
MINUTES
Monolith Ranch Advisory Committee
April 17, 2014, 1:00 PM
405 Grand Ave., Laramie, WY
Annex Conference Room

The regular meeting of the Monolith Ranch Advisory Committee will meet at the Historic Carnegie Building, 405 Grand Avenue, 1st Floor Conference Room.

I. ROLL CALL

Members Present: Paul Rechar, David Evertson, Joe Lord, Jason Sherwood, Vicki Henry and Earl Smith
Staff Present: David Derragon, Danielle Brewer and Darren Parkin
Guests Present: Paula Wilson-Cazier and Mindy Meade
Absent: Cal Van Zee

II. APPROVAL OF AGENDA

New business item brought to the attention by Smith; Open Meetings Act and Public Records Act.

MOTION BY HENRY, seconded by Lord, to approve the agenda with the new business item. **MOTION CARRIED UNANIMOUSLY.**

III. APPROVAL OF MINUTES

MOTION BY RECHARD, seconded by Sherwood, to approve the minutes from the January 9, 2014 and March 20, 2014 meetings. **MOTION CARRIED UNANIMOUSLY.**

IV. NEW BUSINESS

A. Open Meetings Act and Public Records Act – Paula Wilson-Cazier, City Manager’s Office

See the following attachments; *Wyoming Public Records and the Open Meetings Act 2012 Presentation* and *Wyoming Public Documents and Open Meetings Act – Effective July 1, 2012.*

The Opens Meeting Act and Public Records Act training has been presented on an annual basis. However, in the past, Ad Hoc committees had not been included in the training, which in the past the Monolith Ranch committee was considered Ad Hoc so the committee may not have seen this before. The City is currently working to include Ad Hoc committees into the training to exercise due diligence in terms of everybody’s awareness of the legislation and when it comes to conduct collectively as representatives of boards and commissions. The Wyoming Open Meetings and Public Records Acts were amended by the legislature in 2012. Guest Wilson-Cazier presented *Wyoming Public Records and the Open Meetings Act 2012 Presentation* and *Wyoming Public Documents and Open Meetings Act – Effective July 1, 2012* to the committee addressing the committee’s questions and concerns in further detail.

No motion necessary at this time.

B. Pioneer Pasture rehabilitation project update – Mindy Meade, US Fish and Wildlife Service

Able to do a walkthrough of the Pioneer Pasture (358 acres) since the weather has finally started to improve; the attendees included Mindy Meade, Darren Parkin-City representative, Martin Curry with the Conservation District, Larry Munn with the University of Wyoming Ecosystem Science and Management Department and Brian Mealor with the University of Wyoming Plant Sciences Department. History presented by Munn suggests back in the early 1900’s this area had a history of irrigated wheat production. Irrigation water runoff and subsurface flow originating from the Pioneer Canal (North of the pasture), picks up a lot of salts from the underlying shale layer as this water works its way toward the Laramie River. This situation has contributed to the extremely high salinity of the soils in the Pioneer Pasture.

The greasewood represents about 15 percent of the vegetative cover on the property. The grasses growing amongst the greasewood are not super palatable but they are native and found in the current soil type. The

greasewood is an indicator of salinity in the ground (9% salt in the soil in this area). The greasewood areas typically capture snow and as the snow melts the resulting fresh water has the capability to push the salt further down into the soil profile. Greasewood management cannot be controlled by chopping as it will re-sprout; Brian Meador has a three year study on the University pasture (borders the Pioneer pasture) using herbicide to treat the greasewood to see how long after a treatment will it take the greasewood to grow back.

Looking at the old ditch system, the pasture around it was very salt crusted. Last year when the water was dumped in this vicinity from the municipal line, it pooled and evaporated, bringing many of the salts to the surface, making conditions worse. In this part of the pasture there was thread leaf sedge, alkali sedge, salt grass, and inland salt grass but nothing very palatable, as you cannot grow much else in these highly alkaline conditions (19% salt in the soil in this area).

While conducting the walkthrough of the pasture, the attendees tried to look at the information through the eyes of the landowner and their concerns, could this property have negative impacts to cattle health, were there issues adding to cattle illness, could the area be improved. In regards to the cattle on the pasture, make sure to watch for two grooved milk vetch (this is a possible area for it) and arrow grass (which was found in the area).

