



# County-Appointed Board Member HANDBOOK

A C O L L A B O R A T I V E   E F F O R T   B E T W E E N :

Type in your county name  
address line 1  
address line 2  
address line 3  
Phone number

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Version I: January, 2008

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UNIVERSITY OF WYOMING

Revised, April 2019

Issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Glen Whipple, Director, Cooperative Extension Service, University of Wyoming, Laramie, Wyoming 82071.

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**(Sample Message from Agency/Organization)**

Dear Board Member:

Congratulations! You have been appointed/elected to serve as a member of this agency/organization's board. We appreciate your willingness to accept this position.

This handbook will acquaint you with several aspects of the position. The first three sections – general overview, effective meetings, and board communication – provide basic information for all board members. The latter sections on parliamentary procedure, open meetings and agency/organization specific information are reference information. We hope you find it helpful during your board service.

If you have any questions, please do not hesitate to contact your board chairman or the agency/organization's office at 307-\_\_\_\_\_

Thanks for volunteering your time in service to \_\_\_\_ Agency/organization.

Sincerely,

\_\_\_\_\_ Organization Representative

*(logo)*

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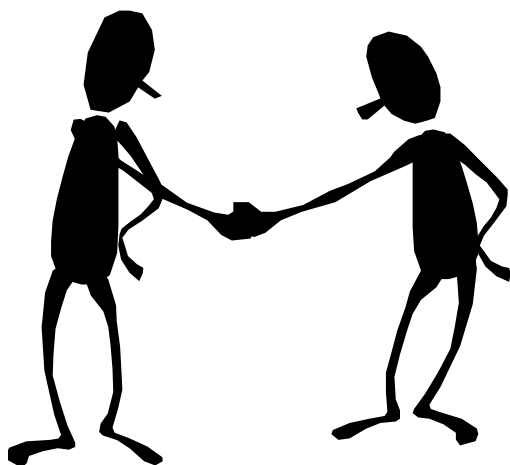
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# **General Overview**

## Basic Roles, Responsibilities and Expectations of Board Members<sup>1</sup>

Board members are appointed to serve the agency/organization in good faith with the best interests of stakeholders/citizens in mind. Boards govern different agency/organizational services and each board has its own guidelines or bylaws. Members are responsible for fulfilling the duties described in their board's bylaws and following any state statutes or other applicable agreements. Government-appointed boards serve at the will of the appointing government agency, represent the appointing government agency and serve the citizenry of the appointing government agency. This obligation means making careful decisions and managing board business in a prudent manner.



Not all boards are the same. Most government boards are formed by resolution or state statute and are either advisory or decision-making bodies. Advisory boards make recommendations to the appointing authority who are the final decision-makers. Decision-making boards function somewhat independently from the appointing authority and have authority to make decisions. Joint powers boards are appointed from multiple elected bodies.

Bylaws describe the purpose or “business” of the board and how it functions.

Any changes made to bylaws must be discussed at an official meeting of the board, acted upon and signed by the chairman. For government appointed boards, a copy of the most current bylaws should be filed in the appointing authority's office.

When undertaking duties on behalf of a government entity, board members may be indemnified by the government entity if action is within the scope of their authority and/or done in good faith. Indemnity means protection against hurt, loss or damage. Government appointed board members should check with their appointing authority to determine the scope of protection that is made available to them.

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<sup>1</sup> Shipp, R., Northwest Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

## Administrative Responsibilities

Every board has governance and self-management responsibilities. Good *governance* includes pursuing the purpose for which the board is intended, establishing direction and making decisions as well as providing internal controls to assure reliable financial information, compliance with applicable laws and regulations, and the effectiveness and efficiency of operations.

### **Conflicts of Interest:**

Members are expected to attend meetings and participate but refrain from the discussion and voting when there is a conflict of interest. Members also must refrain from discussing board business with each other outside of board meetings.

#### What constitutes a conflict?

The general public places their trust and confidence in board members to act in the public's best interests. Board service carries with it important ethical obligations.

A clash between public obligations and personal interests arises when the individual tries to perform their duty while watching out for their personal interests at the same time OR when the person is in a public position of trust which requires them to exercise judgment on behalf of others (people, institutions, etc.) and also has interests or obligations that might interfere with their judgment. A person is required to either avoid or openly acknowledge these conflicts.

Examples may include: outside employment in which the interests of a job are involved; family/friends interests where goods or services or considerations are involved; and accepting gifts.

#### How should conflicts of interest be handled?

The best way to handle a conflict of interest is to make known the connection and conflict, then remove oneself from the room. In other words, avoid the conflict entirely by leaving the room during the discussion and vote.

In some cases, public disclosure may be acceptable. The conflict is stated prior to discussion and a person generally recuses themselves and abstains from the discussion and decision.

More information on government ethics is described in W.S.§. 9-13-101 through 9-13-109.

Boards make decisions and staff or committees do work. Boards often utilize committees to investigate issues, explore options and develop recommendations. Committee work is done outside regular board meetings and brief reports are given during the meetings. Usually the board acts on the information presented by the committees, but in some cases the board may direct committees to make decisions.

*Self-management* includes creating efficient meeting structures, policies and procedures that support good governance. Boards maintain appropriate records of decisions made (minutes) and financial accountability (asset inventories, cash flow statements, balance sheets and monthly treasurer's reports). Boards use appropriate procedures with personnel and related issues to manage their liability and seek counsel from the agency/organization's attorney when personnel may be disciplined or terminated. Records such as minutes and treasury reports are open and available to the public depending on governing statutes (few records are considered confidential in government). Board members usually do not receive compensation for serving on the board.



Employees: When boards employ staff, written job descriptions should clearly delineate duties and relationships. Personnel policies and procedures should be written and followed since the board is responsible for employee performance. Board members should differentiate their roles in governance from micro-management. Staff takes care of the day-to-day management. The board defines overall direction and policies and makes major decisions.

The ultimate responsibility for good internal control systems rests with board management. Internal controls such as policies, procedures and practices are used to guide activities that carry out its functions.



## Fiscal Responsibilities

- Prepares and submits an annual budget to the appointing entity. Develops a realistic budget based upon known and projected revenues and expenses.
- Manages budget and purchasing procedures and capital expenditures.
- Maintains an accurate representation of the financial state of the board.
- Provides strict oversight and accounting procedures for handling cash and other assets.
- Annually names the depository for funds and requests FDIC certification from the bank.
- Ensures that annual audits are conducted to establish accounting procedures for cash, receipts and expenditures.
- Maintains a segregation of financial duties to reduce opportunities that might perpetrate and conceal irregularities in finances, i.e., two signatures on checks.
- Maintains fixed asset inventories including identification of assets and sales/dispositions/transfers of property.
- Maintains records of property and equipment.
- Operates within legal and liability guidelines under Wyoming State Statutes 16-4-100 through 16-4-408.
- Provides for public openness and availability of minutes, records and treasury reports.



### Sources:

Martin, M. "Board Governance", Mountain West Community Development Educator, University of Wyoming Cooperative Extension Service, 2007.

Porter, Muirhead, Cornia, & Howard, CPA's; Dodson, James, CPA and McNamee, Monte L., CPA. "Establishing Internal Controls", June 10, 1998.

McGladrey & Pullen, LLP. "Effective Board Participation", June, 1998. Permission granted by Vickie Nunn, August, 2007.

## Record Keeping and Record Retention Responsibilities<sup>2</sup>

Boards manage the records they create. Records generated when doing business may become historical documents. The decision to destroy public records should not be taken lightly. Organizations cannot afford to retain all or even most of the documents created. Uncontrolled retention of documents is costly, difficult to manage and impossible to store. For these reasons, record retention programs are created to ensure the agency/organization's business is documented and kept in an organized manner.

When determining how long a record should be kept, it is important to review all legal requirements, the purpose it serves today and into the future such as history for new board members, the reason for keeping or destroying it, and the possibility that it is already being maintained by another organization. Don't be in a hurry to clear out files full of records, but remember too that destroying non-essential records is part of an overall record retention program for your board.

As outlined in Wyoming Statute 9-2-410, "All public records are the property of the state. They shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with Wyoming Statutes 9-2-405 through 9-2-410." In order to assist units of government including appointed boards, the Records Management Unit of the Wyoming Department of State Parks and Cultural Resources has developed sound record retention programs for Wyoming's public records.

