supervised probation through the Alcohol Court.
2. Reduce the risk of the undesirable consequences of consumption of alcohol while on probation in the alcohol court. This includes reducing the likelihood of probationers committing other crimes including subsequent DUIs.
3. Reduce the risk of recidivism by Alcohol Court participants by allowing them to develop a habit of sobriety, and to experience sober living while on Alcohol Court probation.
4. Maximize the effectiveness of the Alcohol Court Program by ensuring that participants get the evaluation and treatment that

⁷If our program fits within the recently enacted 24/7 sobriety program criteria, we may be able to upgrade our response to a positive alcohol test to include immediate incarceration.

they need, perform the obligations that are required of them, and progress through the program all while maintaining absolute sobriety.

These goals will be achieved by implementing the following objectives:

1. One hundred percent of incoming Alcohol Court participants who meet the selection criteria will be subjected to the requirement of remote breath testing. They will be maintained on remote breath testing until they have made substantial progress in completing the requirements of their probation, specifically including completion of the alcohol evaluation and treatment.
2. Any participants who test positive, fail to test, or attempt to circumvent the remote breath testing device will be dealt with swiftly through established protocol for each potential circumstance. Those participants will be questioned and either sanctioned or referred for revocation of their probation.

Timeline

Implementation of the remote breath testing program will occur immediately after the grant funding becomes available as each new probationer is assigned to probation and evaluated for the appropriate testing level assignment. Since money would be allocated to the testing of these new probationers as they enter into the Alcohol Court probation program, the expenses will begin at a low level and gradually increase as more participants are received into the program. Based on current numbers, it is anticipated that the PMO grant funds would be fully depleted in 6 to 12 months. The funding requested herein will allow the program to continue at least through the fiscal year.

Budget

Currently there are about 60 participants being supervised in the Alcohol Court Program. Most of the participants are supervised for a period of six months, however some are on 12 months of supervised probation. If this number continues through 2015, we can expect approximately 50 new participants coming into the program in the next six months.

Using that number, if we anticipate that each of 50 participants would require remote breath testing for at least three months, this would be just under \$15,000. If the court keeps some of the participants on remote breath testing for longer than three months based on our selection criteria and their performance while on probation, we can expect that this will take an additional \$5,000 in funding. This would amount to about \$40,000 for the year. After the program gets underway, we would like to alter the selection criteria to include more probationers, and to add drug screening to assure that the probationers do not switch to the use of other illegal drugs while on probation. Hence we are requesting an additional sum of money to allow for those expenses. The aggregate total requested is \$60,000 for the upcoming fiscal year.

At the commencement of the participation in the remote breath testing program, the vendor will send to the court a notification form indicating that the probationer has begun remote testing. At the end of the participant's use of the remote breath testing device, the vendor will complete a termination form, and the court will then pay the vendor the court's portion of the per diem cost for the remote breath testing device. In this manner, the court will be assured of only paying for days where the remote breath testing device was actually in use by the participant.

The court will need to establish a means of tracking the expense for each participant so that the court does not over spend the money available. In other words, since our plan is to pay the vendor at the end of the remote breath testing period for each defendant, we need to monitor the level of our funds to make sure that sufficient money will be available to pay the anticipated cost of ongoing testing.

Evaluation

Effectiveness of this program will be evaluated in two principal ways. First of all, at the conclusion of the program, statistics regarding recidivism, probation revocation, and probationary condition violations will be compared with similarly situated Alcohol Court participants who were not subject to remote breath testing. It is anticipated that those who are subject to remote breath testing and who comply with those requirements will have better outcomes in these areas. Additional study and evaluation could include long-term monitoring of these participants to determine whether the risk of recidivism among this population is reduced in comparison with other Alcohol

Court participants who were not subjected to remote breath testing. However, such evaluation would be costly and would have to be done over a period of years, not months.

The second form of evaluation of this program will be more anecdotal in nature. The Alcohol Court staff will monitor the performance of probationers who are subject to remote breath testing and compare that performance with those who are not subject to such testing. We are interested in determining whether the remote breath testing program, which assures sobriety during that part of the probationary period, increases compliance with other aspects of the Alcohol Court's probationary regimen. In addition we will use exit surveys of participants, which are completed anonymously at the conclusion of probation at the time that a participant is discharged from probation. Questions on these exit surveys will inquire as to the effectiveness of the remote breath testing program. We have found that many participants are candid about the probationary requirements at the time they are being discharged from probation. Therefore it is reasonable to assume that probationers will be honest with us about their compliance with the no alcohol requirement of their probation at the time that they are being discharged. However, there is really no surefire means of testing the reliability of this information.