Management considerations discussed were:

1. Test plots research using herbicide treatments for the greasewood areas
2. Decrease irrigation through the old ditch system area; changing the water flow or draining it off using ditches to get the water out of the area faster (which would help bring the salts up)
3. Utilize the existing water right – create a cut in ditch system to pull the water to the southern part of the pasture, creating better conditions in the southern part and decreasing water from the northern part, diluting the salts overtime
4. Consider making it an “improved pasture” - introduce nonnative plants that would thrive in these soil types.

With presenting the findings from the pasture walk through Mindy felt it best to step back in the project as her perspectives regarding the birds did not turn out as hopeful as she wanted. If she were to apply for a grant for this area it would have to be marketed as a multispecies grant. It would be best for the committee to solve the water issues and work though where we want to be with in regards to livestock with this property before she steps back in.

The floor was opened for discussion regarding educational materials for the public, irrigation ideas and water rights. **MOTION BY HENRY**, seconded by Evertson, to direct staff to provide different options with monetary figures to the committee of how to rehabilitate for livestock as well as public use. **MOTION CARRIED ON A VOTE OF 4 FOR – 1 AGAINST.**

V. OLD BUSINESS

A. Resolution update on the committee’s structure from Dave Derragon (presented by Henry)

See the following attachment *Resolution 2014* –

The draft resolution was presented to the committee for review before it goes before City council. The resolution removes staff as voting members and changes the structure of the committee from seven (7) to five (5). The meeting after this is passed by council, and then the committee will elect officers.

The floor was opened for discussion regarding corrections to the resolution and the interest from the Laramie Rivers Conservation District to add a member to the committee; it was decided for Parkin to formally invite a member of the Laramie River Conservation District to the next meeting. **MOTION BY RECHARD**, seconded by Henry, to recommend the resolution to the City. **MOTION CARRIED UNANIMOUSLY.**

B. Standing Report from Parks, Trails and Recreation Master Plan Ad Hoc Advisory Committee

Lord reported the committee is proceeding forward; the report is in the drafting/review stage, which is done by chapters and then presented back to the committee. The committee is hoping to have the report approved by August.

C. Quarterly Report from Water Resource Specialist

The snow pack for the year is at 142% on the automated sites, so there should be a good run off. Irrigation has not started at the ranch yet due to the center pivot’s pump not being cleaned yet, the Bath ranch is still calving

and has not moved their cows out yet and Stanley Baer is still bringing in cattle to try and feed the rest of last year's hay. Data loggers have been installed, and the pastures have been fertilized (not dragged yet).

When the lease negotiations begin, the committee should look at establishing an irrigation start date of April 15th but there are obstacles for this to occur. Water should actually be running in March every year to maximize the potential of the beneficial use plan.

D. Pivot Update from Water Resource Specialist

The pivot is done except for the pump needing pulled and having the warranty cleaning done on it. P Diamond was supposed to be here three weeks ago for this to happen and have not shown up yet.

E. Board of Control Petition from Water Resource Specialist

The request for quotes is written and ready for the final review by Dave Derragon before being sent out. This is a survey of where we are irrigating and comparing it with our permit. We are supposed to be irrigating 1,407 acres and estimating we are closer to 1,200; it would take the shortage and put it in the Titus pasture, which had its water rights removed back in the 40's and 60's. Also it will survey all the out buildings, roads, dead space and put all that in the Titus so we have a full 1,407 acres of defined irrigation. We still will need to provide historical use on the Titus pasture when the petition is written and presented to the BOC.

F. Update Lease Negotiations and Committee Involvement

The current lease expires on June 1, 2015. Through the City Manager's direction, the committee should have one or two members with the most interest primarily work on the lease and bring back their ideas and proposed changes and present them before the rest of the committee. The new lease will be an eight year lease based on the anticipated lifespan of the new alfalfa stand; at least half of the alfalfa field will be reseeded this fall. It will also have adjusted annual prices based on an agricultural commodity index. This process should be nearly completed by early fall to provide for plenty of time for revisions.

G. Hunter Management Agreement update - Jason Sherwood, Game and Fish

The fully executed document was received by Game and Fish. Once the document is fully executed from the Game and Fish, Jason will provide a copy to the committee for their records.

VI. DATE FOR NEXT MEETING

The next meeting is set for July 17, 2014, at 1:00 pm.