Information describing how long to keep specific documents is available through the **Records Management Unit** at **307-777-7826**. They can assist you in determining which records have historical value, how long records should be kept and the method used in destroying records. They also serve as a repository for record storage, either in paper or archival (microfilm) format. Retention schedules for digital and electronic (e-mail) records are available to ensure the same system is followed for non-paper records.

The State of Wyoming establishes guidelines for public recordkeeping. However, some local government auditors recommend that records be kept longer than state recommendations.

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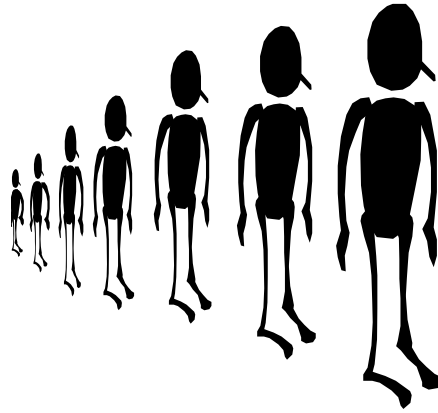
<sup>2</sup> Jensen, Kelly. Park County Clerk, September, 2007.

# **Effective Meetings**

## Effective Meetings

Holding effective, well-managed and open meetings is the responsibility of all board members.

Public business of government boards should be conducted in meetings open to the public with full transparency in the decision making process and opportunities for all board members to participate in the final outcome. As stated in Wyoming Statute 16-4-401, "The agencies of Wyoming exist to conduct public business." All meetings are to be considered public meetings and open to the public at all times except when an executive session is held. Notice of executive sessions must be given in advance. Discussion may occur in executive sessions but any action taken must be decided at the public meeting. Action taken at a meeting that does not follow these requirements is considered null and void. Conducting the business of the citizenry in a setting that is open to the people is the first step in ensuring effective meetings.



### ***Allowable Reasons for Executive Session - W.S. 16-4-405***

*(see Open Meeting Law section for more detail)*

Executive sessions are the only time when a meeting can be closed to the public. Sessions may only occur to discuss the following types of business:

- Meet with public attorneys or law enforcement on matters posing threats to public or private security or rights of access.
- Consider employment – appointments, dismissals and hear complaints unless a public hearing is requested.
- Litigation or proposed litigation.
- National security.
- Prepare, administer or grade examinations as part of licensing.
- Site selection or purchase of real estate when publicity could increase price.
- Acceptance of gifts/donations where donor requests confidentiality.
- Consider/receive information classified as confidential by law.

- Wages, salaries, benefits and terms of employment during negotiation.

**Officer Duties:** Effective meetings result when board members work together in productive ways to accomplish the purpose of the board. Board members elect officers to enhance meeting productivity and management.

Officers perform these functions:

#### President or Chair

- Prepares agenda for regular meetings when there is no executive staff. If the board has executive staff, it is prepared in concert with staff. The agenda determines the purpose of the meeting. The general order of business is:  
Call to order, roll call, approval of minutes from past meeting, officers' reports (includes treasurer's report), correspondence and communications, committee reports, unfinished business, new business, time/place of next meeting and adjourn. *(Please see the Parliamentary Procedure section in the handbook. Sample agendas are in the Appendix.)*  
The president keeps the discussion focused on the agenda items moving the meeting along in a timely manner.
- Facilitates the proceedings depending on the type of meeting structures and monitors the discussion to make sure everybody who wants to participate can voice their opinions while attending to the agenda.
- Adheres to open meeting laws. *(Please see further explanation in handbook.)*
- Acts as liaison with appointing authority and staff.
- Responsible for board communication to ensure participation of all board members, orients new board members, sends out meeting reminders and acts as spokesperson for the board when necessary.

#### Vice President or Vice Chair

- Serves as second-in-command and presides at all meetings when the President is not present.
- Assumes the duties of the President if s/he steps down due to an inability to fulfill his or her responsibilities.

#### Secretary

- Responsible for meeting minutes. This task may be assigned to a staff member. Any competent person may take minutes, however the secretary must still sign off on them. The entire meeting discussion is not required in minutes. Minutes capture the highlights of the business conducted during the meeting, not the entire discussion detail, and usually include the date, place, starting time, members present/absent, presiding officer, approval of past minutes, balance of treasurer's report, name of any member making motions, action taken on the motion, roll call if any members were opposed, other actions/items that affect the

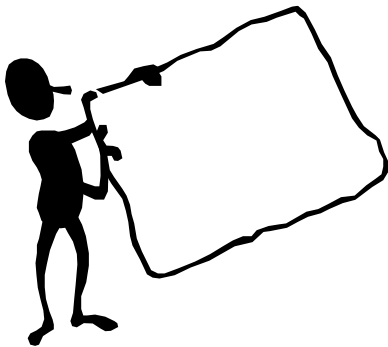
body, adjournment and time, and the secretary's signature. (Sample minutes are in the appendix.)

- Cites statute and purpose of executive sessions in a motion and minutes when held.
- Executive session minutes –
- Written minutes serve as the official public record of the meeting. Audio recordings during meetings are supplemental to the written record.
- Makes sure minutes are open and available to the public depending on applicable state statute.
- Prepares meeting reminders if assigned by the President.
- Prepares board correspondence.

#### **Treasurer**

- Prepares an accurate accounting of the monthly financial status including balances, a record of income and expenses, and any other financial reports as needed.
- Makes sure records and reports are open and available to the public depending on applicable state statute.
- Encourages the board to carry out fiscal actions in a responsible manner.
- Prepares annual budget.
- Pays bills and makes deposits in a timely manner.
- Note: Some boards have fiscal responsibilities that may be subject to annual audits.

#### **Other positions, if needed**



Scribe – writes bulleted points on a flipchart for the entire group to see.

Timekeeper – monitors time to keep the group focused on agenda items.

Gatekeeper – monitors ground rules to maintain civil discourse and meeting management.

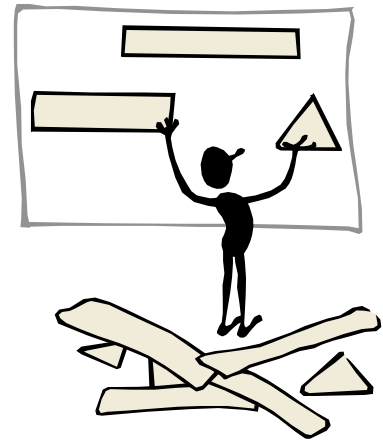
Special Committees – may be authorized and appointed for special, limited purposes and serve until completion of assignment. Boards utilize committees to investigate issues, explore options and develop recommendations. Brief reports are given during the meetings and the board usually acts on the information presented. In some cases, the board may direct committees to make decisions.

**Meeting Management:** Most board by-laws specify the mode of meeting operations, such as Robert's Rules of Order. These rules guarantee the democratic rights to assemble and organize, to propose ideas and speak without reprisal and honor the right of the majority to decide by voting and carry out decisions and the right of the minority to disagree and be protected. Effective meetings require adequate planning, preparation and group behaviors that foster productive interaction.

According to the 10<sup>th</sup> edition of Roberts Rules of Order, boards may create standing or special rules for conducting business meetings that supplement parliamentary procedure. This is especially useful for smaller boards. These rules still honor democratic principles but tend to be more flexible, relaxed and simpler. Bylaws must be amended stating that the board follows special rules for conducting business.

Board members should define the purpose of each meeting – what you hope to accomplish. Perhaps it is to gather input, plan a project or event, make decisions, monitor progress or recognize contributions and accomplishments.

Determining the structure of the meeting (five basic agenda types are described on p. 22-23), time and place, and the agenda content should be done prior to the meeting. Government board members are obligated to follow Wyoming's "open meeting" laws (see notebook section or the website: <http://attorneygeneral.state.wy.us/OpenMeetingsAct2005.pdf>).



### Group Processes

Sometimes, decisions can be made easily with general discussion. Other times, group process tools may be required. A few useful tools are:

- **Brainstorming** – usually lasts 1-5 minutes and involves the spontaneous contribution of ideas captured on a flip sheet. The goal is quantity to gather lots of ideas without criticism, judgment or concern for quality. Once the brainstorming ends, ideas are evaluated, combined, adapted, discarded or adopted.
- **T-Charts** – draw a large T on a flip sheet or whiteboard. Label one side Pros/Advantages/Pluses and the other side Cons/Disadvantages/ Minuses and name one solution. Make a T-chart for each solution. Board members explore the strengths and challenges of each option or solution before making a final decision.
- **Rounds** – all members participate by going around the table giving everyone an opportunity to speak. Participants may pass if they choose. However, the best information is gathered when all participate.