Funding Request

The Court requests initial funding of \$60,000 for the upcoming fiscal year to continue the enhanced monitoring program after the PMO grant money is exhausted. It is anticipated that much of the PMO grant money will be exhausted in the current fiscal year. Based on our projections and selection criteria, the requested amount of \$60,000 should carry the program through the fiscal year beginning July 1, 2015.

Appendix

1. Casper Municipal Court typical first DUI offense sentencing requirements
2. SCRAM Remote Breath Testing Device manufacturer's literature
3. Sample Report

Casper Alcohol Court
Standard First Offense DUI Sentencing Standard Language

Fined: \$750.00 + \$150.00 VCF + \$10.00 court costs and sentenced to 180 days jail; Suspend 177 days jail and \$200.00 of the fine on condition that the defendant complete 6 months supervised probation in the alcohol court program. TERMS:

1. Lead a worthy, law-abiding life
2. Not violate any local, state or federal laws
3. Complete all program requirements of the Casper Municipal Court alcohol court program including all required check ins and Court appearances
4. Not possess or consume any alcohol or unlawfully use any controlled substances
5. Obtain an ASI and complete all follow up counseling recommended in the ASI on a schedule set by the Case Coordinator
6. Participate in AA or other mutual support groups and such other counseling as recommended by the Case Coordinator on a schedule set by the Case Coordinator
7. Attend a Victim Impact Panel/Alive at 25 with proof to the Court on a schedule set by the Case Coordinator
8. Be subject to random drug and alcohol testing in the manner and means prescribed by the case coordinator, at defendant's expense. For now you will report to Drug Testing Services by [4:00 pm today] or [on the next business day after release from jail] to enroll in random drug and alcohol testing at Defendant's expense, keeping account current at all times
9. Notify the Court within ten days of any change of address or employment
10. Complete 40 hours community service on a schedule set by the case coordinator
11. Pay all fines and assessments immediately or [by 5:00 p.m. on date of intake meeting] or timely apply for an extension in accordance with the Court's standard procedure
12. Report to the Case Coordinator on [DATE] at 9:30 a.m. in this courtroom to go through the intake orientation for the Alcohol Court supervised probation program.

#



SCRAM™

REMOTE BREATH

The most flexible OPTION in breath alcohol testing, from the industry-leading SCRAM Systems™ line of electronic monitoring solutions.



SCRAM's development of a remote breath device is key to servicing the alcohol monitoring continuum. A 'SCRAM quality' point-in-time device will only enhance our existing programs."

— Brian Kalinowski
Lieutenant, Office of the Sheriff, Contra Costa County, California

SCRAM Continuous Alcohol Monitoring™
Continuous Alcohol Monitoring (CAM), or combined CAM + House Arrest, at the flip of a switch. It's 24/7 monitoring for your higher-risk/higher-need alcohol clients.

SCRAM Remote Breath™
The first and only handheld, wireless, portable breath alcohol device with automated facial recognition and GPS with every type of test. For clients who have earned less intensive testing and monitoring.

SCRAM Systems GPS Solutions
The only provider with both CDMA (Verizon/Sprint) and GSM (AT&T) network options for your GPS program. **SCRAM One-Piece GPS™** (CDMA) is from the industry-leading makers of Omnilink GPS technologies. And **SCRAM Dual-Function GPS™** (GSM) delivers both GPS and house arrest monitoring options in a single unit, allowing for dynamic changes to supervision levels without switching equipment.

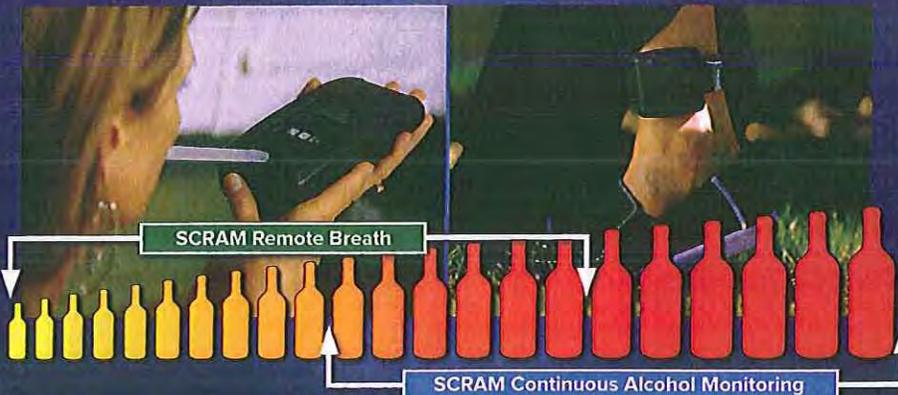
SCRAM House Arrest™
Standalone house arrest monitoring built to work with today's home communications systems. Operates over home Internet routers, standard or digital phone lines, DSL, Vonage®, or an optional SCRAM-provided wireless system.

