

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING CASPER MUNICIPAL  
CODE TO ESTABLISH A CODE OF ETHICS**

WHEREAS, the members of the Casper City Council desire to conduct their business in a manner that is legally and ethically beyond reproach;

WHEREAS, the Casper City Council pursuant to Wyoming Statute § 15-1-103(a)(v) and (a) (xxxvii), is authorized to investigate "for cause" allegations, and potentially remove a person from office for "incompetency, neglect of duty or otherwise for cause," provided an opportunity for hearing is established by ordinance - currently Code 2.64.

WHEREAS, the Casper City Council has determined that the principles in Title 9 Chapter 13 of the Wyoming Statutes - "Government Ethics" should be incorporated as stated below into the Casper Municipal Code as a "Code of Ethics."

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING that Chapter 2.60 - Code of Ethics - of the Casper Municipal Code is Created.

**PREAMBLE**

The Casper City Council has determined that a code of ethics is an appropriate addition to existing laws, rules and regulations providing direction and governing Casper's officials, public officers and employees; accordingly, this Code of Ethics for the City of Casper is established.

Serving as a part-time City Council member poses unique challenges; most Council members have not worked in a municipal government setting and a significant number usually have spent most of their careers in the private sector where they were an owner or manager. To come into an organization as a member of the body which determines the direction of the organization, but employs only three employees of the hundreds of employees working for the organization is a different dynamic.

The purpose of this Code is to provide some road signs to help guide the Council members and the City's employees along the various paths and around the occasional obstacles and the different dynamics of very public, public service jobs.

**SECTION 2.60.01. DEFINITION OF TERMS**

For the purpose of this Ordinance, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. Words not defined shall be given their common and ordinary meaning.

**AI. "Anything of value" means:**

- (i) a pecuniary item, including money or a bank bill or note;
- (ii) a promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;
- (iii) a contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;
- (iv) a stock, bond, note or other investment interest in an entity;
- (v) a right in action;
- (vi) a gift, tangible good, chattel or an interest in a gift, tangible good or chattel;
- (vii) a work of art, antiques or collectible;
- (viii) an automobile or other means of personal transportation;
- (ix) real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;
- (x) an honorarium or compensation for services arising out of the person's service as a public official, official, or public employee;
- (xi) the sale or trade of anything of value for consideration that would ordinarily not be available to a member of the public; or with a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, official or public employee.
- (xii) a promise or offer of employment;
- (xiii) any other thing of value that is pecuniary or compensatory in value to a person.

**A2. "Anything of value" does not mean a campaign contribution properly received and disclosed, as is necessary or required.**

**B. "Business" means a corporation, partnership, sole proprietorship, LLC, or other type of organization, entity, or association which may be engaged in the buying, selling, exchanging, of commodities, realty, services or anything of value.**

**C1. "Compensation" includes:**

- (i). An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or

(ii). A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.

**C2. "Compensation" does not include:**

(i) Contractual salary or wage, hourly wage, employment benefits, reimbursement of expenses, if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or

(ii) *Per diem* payments or mileage and/or vehicle allowances paid by the employing government entity in accordance with applicable law;

**D. "Confidential information"** means information which is defined by Wyoming as confidential; in this regard attorney-client privilege between the City Council and its attorney is a privilege belonging to the Council, as an assembly, and shall not be waived unless a majority of the body so directs.

**E. "Domestic partner"** means a person with whom a public official, officer or City employee maintains a household and an intimate relationship, other than to whom the City official, public officer or employee is legally married.

**F. "Employee"** means every appointed, classified or unclassified, full-time or part-time employee of the City of Casper who receives a salary or wage as remuneration for their time, service and efforts.

**G. "Family member"** means an individual, who is the spouse, parent, sibling, child, grandparent or grandchild;

**H. "Financial interest"** means anything of value which yields directly or indirectly a benefit other than the authorized salary, wage and benefits and remuneration for services to the City, to the "employee" or "public official" or "official".

**I. "Gift"** does not include any loan, gift, gratuity, special discount or hospitality with a value of \$250 or less.

**J. "Personal interest" is:**

(i). With respect to a "public official," "official" or "employee" an interest which is direct and immediate as opposed to speculative and remote; and

(ii). An interest that provides the public official, official, or employee, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

K. "Public official" or "official" means: every elected or appointed Casper City Council person, and every appointed board or commission member serving on a board or commission of the City of Casper.

**SECTION 2.60.02- USE OF TITLE PRESTIGE OF PUBLIC OFFICE**

(a). No public official, official, or employee shall use his or her office or position for his or her private benefit.

(b). As used in this section, "private benefit" means the receipt by the public official, official, or employee of a gift which resulted from his/her holding that office or position.

**SECTION 2.60.03- NEPOTISM**

(a). No public official, official, or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member or a domestic partner to an office or position of the City of Casper. A public official, official, or employee shall not supervise or manage a family member or domestic partner who is in an office or position or has employment with the City of Casper, Wyoming.

(b). A public official, official or employee, acting in his or her official capacity, shall not participate in his or her official responsibility or capacity regarding a matter relating to the employment or discipline of a family member or domestic partner.

**SECTION 2.60.04- MISUSE OF OFFICE**

A public official, official, or employee shall not use public funds, time, personnel, facilities or equipment for his or her private benefit or that of another person or entity unless the use is authorized by law.

**SECTION 2.60.05- OFFICIAL DECISIONS AND VOTES**

(a). A public official or official shall not make an official decision or vote on an official decision if the public official or official has a personal interest in the matter. In determining whether he or she has a personal interest in a matter, the public official or official shall recognize the importance of his or her right to represent his or her constituency and shall abstain from voting only in clear cases of a personal interest, as defined in this subsection. A public official or official shall not vote to give money or any direct financial benefit to himself or herself except for tax reductions affecting the general public. For purposes of this section, a personal interest is:

(i). with respect to the public official or official, an interest which is direct and immediate as opposed to speculative and remote; and

(ii). an interest that provides the public official or official, a greater benefit or lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

(b). A public official or official, described by subsection(a) of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's or official's abstention from voting must be recorded in the City's, board's or committee's official records.

(c) This section shall not be construed to supersede W. S. 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

**SECTION 2.60.06-ACTIONS TAKEN WHILE NEGOTIATING FOR EMPLOYMENT**

A public official, official, or employee may not vote or take an official action in a matter affecting a person with whom the public official, official, or employee is negotiating for prospective employment.

**SECTION 2.60.07-CONSEQUENCES TO PUBLIC OFFICIALS, OFFICIALS AND EMPLOYEES**

Violation of any provision of this act may constitute sufficient cause for termination of an employee's employment or for the censure of the public official or official or the removal of a public official or official from his office or position.

**SECTION 2.60.08- EFFECTIVE DATE:**

This Ordinance shall become effective 21 days after Council has approved the ordinance on third (3<sup>rd</sup>) reading.

PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED on 2<sup>nd</sup> reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED, APPROVED AND ADOPTED on 3<sup>rd</sup> and final reading the \_\_\_\_ day of \_\_\_\_\_, 2019.