- Small Groups – when the group is large, this tool allows more people to be involved in the discussions so more viewpoints can be considered. After a time period, each group shares their findings “piggy-back” style – the first group reports their major points, then every group thereafter adds only the points that have not yet been mentioned.
- Brain Pool – each member writes the problem in the form of a question at the top of a sheet of paper, then writes 2-3 ideas in 4-5 minutes. All sheets are placed in the middle, shuffled and redistributed. Each member reviews ideas and records any modifications or suggestions. This exchange is continued until an agreed upon time limit is reached, i.e., 20 minutes. All ideas are then shared with the entire group.

### **Decision-Making**

Decision-making policies (i.e. voting) should be defined in the board’s bylaws and boards must adhere to those policies. There are several options for making decisions as a board. Options include:

- Majority Rule – final decisions are made when everyone votes. The majority carries the vote.
- Consensus – involves group interaction designed to reach conclusions that everyone can agree on or live with. Requires full participation, mutual understanding and inclusive solutions. This takes more time.
- Committee – small groups are assigned specific tasks and may be granted the authority to make decisions or make recommendations to the entire board for a decision.
- Individual – chairman/president or a designated individual makes the decision.



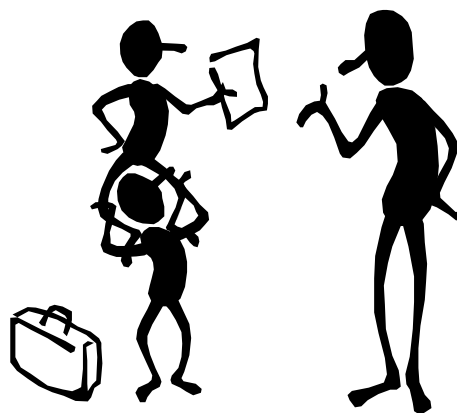
# **Board Communication**

## Board Communication<sup>3</sup>

Board members should foster group interaction to function effectively. It may help to establish ground rules that board members honor as business is conducted. Examples of ground rules include starting/ending on time, being respectful of diverse ideas and opinions, using active listening skills, coming to the meeting prepared and on time, and turning off cell phones.

Visuals can assist in board communication to help increase understanding, capture ideas, keep track of decisions made and increase group memory. These include written agendas, charts, maps, flip sheets and handouts.

Remember that while some individuals learn and process well through hearing, others do so through seeing or active involvement. It is important to use all learning preferences throughout meetings.



### Internal Communication

#### Prior to meetings:

- Send agenda with meeting date and time and any other materials for review by board members in advance to allow for adequate review. This is especially important for consent agendas. Request RSVP to establish that a quorum will be present.
- Make facility arrangements.

#### During meetings:

- Introduce and welcome new members and guests present (if appropriate).
- Review ground rules.
- Encourage participation – discussion, identifying the pros/cons of various ideas, questioning, probing, researching facts.
- Summarize the final decisions made, board member assignments and action items, any preparations for the next meeting, other responsibilities and timelines.

#### After meetings:

- Send out minutes of decisions and action items in a timely manner. This may include flip sheet notes.
- Send out resource materials identified as needed by board members.

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<sup>3</sup> Shipp, R., Northwest Area Community Development Educator, and Martin, M., Mountain West Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

- Remind members of action items, responsibilities, timelines and date of next meeting.

#### New Board Member Orientation:

- Visit with new board members prior to their first meeting to update them on past and current issues.
- Provide them with a “Summary of Past Motions” notebook for historical reference.

### External Communication

#### Speaking with the media:

- Once decisions are made, board members speak as a united voice. Even though members may disagree with a decision, members agree to honor the final decision once the vote has been taken.

#### Dealing with the public:

- Done in a courteous and respectful manner.
- Offer opportunities for input.

#### Public hearings:

Public hearings offer opportunities for stakeholders and other interested to voice opinions and concerns for those who believe their interests are affected by a decision.

- Ex parte communication – board members must disclose any contact and/or discussion of the issue outside of the meeting or hearing during the public meeting/hearing.
- Some agencies have developed procedures to follow for public hearings. These procedures may include time limits for presentations and input from the public, avoiding repetition of public comments, handouts distributed during the hearing, and authority of the chair to limit or extend debate. Other protocols may address issues such as speaking through the chairman, using the microphone and what happens when the public hearing becomes uncivil. These procedures would be available from the agency/organization.

**Public Hearings:**

The Board Chair in concert with the board's administrative staff should work together to ensure that the full intent of the Open Meetings Act is in operation during the hearing.

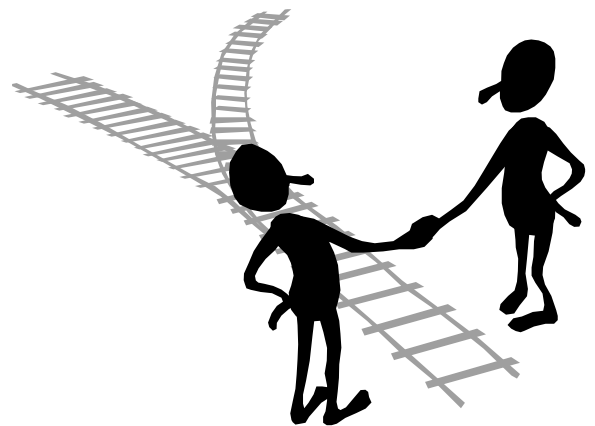
Public hearings are often part of the process of developing or explaining regulations and legislation. Public hearings require notification to the public of the purpose of the meeting. A public hearing's purpose may be to:

- inform the public (provide information about a proposed or enacted policy)
- consult the public (seek reaction to a proposal), or
- involve the public (use public input as the basis for policy development).

The first step in planning a public hearing is to identify its purpose. The purpose of the hearing needs to be articulated to the gathered participants at the beginning of the hearing. The hearing's agenda should be drafted and circulated prior to and at the beginning of the meeting. The agenda serves as the guide to keep the group moving towards accomplishing the purpose of the meeting.

It is helpful at the beginning of the meeting to explain the ground rules for the meeting and to set the parameters for participation. Ground rules might include avoid talking while others are speaking, avoid personal attacks or accusations, respect agreements about time being allowed for each participant, comments will be addressed to the chair. Also take care to make sure people feel included and welcomed at the beginning of the meeting. The gathering time prior to the meeting is a very important time to dispel discomfort and fear that is a natural emotion for people coming into the public process.

Another step in planning for the public participation involves identifying and involving key stakeholders. Diverse participation ensures that relevant information about the particular issue is not overlooked and diverse participation can also help legitimize the final decision or actions for the public. Taking the time to build rapport or relationships with the likely participants can help the participants to perceive the organizer(s) as a person(s) rather than a role and may help build trust and confidence that will reduce hostility at the meeting.



Hearings that are poorly run are not able to meet the expectations of participants. It is important for the chair or facilitator to realize that in his/her job as chair there are no friends, no enemies, just the job to orchestrate this meeting with proper procedures and adhering to the agenda and purpose of the meeting. Board members should understand the procedures in place for the public participation and be committed as a group to behave in a manner which adheres to the board procedures in place and creates a board culture which is conducive to accomplishing the board's business.

A clearly defined purpose, a clear agenda, effectively engaged participants and an understanding by individual board members of the board's procedures are critical components to successful public hearings.

**Characteristics of good board information:**

Concise	Communicate the information as quickly or briefly as possible
Meaningful	Presented in relationship to a significant factor such as a goal set by the board, past performance or comparative data needed for deliberation
Timely	Is the information being distributed relevant to the current agenda
Relevant	does the information help the board or committee discharge its responsibilities
Best available	Is the information the best available regarding the situation or condition being described or deliberated by the board
Context	Is it clear as to why this information is important Presentation  Could the information be presented better graphically than in words

# **Parliamentary Procedure**

## PARLIAMENTARY PROCEDURE<sup>4</sup>

### A Basic Guide to Meeting Procedures for Boards and Groups

Many boards follow parliamentary procedures to accomplish their business discussions and decisions. A review of parliamentary procedure follows.

#### **Purpose of Parliamentary Procedure**

Parliamentary procedure was developed by General Henry M. Robert during the Civil War to bring order to officer meetings. The basic premise of Robert's Rules of Order is to protect each member's rights, while seeing that the majority rules.

Parliamentary procedure is designed to accomplish one thing at a time, bringing each to resolution before going on to the next, all the while seeing that courtesy is extended to everyone.