SCRAM Systems Program Management Center™
The SCRAMNET™ secure web application is the core of the Project Management Center (PMC), which brings together everything from monitoring of our entire product line to our best-in-industry court support program, 24/7 customer support, mobile applications, offender compliance analytics, and beyond.

SCRAM Systems: **OPTIONS** in Alcohol Monitoring

Lower Level Alcohol Misuse

- 1st time DUI
- Public order offenses
- Low BAC at time of arrest
- Earns reduced monitoring through program compliance



Higher Level Alcohol Dependence and Addiction

- Repeat/Hardcore Drunk Drivers
- Domestic Violence
- High BAC at time of arrest
- Requires more intensive monitoring after a violation

Automated Facial Intelligence™ (AFI™)

- Government security grade **FACIAL RECOGNITION** software—not just photos
- Intelligent bio confirmation system and automated matching—**reduces manual review of photos by 90-95%**
- High-resolution images—clear photos of the 5–10% you do review
- Scalable & Manageable—significant reductions in the staff time required to confirm identities
- Real-time notifications with automated, simultaneous client verification

Passed BrAC
FAILED Identification

SCRAMnet
REMOTE BREATH RESULT DETAILS | Client: Gigler, Bart | Print Version

Circumvented
BrAC
0.000

Facial Comparison
Circumvention Identified

Received 02/06/2014 04:02 PM
On Demand 04:02 PM
Serial Number RB100FD

Notes
Facial recognition detected this was not a match. Officer concurs. Client attempted to circumvent testing

Status
 In Progress Resolved

Breath Test Details
Enrollment Photo 02/06/2014 01:54 PM
Initial Test BrAC 0.000 02/06/2014 04:02 PM
View location

AFI caught mismatch on photos. Client admitted to having cousin take his scheduled test while he was drinking.

FEATURES

- Automated Facial Intelligence
- Device-initiated testing—automatically turns on and prompts clients for scheduled and on-demand tests
- STORE & FORWARD, up to 48,000 test results
- GPS location with taken *and* missed tests
- One-piece, handheld, cellular
- DOT-approved Dräger® fuel cell
- Rugged, built for corrections
- Optional reminders and notifications to client's cell phone
- Random, scheduled, and on-demand testing

BENEFITS

- Immediate notification of both BrAC and positive client ID
- On-board, automated testing prompts and client notifications ensure clients always know when it is time to test
- Stores test results when out of cell coverage and forwards them when service is reacquired, so you'll never lose test data
- GPS locations provide more supervision data, especially on missed tests
- Flexible testing schedules—multiple options for both agencies and clients
- Integrates with SCRAMNET—one company, one integrated system for every client
- Portable, easy to carry, easy to use
- SCRAM Systems industry-leading Product Training & 24/7 Customer Support
- SCRAM Court Support Program



Follow us at:



Remote Breath Results Summary

9/23/2014 thru 10/7/2014

Client: **Tester, Tim**
 Case Number: 123456789
 Date of Birth: 11/3/1987

Agency: CAM of WY
 Agent: Weinhandl, Tim
 Court: Wilday's Court of Pain



Passed Tests: 7
Pending Review: 2
 Failed Tests: 1
 Missed Tests: 4
 Incomplete Tests: 0
 Circumvented Tests: 0
 Scheduled Test Not Received: 2

Days on Remote Breath in Period: 4
 Lifetime Days on Remote Breath: 4
 Critical Battery Alerts: 1
 Housing Breach Alerts: 0
 Communication Alerts: 0