VII. AGENDA FOR NEXT MEETING

- A. Resolution update on the committee's structure – elections
- B. Laramie Rivers Conservation District
- C. Standing Report from Parks, Trails and Recreation Master Plan Ad Hoc Advisory Committee
- D. Quarterly Report from Water Resource Specialist
- E. Pivot Update from Water Resource Specialist
- F. Titus Survey Update from Water Resource Specialist
- G. Lease Negotiations and committee's involvement

VIII. ADJOURNMENT

MOTION BY HENRY, seconded by Rechar, to adjourn the meeting. **MOTION CARRIED UNANIMOUSLY.** The meeting adjourned at 2:56 pm.

Respectfully Submitted,

APPROVED BY CITY COUNCIL

S/Danielle Brewer

Secretary
Ranch Advisory Committee

Date

WYOMING OPEN MEETINGS ACT

16-4-401. Statement of purpose.

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

16-4-402. Definitions.

(a) As used in this act:

(i) "Action" means the transaction of official business of an agency including a collective decision, a collective commitment or promise to make a positive or negative decision, or an actual vote upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting;

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature and the judiciary;

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "Assembly" means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously;

(v) "This act" means W.S. 16-4-401 through 16-4-408.

16-4-403. Meetings to be open; participation by public; minutes.

(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a

meeting not in conformity with this act is null and void and not merely voidable.

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

(c) Minutes of a meeting:

(i) Are required to be recorded but not published from meetings when no action is taken by the governing body;

(ii) Are not required to be recorded or published for day-to-day administrative activities of an agency or its officers or employees.

(d) No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

16-4-404. Types of meetings; notice; recess.

(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for all future meetings of an agency. The request shall be in writing and renewed annually to the agency.

(b) Special meetings may be called by the presiding officer of a governing body by giving verbal, electronic or written notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted and shall be issued at least

eight (8) hours prior to the commencement of the meeting. No other business shall be considered at a special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

(c) The governing body of an agency may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held.

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

(e) Day-to-day administrative activities of an agency, its officers and its employees shall not be subject to the notice requirements of this section.

16-4-405. Executive sessions.

(a) A governing body of an agency may hold executive sessions not open to the public:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) To consider the appointment, employment, right to practice or dismissal of a public officer,

professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

(b) Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

16-4-406. Disruption of public meetings.

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the governing body of an agency may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. A governing body of an agency shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section.

16-4-407. Conflict of law.

If the provisions of this act conflict with any other statute, the provisions of this act shall control.

16-4-408 Penalty

(a) Any member or members of an agency who knowingly or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member of the governing body of an agency who attends or remains at a meeting knowing the meeting is in violation of this act shall be liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the

member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes.

(b) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

WYOMING PUBLIC RECORDS ACT

16-4-201. Definitions.

(a) As used in this act:

(i) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question;

(ii) "Official custodian" means any officer or employee of the state or any agency, institution or political subdivision thereof, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(iii) "Person in interest" means the person who is the subject of a record or any representative designated by the person, except if the subject of the record is under legal disability or is the dependent high school student of his parents, "person in interest" means the parent or duly appointed legal representative;

(iv) "Political subdivision" means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency,

institution or political subdivision of the state, whether at a meeting or outside a meeting;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state or any agency or subdivision thereof is a party; all fidelity, surety and performance bonds; all claims filed against the state or any agency or subdivision thereof; all records or documents required by law to be filed with or kept by any agency or the state of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any agency of the state or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.

(vii) "Writings" means all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics;

(viii) "This act" means W.S. 16-4-201 through 16-4-205.

(ix) "Application" means a written request for a public record. However, a custodian may in his discretion deem a verbal request to be an application;

(x) "Information" means opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic or other physical form.

16-4-202. Right of inspection; rules and regulations; unavailability.

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the state entity or political subdivision, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

(b) If the public records requested are not in the custody or control of the person to whom application is made, the custodian or authorized person having personal custody and control of the public records shall notify the applicant within seven (7) business days from the date of acknowledged receipt of the request of the unavailability of the records sought, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed.

(c) If the public records requested are in the custody and control of the person to whom application is made but are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the custodian or authorized person having personal custody and control of the public records shall notify the applicant of this situation within seven (7) business days from the date of acknowledged receipt of the request, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed. If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the agency's ability to discharge its other duties.