#### **Building the Agenda**

Before each meeting, the Chair should create a detailed agenda. This includes the regular procedures for the board such as call to order, any opening ceremonies (pledge to the flag, etc.), reading of minutes, treasurer's report, committee reports, announcements, items of old business, items of new business, executive sessions, breaks, next meeting date and location, and any other major items that should come up during the meeting.

Questions to ask before the agenda would be:

- Does the secretary have the minutes ready for approval?
- Does the treasurer have a financial report ready to present?
- Do any officers or standing committee chairs have actions to propose or reports to make?
- Are any special committee reports due? Will any actions be proposed? What are they?
- Were any agenda items not reached at the time the last meeting adjourned?
- Was anything postponed to this meeting?
- Does the annual planning calendar require that action be taken at this meeting?
- What items will support the strategic direction? How does this meeting promote the organization's progress?
- Have you kept your ear to the ground so there are no surprises?

There are five basic types of agenda:

*Priority Agenda:* Put the items that must be decided at this meeting early on the agenda. Make sure that the most important items are considered first, when everyone is fresh.

*Subject-Based Agenda:* Group similar subjects together so that you aren't constantly changing focus, such as: administrative, financial, membership, etc.

*Strategic Agenda:* Group your decisions according to the goals of the board. You can also create a strategic agenda for an entire meeting, retreat, or time period.

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<sup>4</sup> Taylor, Bill, Northeast Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

*Presiding Agenda:* After the members' agenda is prepared, make yourself a separate agenda with notations about votes required, committee appointments, etc. Leave extra space for notes and reminders.

*Consent Agenda:* The consent agenda is usually put near the start of the meeting. It is actually part of the regular agenda and can be made up of any number of items, but any item placed on the consent agenda should be so uncontroversial that it can be reasonably expected that it will be adopted with no debate or separate vote. The Chair calls up the consent agenda by saying "the consent agenda is before you" and then asks if anyone wants to remove anything. To do so, a member does not need to be recognized; he just calls out the item number. The Chair responds, "Item number x is removed." When no more items are removed, the Chair says: "Without objection, the remaining items on the consent agenda will be adopted." Remember: no debate or separate vote is allowed on any item unless it is removed. If no one objects, all items are adopted. Removed items are either taken up right after the adoption of the consent agenda or are placed later on the agenda under the heading where they would have otherwise appeared. The approval of the minutes, routine matters, or motions that have been discussed at previous meetings are good candidates for a consent agenda.

It is often helpful to ask each person as they arrive if they have any agenda items and to check with committee chairs to see if they have reports to be included. Items of business brought up during committee reports can be handled immediately after the report or added to the order of business during old and/or new business.

Often the agenda is put before the group as soon as the meeting is called to order and the Chair asks for any changes, additions, or suggestions. The agenda can be agreed to by consensus and it remains simply a suggested outline for the Chair. However, if a motion is made and passed to approve the agenda, it becomes the order of the day and must be followed unless a motion is passed to suspend the order. If the "order of the day" is established and the group strays from this order of business, any member may call for the "order of the day" and the Chair is required to immediately bring the meeting back to the current or next item on the agenda.

## **Voting**

There are four basic methods of voting in a meeting:

1. *Voice*

The Chair asks members to verbally say "Aye" or "Nay" to a motion. This type of vote is used when a specific count is not required. When used, the Chair must decide and announce which vote carried the majority and whether the motion passed or failed.

2. *Rising*

Rising means standing or raising of hands. This method is used for a specific count and that count should be announced by the Chair along with the passage or failure of the motion.

3. *Secret ballot*

The secret ballot is used to allow each member to cast their vote while avoiding undue influence by others. The Chair is allowed to vote when using this method.

4. *Roll call*

The secretary polls and records the vote of each member. The Chair then announces the results, often stating which members voted for and against the issue.



Most votes require a simple majority, which is one more than half the members voting (**not** 51% of those present). For example, suppose there are 20 members present at a meeting and a vote is required on a motion which needs a simple majority to pass. Fifty one percent of the members present would be 10.2 members. Since you cannot count a portion of a member, 51% would be rounded up to 11 members. However, if only 16 of the members vote on the motion, then one more than half of those voting would be 9 members. So, in this case, it would require 9 favorable votes to pass the motion (one more than half those members voting), instead of 11 (51% of those members present).

A two-thirds majority is required for motions which limit rights. A two-thirds vote requires a rising or ballot vote.

The Chair does not vote during a voice vote to avoid undue influence by the power of his or her position. If the Chair cannot determine whether the “ayes” or “nays” have more votes, he or she may decide to call for a rising vote. In the case of a rising vote, the Chair may vote to create or break a tie, but not both. The Chair is free to vote in a secret ballot like any other member. In all cases, a tied vote fails to pass the motion.

If a member does not agree with the determination of the chair on a vote, they may call for a “Division of the House.” If the Division of the House is called for, the Chair must proceed to a counted vote (rising or ballot).

Not all motions require a vote by the body, some are simply ruled on by the Chair (e.g. point of order).

### **Quorum**

A quorum is the number of members required to be present at the meeting to conduct business. This amount is usually one member over half unless otherwise stated in the bylaws. If a quorum is not present at the meeting, a general discussion can be held on various issues, but no official business can be conducted.

If stated in the by-laws or previously approved by the membership, alternative methods may be used to obtain a quorum, such as using electronic communications (speaker phone, web cam, email, etc.), proxy votes, or other methods.

### **General Meeting Requirements**

- Presiding officer
  - Usually the Chair or President
- Secretary or recorder
- Other officers as stated in the bylaws
- A quorum of members

## Motion

A motion is simply a tool to transact business. If parliamentary procedure is strictly followed, there should be no discussion or business completed without a motion on the floor. This means there is enough interest for discussion of the issue to proceed. However, this rule is often not strictly adhered to, especially in smaller boards and/or groups which may want to have some open discussion before deciding whether the issue needs to be considered as a formal item of business. However, the Chair should see that most issues proceed quickly to a motion. If a motion is not forthcoming, the item should be referred to another place and time outside the business meeting. The term "business meeting" means just that – a place where business is conducted, not unending discussion of related or unrelated issues.

A second is required by most motions to show that more than one person is interested. If there is no second then the motion lost for lack of second, and the Chair announces it as such. Until a motion is seconded the maker can withdraw it. Once it is seconded, it becomes the property of the group and is on the floor for discussion or final determination.

There are four types of motions:

- Main – to introduce business
- Subsidiary – to change or take action on the main motion
  - Most common – amendment
- Incidental – deals with rules and parliamentary procedure
- Privileged – handles personal matters
  - Such as: can't hear, don't understand, too cold, adjourn

See the **Summary of Motions** at the end of this document for a listing of the major motions of each type and their characteristics, such as whether they require a second, if they are debatable and amendable, what vote is required for passage, whether they can be reconsidered, whether subsidiary motions can be applied to them, and whether they are in order when someone else has the floor.

## Handling a Main Motion

Let's review the proper procedure for handling a main motion which has been properly made during the meeting.

A member rises or raises their hand for recognition and addresses the Chair, *"Mr/Madam/Ms President/Chair Person."*

The Chair must recognize the member before the member continues by using their name or some other format and asking them to continue.

The member presents the motion by saying, *"I move..."*. A motion is **NOT** offered by saying, *"I make a motion..."* or *"I motion..."*. Motions are made in the positive. In other words, motions intend to do something or cause something to happen. Motions are not usually offered to **NOT** do something – simply refrain from making a motion if you don't want to follow a course of action.

The Chair asks for a second. Parliamentary law does not require the recognition or recording of who made the second. Consequently, a second only requires a member to call out that they second the motion. A second is required to prove that more than

one person is interested in the motion. If a second is required and not made, the Chair will declare that the motion is lost for want of a second.

If seconded, the Chair repeats the motion and asks for discussion. Only during discussion can other motions be made to change the main motion or do something with it. Each member who wants to discuss must be recognized by the Chair. The maker of the motion should have the first right to provide arguments in favor of their motion. The Chair has the responsibility to recognize persons on both sides of the issue, preferably in alternating order if their position is known.

The Chair should not discuss or introduce business. The Chair should only discuss business if he or she gives up the chair to another (vice-chair, etc.). This should not become a general practice and only be used if the Chair feels they have vital discussion concerning the issue before the group. On the other hand, the Chair may provide information previously unknown to the board without giving up the chairmanship if it is given in a factual and neutral matter and allowing the members to discuss its implications and decide how the information should affect its decisions.