Result	BrAC	Alert Date/Time	Received
Missed		10/3/2014 2:59 PM	10/3/2014 2:59 PM
Missed		10/4/2014 1:32 PM	10/4/2014 1:32 PM
AFI Pending Review	0.000	10/4/2014 1:55 PM	10/4/2014 1:55 PM
Battery Critically Low		10/4/2014 6:24 PM	10/4/2014 6:26 PM
AFI Pending Review	0.000	10/4/2014 6:26 PM	10/4/2014 6:26 PM
Scheduled Test Not Received		10/5/2014 8:00 AM	10/5/2014 9:30 AM
Scheduled Test Not Received		10/5/2014 1:00 PM	10/5/2014 2:30 PM
RB Device Plugged Into AC Power		10/5/2014 2:47 PM	10/5/2014 2:48 PM
Battery Charged		10/5/2014 5:36 PM	10/5/2014 6:06 PM
Failed <i>Missed Confirmation</i>	0.100	10/5/2014 5:41 PM	10/5/2014 6:06 PM
RB Device Removed From AC Power		10/6/2014 9:43 AM	10/6/2014 1:02 PM
Missed		10/6/2014 7:42 PM	10/6/2014 7:42 PM
Missed		10/7/2014 8:31 AM	10/7/2014 8:31 AM

Chapter 2.60 - PUBLIC SERVICE CODE OF ETHICS

Sections:

2.60.010 - Designation of provisions.

The provisions of this chapter shall be designated as the "code of ethics for the city of Casper, its employees and public officials."

(Ord. 21-02 § 1, 2002; prior code § 2-61)

2.60.015 - Definitions.

The terms used in this chapter are defined as follows:

- A. "Business" means a corporation, partnership, sole proprietorship, firm, organization or other legal entity engaged in buying, selling or exchanging commodities or services.
- B. "Confidential information" means information which, by law or practice, is not available to the general public.
- C. "Employee" means every appointed, classified or unclassified, full-time or part-time employee of the city who receives compensation in the form of a salary or wage.
- D. "Financial interest" means any interest which yields, directly or indirectly, a monetary or other material benefit (other than the duly-authorized salary or compensation for services to the city) to the employee or to any person employing or retaining the services of the employee.
- E. "Personal interest" means any interest arising from blood, marital or adoptive relationship, whether or not any financial interest is involved.
- F. "Public official" or "official" means:
 - 1. Every elected councilman; and
 - 2. Appointed board or commission member.

(Ord. 21-02 § 2, 2002; Ord. 39-00 § 1, 2000)

2.60.020 - Established—Purpose.

The proper operation of democratic local government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in and respect for the integrity of its government. In recognition of these goals, there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, full-time or contractual. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city.

(Ord. 21-02 § 3, 2002; Ord. 39-00 § 2, 2000; prior code § 2-62)

2.60.030 - Standards for conduct of duties.

- A. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of Wyoming and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for city government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.
- B. Public officials and employees shall conduct their official duties with integrity, impartiality and in the public interest. They shall also conduct both their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of their official duties. Such official or employee shall conduct themselves as to maintain public confidence in their public trust and in the city. They should not be a source of embarrassment to the city and should avoid even the appearance of both actual and potential conflict between then public duties and private interests.
- C. Disclosure of Confidential Information. No councilman or other official or employee shall, without proper legal or council authorization, disclose confidential information concerning any city official, employee or any other person, the property or any government affairs of the city. Nor shall they use such information to advance the financial or other private interests of themselves or others. This provision does not pertain to "public records" as defined by state law.
- D. Gifts and Favors. No councilman or other official or employee, as a result of holding such office or position, shall accept any gift, loan, service, certificate, plaque, commemorative token, gratuity, special discount, or item with a value in excess of two hundred fifty dollars from any person, firm or corporation. The provisions and definitions of Wyoming Statutes Section 9-13-101 et. seq. regarding "Government Ethics" relating to the receipt of gifts by public officials, as they may, from time to time be amended shall apply to city councilmen, officials, and employees, said provisions being incorporated herein at this point as if fully set forth.

(Ord. 21-02 §§ 4, 5, 2002; Ord. 39-00 § 3, 2000; prior code § 2-63)

2.60.040 - Work and performance standards—Exceeding authority.

Appointed officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Ord. 21-02 § 6, 2002; prior code § 2-64)

2.60.050 - Preferential treatment prohibited—Use of public property.

- A. Interest in Appointments. A candidate for advancement or promotion within the municipal service shall not directly or indirectly solicit any member of the city council to obtain preferential treatment in connection with the advancement or promotion. This prohibition does not apply to positions filled by appointment of the city council.
- B. Use of Public Property. No official or employee shall request or permit the use of publicly-supported property, city-owned vehicles, equipment, materials, labor or service for personal convenience or profit, or the private advantage of themselves or any other person. This rule does not prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-

supported property, vehicles, equipment, materials, labor or service which is made available to the public at large, or by stated public policy for the use of officials or employees in the conduct of city business, or which is provided as a matter of contract.