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so

inform the requester. Electronic record inspection and copying shall be subject to the following:

(i) The reasonable costs of producing a copy of the public record shall be borne by the party making the request. The costs may include the cost of producing a copy of the public record and the cost of constructing the record, including the cost of programming and computer services;

(ii) An agency shall provide an electronic record in alternative formats unless doing so is impractical or impossible;

(iii) An agency shall not be required to compile data, extract data or create a new document to comply with an electronic record request if doing so would impair the agency's ability to discharge its duties;

(iv) An agency shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;

(v) Nothing in this section shall prohibit the on-line government commission from enacting any rules pursuant to its authority under W.S. 9-2-2501.

16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

(a) The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof except on one (1) or more of the following grounds or as provided in subsection (b) or (d) of this section:

(i) The inspection would be contrary to any state statute;

(ii) The inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law; or

(iii) The inspection is prohibited by rules promulgated by the supreme court or by the order of any court of record.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(i) Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff, county attorney, city attorney, the attorney general, the state auditor, police department or any investigatory files compiled for any other law enforcement or prosecution purposes;

(ii) Test questions, scoring keys and other examination data pertaining to administration of a licensing examination and examination for employment or academic examination. Written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the examination has been conducted and graded;

(iii) The specific details of bona fide research projects being conducted by a state institution;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(v) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by the state or any of its political subdivisions, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(A) Vulnerability assessments, specific tactics, emergency procedures or security procedures contained in plans or procedures designed to prevent

or respond to terrorist attacks or other security threats;

(B) Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records that reveal the building's or structure's internal layout, specific location, life and safety and support systems, structural elements, surveillance techniques, alarms, security systems or technologies, operational and transportation plans or protocols, personnel deployments for airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums and waste and water systems;

(C) Records of any other building or structure owned, leased or operated by the state or any of its political subdivisions that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by the state or any of its political subdivisions.

(c) If the right of inspection of any record falling within any of the classifications listed in this section is allowed to any officer or employee of any newspaper, radio station, television station or other person or agency in the business of public dissemination of news or current events, it may be allowed to all news media.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' autopsy reports;

(ii) Adoption records or welfare records on individual persons;

(iii) Personnel files except those files shall be available to the duly elected and appointed officials who supervise the work of the person in interest. Applications, performance ratings and scholastic achievement data shall be available only to the person in interest and to the duly elected and appointed officials who supervise his work. Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and shall be available for public inspection;

(iv) Letters of reference;

(v) Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person;

(vi) Library, archives and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of the contributions;

(vii) Hospital records relating to medical administration, medical staff, personnel, medical care and other medical information, whether on individual persons or groups, or whether of a general or specific classification;

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student except to the person in interest or to the officials duly elected and appointed to supervise him;

(ix) Library circulation and registration records except as required for administration of the library or except as requested by a custodial parent or guardian to inspect the records of his minor child;

(x) Information obtained through a 911 emergency telephone system except to law enforcement personnel or public agencies for the purpose of conducting official business, to the person in interest, or pursuant to a court order;

(xi) Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems;

(xiii) Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory as provided in W.S. 21-17-308(e);

(xiv) Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(A) The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;

B) The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political subdivision of the state, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

(xv) Within any record held by an agency, any income tax return or any individual information derived by the agency from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvi) Except as required in a contested case hearing, any individual records involved in any workers' compensation claim, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually.

(e) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and shall be furnished to the applicant.

(f) Any person denied the right to inspect any record covered by this act may apply to the district court of the district wherein the record is found for any order directing the custodian of the record to show cause why he should not permit the inspection of the record.

(g) If, in the opinion of the official custodian of any public record, disclosure of the contents of the record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, he may apply to the district court of the district in which the record is located for an order permitting him to

restrict disclosure. After hearing, the court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The person seeking permission to examine the record shall have notice of the hearing served upon him in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.

(h) Notwithstanding any other provision of this section, the following applies to the Wyoming natural diversity database located at the University of Wyoming and any report prepared by the custodian from that database:

(i) The custodian may charge a reasonable fee for searching the database and preparing a report from that database information. The interpretation of the database in a report shall not contain recommendations for restrictions on any public or private land use;

(ii) The custodian shall allow the inspection of all records in the database at a level of spatial precision equal to the township, but at no more precise level;

(iii) Research reports prepared by the custodian funded completely from nonstate sources are subject to paragraph (b)(iii) of this section;

(iv) Any record contained in the database pertaining to private land shall not be released by the University of Wyoming without the prior written consent of the landowner. Nothing in this paragraph prohibits the release of any information which would otherwise be available from any other information source available to the public if the original source is cited.