If the Chair gives up the chairmanship to discuss a motion, he or she should not take the chairmanship back until the matter is decided, and then must wait for the invitation of the person who assumed the chairmanship in their place.

Bringing the discussion to an end:

1) The Chair can ask for a vote if (s)he has asked for more discussion and there is none.

2) A member can call out "*Question*," which means they are ready and asking for a vote. The call for the question carries no legal weight – it is only a suggestion. If more discussion is offered, the call for the question is ignored.

The Chair states, "*The question has been called. Is there any further discussion?*" If there is none then... "*Seeing none, we will proceed to vote.*"

3) A member can move "*The Previous Question*." In this case the member is moving to end discussion and move to a vote. This motion requires a second and, since it curtails the right for further discussion, takes a two-thirds vote to pass.

After discussion, the motion must be voted on unless another motion has done something else with it; e.g. – lay on the table, postpone indefinitely, postpone to a certain time, refer to a committee. The Chair states, "*We shall now proceed to vote on the motion to...*" and restates the motion (as amended, if amended) so all understand what they are voting on. If a counted vote is not required, the Chair calls for a voice vote: "*All in favor of the motion say 'aye.' All opposed 'nay'.*"

After the vote, the Chair must announce the outcome: "*The motion is carried/lost.*" If a gavel is used, one tap of the gavel follows the Chair announcement.

### **Order of Precedence**

Order of precedence is the order in which motions must be handled if more than one is on the floor at one time. The chart below shows the order of precedence of some of the more common motions. A motion lower on the chart is out of order if a motion above it is being considered. Whenever a motion is decided it loses its precedence because it is no longer on the floor.

Adjournment
Recess
Points of Order
Lay on the Table
Previous Question
Postpone to Definite Time
Refer to a Committee
Amendment to Amendment
Amendment to Main Motion
Postpone Indefinitely
Main Motion

The motion to adjourn always has highest precedence because it will end consideration of all other business.

See a complete guide in Robert's Rules of Order for in-depth directions on precedence procedures.

### **Amendments**

Amendments can be made to insert, delete, or change the wording of an amendable motion. However, an amendment is not in order to completely reverse the meaning of the motion. Amendments are made during discussion of the main or another amendable motion. A second is required, it is debatable and amendable, a majority vote is required, and the amendment can be reconsidered.

If made and seconded, the amendment must be discussed and voted on before going back to discussion on main motion. Why? Because it may change the main motion and change opinions on whether it be pass or fail.

Once the amendment is passed or failed, business proceeds back to discussion on the main motion as it was made or as amended. If amended, the Chair should state the wording of the main motion as amended.

### ***Amendments can be amended.***

The same procedure applies as for the amendment to a main motion. However, only two levels (an amendment to the amendment) are usually allowed – too many levels of amendments are confusing. Remember that the “amendment to the amendment” must be decided first (takes precedence), then the “amendment to the main motion,” and then the main motion. And each level of amendment is offered, discussed, and voted upon during the discussion of the motion to which it applies.

### **Example Procedure**

Chair: *Is there any further business?*

MAIN MOTION:

Member: *Mr. Chairman*

Chair: *Tom (Sam, Eunice, Mary, Bill...)*

Member: *Since our treasury is getting low I move that we hold a sale of services.*

SECOND:

*I second the motion.*

Chair: *It has been moved and seconded to hold a sale of one day services by members. Is there any discussion on the motion?*

DISCUSSION:

Member 1: *Mr. Chairman*

President: *Mary*

Member 1: *I think this is a great idea because we have the manpower and our benevolence fund has been completely drained.*

Member 2: *Mr. Chairman*

Chair: *Dick*

Member: *I would urge the membership to vote against this motion because I am so busy. I just don't have the time to donate a day of free work, and I doubt that many of you do either.*

AMENDMENT ONE:

Member: *Mr. Chairman*

Chair: *Lucy*

Member: *I move to amend the motion to add the words "at the February 10th basketball game."*

Chair: *Is there a second?*

Member: *I second the motion.*

Chair: *It has been moved and seconded to amend the motion by adding the words "at the February 10th basketball game." Is there any discussion?*

Member: *Mr. Chairman*

Chair: *Sam*

Member: *I don't think that will work because that is the same day that most of us will be gone on a business trip to Cheyenne.*

AMENDMENT TWO:

Member: *Mr. Chairman*

Chair: *Susie*

Member: *I move to amend the amendment by changing the 10<sup>th</sup> to the 17<sup>th</sup>.*

Member: *Second.*

Chair: *It has been moved and seconded to amend the amendment by changing the date from the 10<sup>th</sup> to the 17<sup>th</sup>. Is there any discussion? (No discussion offered.)*

*If there is no discussion, we are ready to vote on the amendment to the amendment to change the date to the 17<sup>th</sup>. All those in favor say "aye."*

*Those opposed "nay." (Makes judgment on prevailing vote.)*

*The motion carries.*

AMENDMENT ONE:

Chair: *We will now resume discussion on the amendment as amended to add the words "at the February 17<sup>th</sup> basketball game." Is there any further discussion? (No discussion offered.)*

*If not, we shall proceed to vote on the amendment. All those in favor say "aye."*

*All those opposed "nay." (Makes judgment on prevailing vote.)*

*The "ayes" have it. The amendment is passed.*

MAIN MOTION:

Chair: *We will now resume discussion on the main motion as amended to read: "We will hold a sale of services at the February 17th basketball game." Is there any further discussion? (No discussion is offered.)*

*Hearing none, we will proceed to vote. All those in favor of holding a sale of services at the February 17th basketball game, say "aye."*

*All those opposed say "nay." (Makes judgment on prevailing vote.)*

*The motion is carried.*

Member: *I call for a division of the house.*

Chair: *A division of the house has been called for. All those in favor of the motion please stand and remain standing to be counted. (Those standing are counted.)*

*All those opposed please stand. (Those standing are counted.)*

*The count is 23 to 14 in favor of the motion. The motion is carried.*

#### MOVING TO NEXT ITEM OF BUSINESS:

Chair: *The next item of business on our agenda is...*

[or]

*Mr./Madam Secretary, what is our next item of business?*

[or]

*Is there any further business to be presented?*

[or]

*That completes our business for today. I declare this meeting adjourned.*

#### **Reports**

Secretary's minutes, the Treasurer's report, and committee reports are just that, reports. They do not require a motion for acceptance and are simply received by the Chair.

The minutes of previous meetings should be read, either at the beginning of the meeting, or sent out to members previously. After reading, the Chair simply asks whether there are any corrections, then declares the minutes approved as read or corrected. No motion is necessary.

The same procedure is used for the Treasurer's report.

If committee reports contain recommendations for the board, then the person making the report should properly move for the adoption of the report at its conclusion. A second is not required, since the committee recommendation proves that more than one person is already interested in its passage. Adoption of the report means that the group has approved and adopted the recommendations. If there is disagreement on whether the recommendations should be adopted, discussion on the motion to adopt the report should reveal the pros and cons. If necessary, use the motion "Divide the Question" to consider recommendations separately.

All reports should become part of the Secretary's records.

#### **Nominations**

A nomination is a suggestion, not a motion. Consequently, nominations do not require a second. Nominations should be taken for the highest office first and election for that office should be completed. Then those not winning the election can be nominated for succeeding offices. If a nominating committee is used, accept their report, but then the membership should be asked for any additional nominations. A motion to close nominations requires a two-thirds vote since it is closing the privilege of offering names for the office in question.

#### **Referral to Committee**

A motion to refer to a committee can be made with three levels of power for the committee:

1. To report findings back to the body.
2. To report and make recommendations to the body.
3. To have the power to act on behalf of the body.

When a committee recommendation is brought in the form of a motion, no "second" is required from the floor since the committee is made up of several persons and this shows that more than one person is already interested in passage of the motion.

#### **How to preside**

President must:

Keep members well informed concerning:  
    Pending business  
    Vote results  
    Motion before the group  
    Any matters affecting members' rights  
Insist on accepted parliamentary procedure  
Maintain order

If an improper motion is made, the Chair should tactfully and courteously suggest the proper motion, avoiding "You are out of order!".

Depending on the formality and working relationship of the group, the Chair can assume general consent without asking for a vote or motion. This is often reserved for items of lesser importance for which there is little indication of a difference of opinion. The Chair should state that the item is decided by consensus unless there is an objection. Members may ask for any item to be put to a vote if they doubt there is consensus.