- C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, advantage or favor to any citizen beyond that which is available to the public at large, or which is available to every other citizen.

(Ord. 21-02 §§ 7, 8, 2002; Ord. 39-00 § 4, 2000; prior code § 2-65(a), (b), (c))

2.60.060 - Conflict of interest.

- A. Subject to the disclosure requirements of this section, no councilman or other city official or employee, either on his or her own behalf or on behalf of any other person, whether paid or unpaid, shall engage in any business or transaction or shall have any financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction or contract with the city, or in the sale of real estate, materials, supplies or services to the city, shall disclose such interest in any matter on which they may be called to act in their official capacity. They shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into or authorized by him or her in their official capacity.

A councilman who has a financial or other private interest in any action, matter, or legislation pending before council shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies him or herself from voting on any such matter or action, and recuses himself or herself from the chamber while such matter or action is pending.

- B. No employee, either on his or her own behalf, or on behalf of any other person, shall have any financial or personal interest in any business transaction with the city unless he or she first makes full public disclosure of the nature and extent of such interest. An employee who has a financial or personal interest which he or she believes, or has reason to believe, may be affected by an official act made while within the scope of his or her employment or duties, shall make full public disclosure of the precise nature and value of such interest. The disclosure shall be made in writing to the city clerk at the time the conflict first occurs. An employee shall inform his or her department head of any such financial or personal interest at the time he or she acquires it. Information contained in written disclosures, filed with the city clerk, except for the valuations attributed to the reported interest, shall be made available by the city clerk for public inspection; provided, however, the valuation shall be confidential. The filing of disclosures pursuant to this section is a condition of entering upon and continuing in city employment.

Whenever the performance of a city employee's duty requires such said employee to make any decision upon any matter involving his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest, after which he or she may only proceed with the permission of the city manager or shall disqualify himself or herself from participating in the decision. "Participation in a decision" includes discussions and deliberations leading up to a decision.

- C. Any official or employee who has a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, and who participates in discussion with or gives an official opinion to the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.
- D. Specific conflicts of interest are enumerated below for the guidance of officials and employees:
1. **Incompatible Employment.** No councilman, official, or employee shall engage in private employment when such employment is incompatible with, or give the appearance of incompatibility with, the proper discharge of their official duties, or would tend to impair their independence of judgment or action in the performance of their official duties.
In the case of a city employee, he or she shall first make full and public disclosure of the nature and extent of such employment and receive written permission from the city manager to engage in such employment. Other city restrictions concerning private or outside employment of city employees shall not be affected by this provision.
 2. Repealed.
 3. Repealed.
 4. **Representing Private Interests Before City Agencies or Courts.** No councilman or other official or employee shall appear on behalf of private interests before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a part. A councilman may appear before city agencies on behalf of constituents in the course of their duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.
 5. Repealed.

(Ord. 21-02 § 10, 2002; Ord. 39-00 § 5, 2000; prior code § 2-66)

2.60.080 - Political activity.

- A. No city appointive official or employee shall use the prestige of his position in behalf of any political party.
- B. A city appointive official or employee shall not use public funds, time, personnel, facilities or equipment for political or campaign activity unless the use is:
 1. Authorized by law; or
 2. Properly incidental to another activity required or authorized by law and the public official, public employee or public member allocates or reimburses the city for any additional costs incurred for that portion of the activity not required or authorized by law.
- C. No city official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

(Ord. 21-02 § 11, 2002; prior code § 2-67)

2.60.090 - Applicability—Advisory opinions.

When a councilman or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, they shall apply to the city attorney for an advisory opinion and be guided by that opinion when given. The councilman or other official or employee shall have the opportunity to present their interpretation of the facts at issue and of the applicable provision of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by its provisions except when superseded by an applicable statutory, city code provision or policy, and statutory or city code action is mandatory, or when the application of a statutory or city code provision is discretionary, but determined to be more appropriate or desirable.

(Ord. 21-02 § 12, 2002; prior code § 2-68)

2.60.100 - Enforcement—Violation—Penalty.