16-4-204. Right of inspection; copies, printouts or photographs; fees.

(a) In all cases in which a person has the right to inspect and copy any public records he may request that he be furnished copies, printouts or photographs for a reasonable fee to be set by the official custodian. Where fees for certified copies or other copies, printouts or photographs of the record are specifically prescribed by law, the specific fees shall apply. Nothing in this section shall be construed as

authorizing a fee to be charged as a condition of making a public record available for inspection.

(b) If the custodian does not have the facilities for making copies, printouts or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the records are in the possession, custody and control of the custodian thereof and are subject to the supervision of the custodian. When practical the copy work shall be made in the place where the records are kept, but if it is impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary the cost of providing them shall be paid by the person desiring a copy, printout or photograph of the records. The official custodian may establish a reasonable schedule of time for making copies, printouts or photographs and may charge a reasonable fee for the services rendered by him or his deputy in supervising the copying, printing out or photographing as he may charge for furnishing copies under this section.

(c) After July 1, 2003, any fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, executive order or other like authority.

(d) All state agencies may adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act establishing reasonable fees and charges that may be assessed for the costs and services set forth in this section.

16-4-205. Civil penalty.

Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages shall be assessed by the court. Any action pursuant to this section shall be initiated by the attorney general or the appropriate county attorney.

Wyoming Public Records and the Open Meetings Acts of 2012

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Board Member's Power

- Despite (being) voluntary and uncompensated, board and commission members serve the City as part of decision-making structure, and have official contact with public
- Display professionalism, appropriate demeanor, and exercise sound judgment

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Board Speaks As One

- Individual board members cannot speak for the Board - except in limited, predetermined cases
- Not speak board business on an individual basis
- Not offer individual opinions

DC_PJWC/CMO/2014

Open Meetings Act

- All meetings must be open to public – although advisory (*Resolution of Council – conduct public business*)
- Open – notice of place, location, and set agenda
- Public to attendance does not to state name or sign in as they do in City Council meetings
- Seek recognition – board may required speaker to state name and affiliation
- Must keep minutes of proceedings

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Open Meetings Act (continued)

- "Meeting" means
 - an assembly of at least a quorum of the Board
 - which has been called by proper authority of Board
 - for the purpose of
 - discussion
 - deliberation
 - presentation of information, or
 - taking action regarding public business;

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Open Meetings Act (continued)

- "Action" means
 - Any transaction of official business of the board or commission, including
 - a collective decision of Board,
 - a collective commitment or promise by Board to make a positive or negative decision, or
 - an actual vote by Board upon a motion, proposal, resolution, regulation, rule, order or ordinance;

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Open Meetings Act: *(continued)*

- Action may be taken by telephone or electronic means if the public is able to hear the meeting contemporaneously
- May NOT hold sequential communications to circumvent intent of statute.
- Social events

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Violation

- knowingly and intentionally violates the section
- Any member of the Board who attends or remains at a meeting where an action is taken knowing that the action is in violation can be found liable.
 - EXCEPTION: unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred
- Civil Penalty - punishable upon conviction by a fine of not more than seven hundred fifty dollars (\$750.00).

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Conflicts of Interest

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

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Conflicts of Interest *(continued)*

3. Does your interest give the *appearance* of impropriety?

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

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Immunity from Legal Liability

- Qualified Immunity – while acting within scope of duties
Provides for defense if acting within scope of duties
- Erode immunity – unethical actions or wrongful purpose could lead to exposure to liability (e.g., *intentionally violating due-process rights, equal protection, or acting contrary to legal advice*)

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Public Records Act

- Record – any physical or electronic form of information or communication.
- Open to public for inspection by holder of record – generally staff.
- Fee to provide by staff is set by City Council
- Penalty – Civil penalty – punishable by a penalty of not more than seven hundred fifty dollars (\$750.00)

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Parliamentary Procedure

- *Meetings conducted according to Robert's Rules of Order*

www.robertsrules.org

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