### **Meeting Minutes**

The following are items that should be included in meeting minutes.

- Kind of meeting
- Date
- Place
- Starting time
- Members present and absent
- Presiding officer
- Reading and approval of past minutes
- Balance of treasurer's report
- Name of member introducing motion
- Action taken on motion
- Vote if counted
- Other actions/items which affect body
- Adjournment and time
- Secretary's name and/or signature

It is not necessary to record who seconded a motion – it is sufficient to simply record that the motion was seconded. Nor is it necessary to record discussion or comments; only motions and decisions need be recorded.

### **Parliamentarian**

It is quite acceptable for the Chair to stop the proceedings to check with a designated parliamentarian on proper procedure. If a parliamentarian is not designated, the Chair may take time to check on proper procedure or ask someone within the meeting to do the necessary research. It is better to get it right first than to try to go back and correct mistakes.

### **Use When Prudent and Necessary**

Once you understand the basics of parliamentary procedure, the question remains – how much do you use? You can go all the way from not using any parliamentary procedure on the one end, such as using consensus or other methods to find agreement, to the other end, insisting on complete and total parliamentary law for any and everything in the meeting.

Most boards or groups find a middle pathway that works best for them. One of the dictating factors will be the board's bylaws. Most sets of bylaws state that meetings will be run by Robert's Rules of Order. If your bylaws state such, and you are not following proper parliamentary procedures, your actions could be deemed null and void, or even worse, illegal. Consequently, if you are constrained by law or your board bylaws state to function by parliamentary law, you must do so.

At the same time, there is a wide variance in the degree of enforcement of the use of parliamentary rules. Usually it is best to not use more parliamentary rules and procedures than is necessary and practical for your board and/or group meetings to run smoothly and efficiently. It may not be necessary to use more than the basics of properly making and completing main motions, amendments, and a few of the other subsidiary and incidental motions as needed. At the other extreme are legislative bodies and the Congress who follow very detailed, and sometimes convoluted parliamentary rules which are often used by one faction to thwart the efforts of another.

Find the level of parliamentary law that works well for your meetings and still falls within the requirements of being legal and efficient according to your bylaws and the statutes which empower your board.

## **SOME OTHER COMMON MOTIONS**

### ***Question of Privilege***

Used for questions or issues which relate to the rights or privileges of any member. For issues affecting the entire group, the person raising the issue would say, "I rise to a question of privilege related to the assembly." These could be issues or questions related to items like heating, lighting, ventilation, disturbance or noise, punishing disorderly conduct, accuracy of reports, etc. For personal issues you would state, "I rise to a question of personal privilege." The Chair should do their best to remove any obstacles to a proper meeting and/or environment.

### ***Point of Order***

This is used to correct a parliamentary error occurring in the meeting to bring the group back to the proper order of procedure. To raise a Point of Order say, "Mr/Ms Chairperson, I rise to a point of order," without waiting for recognition. After being recognized, state the error in parliamentary procedure. The Chair will rule on the point if (s)he knows the answer, check with the parliamentarian, ask for advice from other knowledgeable members, or a decision by the body.

The Chair will state, "Your point is well taken," or "Your point is not well taken," with an explanation of the reasoning for the decision.

### ***Appeal From the Decision of the Chair***

If you do not feel the Chair made a proper or legal decision, you may appeal their decision. Your appeal should be based on the occurrence of improper procedure, not disagreement on issues. This motion must be made at the time of the decision. Say, "Mr/Ms Chairperson, I appeal the decision of the Chair," without being recognized. The Chair must then put their decision to a vote of the body.



**Parliamentary Inquiry**

This motion is used to clear up a parliamentary question that needs to be answered immediately or may affect the outcome of the meeting. Start by saying, “Mr/Ms Chairperson, I rise to a parliamentary inquiry,” without recognition. The Chair should provide an answer immediately if necessary, or may wait for the speaker to finish if possible. The Chair may need to check with the parliamentarian, other members, or the body to determine the proper parliamentary procedure.

**To Lay on the Table**

The object of this motion is to clear the floor for more urgent business and has the effect of delaying action on the issue to which it is applied. It should not be used to kill action on an item. The item of business should be taken up again as soon as is practical and is brought back to the floor by the motion: *To Take From the Table*.

**To Postpone to a Certain Time**

Unlike *To Lay on the Table*, this motion sets a specific time when the item of business is returned to the floor for action. This motion is not in order when the time set could not be realistically used to bring the item back on the floor, such as when the assembly will not be in session or when the time set is after the action must occur.

**To Postpone Indefinitely**

The purpose of this motion is to prevent a vote on the question and to actually suppress or kill the item.

**Other Types of Meeting Facilitation** (also see p. 11-12)

There are other types of meeting facilitation besides using parliamentary procedure and Robert’s Rules of Order. These other methods of leading a meeting are usually used for other things besides legal business which can be recorded in typical minutes.

Consensus is often used by working groups that have certain tasks to perform, such as a committee or a conflict resolution process. Consensus does not mean that everyone always sees eye to eye or totally agrees on every issue, but rather those involved in the meeting are willing to give and take to find a resolution or solution that all can live with. Consensus means that everyone involved in the process will support the final solution put forth by the group and will not take action to stop or undermine that solution.

Another type of meeting facilitation which might be used is asking for unanimous support and agreement. If an issue is especially important, the board may not want to go ahead unless everyone is in agreement. This would require a favorable vote or comment by everyone involved in order to proceed.

If the board is not looking to conduct official business, general discussion may be in order. This is often used when the group is in the information gathering stage and the meeting is simply open to each person asking questions and making comments to come to greater shared understanding.

General discussion is similar to brainstorming. However, brainstorming is more generative. With this method, everyone is invited to provide any idea they might have on a subject or problem – the purpose being to get as many ideas on the table as possible without discussing the pros and cons, strengths or weakness of any of them. That is done later by other group processes which can help to group ideas, identify those that seem most practical or useful and have the most interest from group members.

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## SUMMARY OF MOTIONS

Classification	Kind	Second Required	Debatable	Amendable	Vote Required	Can Be Reconsidered	Subsidiary motion can be applied	In order when another has floor
<b>Privileged</b>								
	Fix Time to Adjourn <sup>(11)</sup>	Yes	No	Yes	Maj	Yes	Yes	No
	Adjourn <sup>(12)</sup>	Yes	No	No	Maj	No	No	No
	Question of Privilege	No	No	No	None <sup>(15)</sup>	No	No	Yes <sup>(16)</sup>
	Recess <sup>(13)</sup>	Yes	No	Yes <sup>(14)</sup>	Maj	No	Yes <sup>(1)</sup>	No
	Call for Order of Day <sup>(17)</sup>	No	No	No	<sup>(18)</sup>	No	No	Yes <sup>(16)</sup>
<b>Incidental</b>								
	Rise to Point of order	No	No	No	None <sup>(4)</sup>	No	No	Yes <sup>(16)</sup>
	Appeal Decision of Chair	Yes	Yes <sup>(6)</sup>	No	Maj <sup>(5)</sup>	Yes	<sup>(22)</sup>	Yes <sup>(16)</sup>
	Suspend the Rules	Yes	No	No	2/3	No	No	No
	Object to Consideration of Question	No	No	No	2/3	<sup>(21)</sup>	No	No
	Divide the Question	Yes <sup>(7)</sup>	No	Yes	Maj	No	Yes <sup>(1)</sup>	No <sup>(7)</sup>
	Division of the House	No	No	No	<sup>(8)</sup>	No	No	Yes <sup>(16)</sup>
	Parliamentary Inquiry	No	No	No	None	No	No	No
	Nominate	No	<sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	No	<sup>(9)</sup>	<sup>(9)</sup>
	Make Request Growing Out of Pending Business	No <sup>(10)</sup>	No <sup>(10)</sup>	No <sup>(10)</sup>	<sup>(10)</sup>	<sup>(10)</sup>	No <sup>(10)</sup>	Yes <sup>(10)</sup>
	To Withdraw a Motion	No	No	No	Maj	Yes	No	Yes
<b>Subsidiary</b>								
	Lay on the Table	Yes	No	No	Maj	No	No	No
	Previous Question	Yes	No	No	2/3	Yes	No	No
	Postpone Definitely (to a certain time)	Yes	Yes	No	Maj	Yes	Yes	No
	Limit or Extend Debate	Yes	No	No	2/3	Yes	Yes	No
	Commit or Refer to Committee	Yes	Yes	Yes	Maj	Yes	Yes	No
	Amend	Yes	Yes <sup>(2)</sup>	Yes	Maj	Yes	Yes	No
	Postpone Indefinitely	Yes	Yes	No	Maj	Yes	Yes <sup>(3)</sup>	No
<b>Main</b>								
	Main Motion	Yes	Yes	Yes	Maj	Yes	Yes	No
<b>Other</b>								
	Take from the Table	Yes	No	No	Maj	No	No	No
	Reconsider	Yes	Yes <sup>(19)</sup>	No	Maj	No	Yes	Yes
	Rescind	Yes	Yes	Yes	<sup>(20)</sup>	No	Yes	No
	Ratify	Yes	Yes	Yes	Maj	Yes	Yes	No