- A. Failure to comply with this chapter constitutes improper conduct.
- B. As it relates to city employees, upon the complaint of any person alleging facts, which, if true would constitute improper conduct under the provisions of this chapter, the employee may be disciplined up to and including termination, pursuant to the city's personnel rules and regulations and any other applicable rules, regulations or law.
- C. Violation of any provisions of this code of ethics should raise conscientious questions for a city councilman or other official or employee of the city as to whether voluntary resignation or other action is indicated to promote the best interests of the city.
- D. Violation of this chapter by any employee or appointed official may result in discipline up to and including termination of employment, constitute a reason for suspension or removal from office, or other disciplinary action at the discretion of the hiring or appointing authority.
- E. A city councilman violating any of the provisions of this Code of ethics shall be subject to removal from office pursuant to Chapter 2.64

(Ord. 39-00 § 6, 2000; prior code § 2-69)

(Ord. No. 21-14, §§ 1—3, 9-2-2014)

Chapter 2.64 - REMOVAL OR CENSOR OF PUBLIC OFFICIALS

Sections:

FOOTNOTE(S):

--- (2) ---

Editor's note— Ord. No. 22-14, § 1, adopted September 2, 2014, amended the title of Ch. 2.64 to read as set out herein. Previously Ch. 2.64 was titled removal of officials.

2.64.005 - Definitions.

"For cause" means:

1. Gross and persistent delinquency in being absent from regular meetings of the council. Absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency;
2. Conviction of a felony;
3. Failing the residency requirements as defined in Section 2.04.030

4. Determination by a court having jurisdiction to be insane or mentally incompetent;
5. Conviction of a crime involving moral turpitude or constituting a breach of oath of office;
6. Refusing to take the oath of office or to give or renew an official bond if required by law;
7. Conviction of any crime involving ethics or malfeasance; including, but not limited to conviction of the crime of malfeasance pursuant to W.S. § 15-1-113(m), as it may, from time to time, be amended;
8. Violation of W.S. §§ 9-13-101 et seq., 12-4-103(a)(i), 15-1-127, 15-1-128, or 16-6-118, or Section 5.08.100(A)(1), as they may, from time to time, be amended;
9. Violation of any provision of the public service code of ethics as set forth in Chapter 2.60, or violation of any other law or ordinance involving ethics, as they may, from time to time, be amended;
10. Sexually [sexual] harassment of, workplace violence act against, or creation of a hostile work environment for any agent or employee of the city as set forth in the city personnel rules and regulations manual, dated August 20, 2002, as it may, from time to time, be amended.

(Ord. 11-99 § 2, 1999)

(Ord. No. 22-14, § 2, 9-2-2014)

2.64.010 - Authorization.

- A. Any joint powers board member or other board member appointed by the city council may be removed from office at will at any time by a vote of a majority of all the elected members of the city council.
- B. Any city councilman may be removed from office, for cause, by a vote of a two-thirds majority of all members of the city council after following the procedures set forth in Section 2.64.020 for the removal of any such city councilman.

(Ord. 11-99 § 3, 1999: prior code § 2-71)

(Ord. No. 22-14, § 3, 9-2-2014)

2.64.020 - Procedure.

The following procedures shall be followed for the removal of any city councilman by the city council for any of the "for cause" reasons specified in Section 2.64.005:

1. The city council may, by a resolution approved by a two-thirds majority vote of all of the elected members of the city council, refer any alleged "for cause" conduct to an independent hearing officer who shall be a current member of the state bar association. Said hearing officer shall be retained by the city for hearing the allegations as specified, and set forth in the resolution.
2. The hearing officer shall follow the hearing procedures of a contested case pursuant to the Wyoming Administrative Procedure Act (W.S. § 16-3-101 et seq.) in any removal proceeding.
3. Recognizing that the city attorney's office has a conflict of interest in prosecuting the city's position in any such hearing, the city shall be represented by a special city attorney retained by the city council for the purposes of this hearing.
4. The hearing officer shall state his or her findings in writing and whether or not "for cause" exists for the removal of such councilmember, which shall be forwarded to the members of the city council within ten days after the conclusion of the hearing. The decision of the hearing officer shall be appealable under the provisions of the Wyoming Administrative Procedures Act.

5. Upon a final decision by the hearing officer finding that the alleged "for cause" conduct has occurred, the councilman may be removed from office or censored by a two-thirds majority vote of all of the elected members of the city council. The vote to remove or censor councilman by the city council is a final decision, shall not be appealable, and the seat held by such councilman shall be vacated.

(Ord. 11-99 § 5, 1999)

(Ord. No. 22-14, § 4, 9-2-2014)