- 1 - Can be amended but can have no other subsidiary motion applied.
- 2 - Can be debated only when the question being amended is debatable.
- 3 - Can have only a motion calling for the previous question and motions limiting or extending time of debate applied to it.
- 4 - Is usually decided by chair, without calling for a vote.
- 5 - A tie vote sustains the chair and presiding officer may cast the vote that makes a tie.
- 6 - Can not be debated if made during a division of the assembly, or when the pending question is undebatable. Can not be debated when it applies to indecorum, transgression of the rules of speaking or to priority of business.
- 7 - The question must be divided at the request of a single member, (which request can be made when another has the floor) provided the resolutions relate to different subjects which are independent of each other.
- 8 - When a division is called for, the chair proceeds to take the vote again by rising. No vote is taken on whether a division shall be made, i.e. on whether a standing vote shall be taken.
- 9 - To nominate, one simply rises, addresses the presiding officer, and states, "I nominate Mr. -----," and is again seated.
- 10 - Great variation is found since several different kinds of requests are included under this one heading. Often the chair settles the question, no vote being taken.
- 11 - Is a privileged motion only if made while another motion is pending, and in an assembly that has made no provision for meeting again on the same or next day; otherwise it is a main motion. The answers apply to the privileged motion.
- 12 - When unqualified, is always a privileged motion except when effect would be to disband the group permanently. The answers apply to the privileged motion, not to a main motion to adjourn.
- 13 - Is a privileged motion if made when other business is pending, otherwise is a main motion. Answers apply to the privileged motion.
- 14 - Can be amended as to the length of time to recess.
- 15 - Is usually disposed by chair, without vote.
- 16 - May interrupt if urgent enough to justify such action.
- 17 - Is in order only when orders are not being conformed to and is then always a privileged motion.
- 18 - Chair should proceed to order of the day or put a question as to whether the group wishes to proceed with the order. A motion to not proceed to the order requires a 2/3 vote, the same as suspending the rules.
- 19 - Debatable when the question to be reconsidered is debatable.
- 20 - Often requires a 2/3 vote but considerable variation is found. See Robert's Rules of Order.
- 21 - An affirmative vote cannot be reconsidered.
- 22 - Cannot be amended. If repeal of the appealed decision would have no effect on the consideration or action on the main question, the main question does not adhere to the appeal; its consideration is resumed as soon as the appeal is laid on the table, postponed, etc. But if the ruling affects the consideration of or action on the main question, then the main question adheres to the appeal, and when the appeal is laid on the table or postponed, the main question goes with it.

**Open  
Meetings  
Law**



# **The Public Meetings Act**

## **A Summary**

**Prepared by**  
**The Wyoming Office of the Attorney General**

**January 1, 2015**

## 1. What is the purpose of the Public Meetings Act?

**Answer:** The overriding principle of the Act is that government should conduct its business in an open and transparent manner.

Public access to government agencies, boards, and commissions is critical to a representative form of government. Governmental boards and commissions are essentially engaged in the **public's** business. The first duty of government is to serve the public. Holding public meetings insures that all affected people are permitted an opportunity to be heard on issues that are important to their lives.

In 1973, the Wyoming Legislature enacted the Public Meetings Act. Wyo. Stat. Ann. § 9-692.10 through -692.16 (1973). Shortly after, Attorney General Clarence Brimmer answered several questions about the new public meeting law. *See* Op. Wyo. Att'y Gen. 1973-17 (Aug. 3, 1973) .

Although the Act has been amended since its enactment in 1973 and portions of the Brimmer opinion are no longer valid or applicable, the Act's overriding purpose requiring state government to conduct its business in an open and transparent manner has remained steadfast. Currently, the Act's statement of purpose says: "agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided by this act." Wyo. Stat. Ann. § 16-4-401. The Act expressly provides that "[a]ll **meetings** of the **governing body of an agency** are public meetings, open to the public at all times, except as otherwise provided." Wyo. Stat. Ann. § 16-4-403(a) (emphasis added). Thus, boards, commissions, and sub-agencies within departments or agencies of government are required to comply with the Act as set forth in this handbook.

## 2. Who is subject to the Act?

**Answer:** Meetings of State boards and commissions are subject to the Act's requirements. Meetings of directors of departments and State stand-alone agencies are not covered under the Act.

### A. Agency:

All meetings of the governing body of an agency are public meetings and open to the public. Wyo. Stat. Ann. § 16-4-403(a). The Act defines an agency as: "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[.]” Wyo. Stat. Ann. § 16-4-402(a)(ii).

B. State Boards and Commissions:

The Act applies to all multi-member state boards and commissions such as the Public Service Commission, Oil and Gas Conservation Commission, the Board of Education, and the Board of Control.

C. Directors and Stand-Alone Agencies:

Where the law governing a particular agency vests the full responsibility and authority for the agency’s decisions in a single individual (*e.g.*, Director of the Department of Administration and Information, Insurance Commissioner, State Examiner, State Engineer), the Act does not apply, since such an individual is not a ‘governing body’ within the definition of the Act.

D. Ad Hoc Advisory Committees:

*Ad hoc* advisory committees that have not been created by constitution or statute are not covered. An example of an *ad hoc* advisory committee is the gathering together of several multi-member boards and/or several agency heads for a particular purpose not considered an agency action, such as advising the Governor as to a particular problem or objective.

### 3. When does the Act apply?

**Answer:** Generally, the Act applies if at least a quorum of the members of a governing body meets, even informally, in order to consider matters which are within the agency’s official business.

According to the Act, all governmental meetings are open to the public, and the definition of meeting is broadly defined. A meeting is “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.” Wyo. Stat. Ann. § 16-4-402(a)(iii).

In 2012, the Wyoming Legislature defined the term “assembly.” An 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.” Wyo. Stat. Ann. § 16-4-402(a)(iv). The new definition makes it clear that a meeting can include telephonic and other electronic communications if the members are able to communicate with each other at the same time. Examples might include instant messaging, video conferencing, and conference calls. If a quorum of the members of a governing body are going to participate in such communication for the purpose of discussion, deliberation, presentation of information, or taking action regarding public business, the agency must give proper notice of a meeting and allow for public attendance.

In addition to the definition of “assembly,” the 2012 amendments further specify that, “[n]o 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 discussions 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.” Wyo. Stat. Ann. § 16-4-403(d). Thus, if the governing body of an agency wishes to conduct a meeting by electronic means, the agency must also assure that members of the public are able to attend the meeting and discern the meeting discussions in real time. This provision also clarifies that e-mail or other forms of sequential communications cannot be used to thwart the purposes of the Act.

#### **4. What are the notice requirements under the Act?**

**Answer:** No action of a governing body of an agency is to be taken except during a public meeting **following notice of the meeting**. The Act contemplates fair and reasonable advance notice of meetings.

Under the Act, “[n]o 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.” Wyo. Stat. Ann. § 16-4-403(a) (emphasis added). However, the day-to-day administrative activities of an agency are not subject to the Act’s notice requirements.

An agency is required to provide notice of its meetings to any person who requests notice. The request may be made for the dates and times of future meetings of

the agency.

In 2012, the legislature added that “[t]he request shall be in writing and renewed annually to the agency.” Wyo. Stat. Ann. § 16-4-404(a). This change might aid agencies in keeping current their lists of people requesting notice of meetings. The notice requirements vary for each type of meeting and are set out below:

A. Regular Meetings

In the absence of a statute setting out a schedule or requirement for regular meetings, a governing body is required by ordinance, resolution, bylaws, or rule to hold regular meetings, “unless the agency’s normal business does not require regular meetings[.]” Wyo. Stat. Ann. § 16-4-404(a). Under the Act, the governing body shall provide notice of its meeting to any person who requests notice. *Id.* Governing bodies must also comply with notice requirements in other statutes, outside the Act, that require them to provide notice to certain persons.

The notice requirement may be fulfilled by mailing or e-mailing a copy of the meeting schedule or resolution setting the next meeting to whomever has made a request for notice. No particular form of notice is required as long as it specifies clearly the name of the agency holding the meeting, the specific date, time and place of the meeting, and the general or specific purpose. Again, if a particular statute or ordinance, outside the Act, mandates special notice requirements for the particular governing body or situation at hand, then those requirements must be followed.

When notice under the Act is to be given, the agency should give sufficient advance notice of the meeting to the local news media to enable media representatives to attend the meeting. The Act does not specifically require that notice be made statewide. Nevertheless, whenever possible, agencies should adopt a regular meeting schedule, providing for an adequate number of scheduled meetings so that special meetings can be limited to the smallest number possible, and so notice of meeting schedules may be given to media representatives who normally cover the affairs of each agency or have requested notice of such meetings.

B. Special Meetings

In 2012, the legislature also clarified the type of notice required for special meetings as well as the timeframe for giving such notice.

Special meetings may be called by the presiding officer of a governing body by giving **verbal, electronic or written**

notice of a 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 the 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.

Wyo. Stat. Ann. § 16-4-404(b) (emphasis added).

Prior to these amendments it was not entirely clear the type or how much notice an agency was required to give in order to hold a special meeting. The Attorney General's Office had typically advised simply that "reasonable" notice was required and suggested that written two week notice would be considered reasonable. These changes clarify that the notice may be verbal, electronic, or written and that the notice must be made at least eight hours prior to the meeting.

C. Recess of Meetings

A regular or special meeting may be recessed (cancelled or moved to another location) by the governing body as long as the alternate place and time are specified in the "order of recess." "A copy of the order of recess is to be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held." Wyo. Stat. Ann. § 16-4-404(c).

D. Emergency Meetings

Governing bodies may hold emergency meetings on matters of "serious immediate concern to take temporary action without notice." Wyo. Stat. Ann. § 16-4-404(d). However, governing bodies shall make a reasonable effort to provide public notice. *Id.* **All actions taken at an emergency meeting are temporary. In order for actions taken at an emergency meeting to become permanent, they must be reconsidered and action taken at an open public meeting within 48 hours.** *Id.*

The 2012 legislation clarified the procedures for emergency meetings. All action

taken at an emergency meeting must be reconsidered and acted upon at an open public meeting within 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.” Wyo. Stat. Ann. § 16-4-404(d).

## **5. Does the Act cover deliberations after a contested hearing?**

**Answer:** Yes.

Because the definition of “meeting” includes deliberations, deliberations by a governing body after a contested hearing, but before a decision is rendered, are subject to the Act. Excepted from this requirement are deliberations by the governing body following personnel hearings, professional licensing hearings and other executive sessions expressly exempted under Wyo. Stat. Ann. § 16-4-405.

## **6. When can a governing body go into executive session?**

**Answer:** A governing body may go into executive session when any of the events listed in Wyo. Stat. Ann. § 16-4-405(a) occur and a member makes a motion to go into executive session, which is seconded and the motion carries by a majority of members in attendance when the motion is made.

Wyoming statute § 16-4-405(a) provides that governing bodies may hold executive sessions in the following situations:

- (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.

Wyo. Stat. Ann. § 16-4-405(a)(i)-(xi).

In 2012, the legislature added the requirement that “[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 executive session.” Wyo. Stat. Ann. § 16-4-405(c). Prior to this addition, it was not clear that an agency had to offer any particular reason for going into executive session. This language indicates legislative intent to require agencies to do so. Thus, when going into executive session, if an agency specifies one of the reasons for which an agency may hold executive session provided by the Act, the agency will have satisfied any such notice requirement.

## **7. Does the Act require that minutes be taken?**

**Answer:** Minutes must be taken at all meetings, regardless of whether official action has been taken.

If no action is taken, the minutes do not need to be published; however, they should be available for public examination. Wyo. Stat. Ann. § 16-4-403(c)(i). An agency is not required to record or publish minutes for day-to-day administrative activities of an agency or its officers or employees. Wyo. Stat. Ann. § 16-4-403(c)(ii).

## **8. Do governing bodies need to take minutes during executive session?**

**Answer:** Yes.

“Minutes shall be maintained of any executive session.” Wyo. Stat. Ann. § 16-4-405(b). Minutes and proceedings of executive sessions shall be confidential and produced only in response to a court order, except for portions of minutes reflecting a member’s objection to the executive session. *Id.*

## **9. Are there penalties for not complying with the Act?**

**Answer:** Yes.

In 2012, the legislature also amended the penalty provision. Prior to the 2012 amendments, a violation of the Act was a misdemeanor. The penalty provision now

provides:

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.

Wyo. Stat. Ann. § 16-4-408(a).

In addition to the penalties listed above, any action taken at a meeting where the Act was not followed is null and void.

# **Appendix**

## **Samples of Agendas and Minutes**



## Agenda Order<sup>5</sup>

Call to Order  
Roll Call  
Approval of Minutes  
Officer's (and others) Reports  
Committee Reports  
Unfinished Business  
New Business  
Adjourn

## Sample Agenda A

**Mission Statement: To produce an exceptional fair and administer the year round use of the fairgrounds.**

### **TETON COUNTY FAIR BOARD MEETING** *Monday, October 8, 2007*

*TIME: 5:30 p.m.*

*PLACE: Teton County Fair Office, 305 W. Snow King Avenue*

Desired Outcomes:

- RMAF To Do List
- Concert Decision

CALL TO ORDER  
MINUTES

<b>September 10, 2007 Board Meeting Minutes</b>	<b>Clair</b>	<b>(5 minutes)</b>
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BILLS

Approve October Bills	Clair	(5 minutes)
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DISCUSSION AND/OR ACTION ITEMS

A.	Friends of Teton County Fair	Junie	(5 minutes)
B.	Event Cleaning Proposal/Fees	Yvonne	(15 minutes)
C.	Concert	Bill	(15 minutes)
D.	Motorcycle Rodeo	Clair	(10 minutes)
E.	WAF	Yvonne	(5 minutes)
F.	RMAF Budget & To Do List	Clair	(20 minutes)
G.	Winter Use of Rodeo Arena	Yvonne	(10 minutes)
H.	Next Meeting Date	Yvonne	(5 minutes)

GUESTS:

5:30 p.m. – Judy Moses, JH Rodeo RE: 2007 Rodeo Season Review

6:30 p.m. – Bruce Pollock, 103.7 The Range RE: Concert Proposal

MATTERS FROM BOARD AND STAFF  
ADJOURNMENT

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<sup>5</sup> National Association of Counties. The Right Way to Run a Meeting: A handy guide for county officials.

## **Sample Agenda B**

**PARK COUNTY TRAVEL COUNCIL  
MONTHLY MEETING  
THURSDAY, JUNE 21, 2007  
YELLOWSTONE REGIONAL AIRPORT - BOARD ROOM  
CODY, WY - 1:30 P.M.**

**1:15 P.M.  
Voucher Review**

### **A G E N D A**

- I. Call to Order, Sandy Newsome, Chairperson
  - II. Approval of May 17, 2007 meeting minutes
  - III. Administration/Financial Report – Glenn Ross
    - A. Slate of Administrative Bills/Requests for Payment
    - B. 2006 Financial Audit Report – Keri Wilson, Stine, Heiser, Buss & Assoc, P.C.
  - IV. Reports to the Council
    - A. Marketing Director - Claudia Wade
    - B. Wyoming Tourism Council – Gene Bryan
    - C. Yellowstone Regional Airport – Bob Hooper
  - V. New Business
    - A. Quiet Recreation/Wildlife Viewing Map & Guide – Claudia Wade, Kenny Gasch
    - B. Sports/Event Funding Assistance Requests: Dude Ranchers Assoc. Convention, Jan. 23-27, 2008, \$900.00
    - C. PCTC Package Approval: Stay and Play Golf – Meeteetse  
Best of Cody Heritage Package – Cody Trolley Tours
  - VI. Old Business
    - A. Unified Media Plan Update – Please review prior to meeting
  - VII. For the Good of the Order and Adjourn
-

# **Sample Minutes A**

## **MINUTES OF THE REGULAR SESSION OF THE MEMORIAL HOSPITAL OF NATRONA COUNTY BOARD OF TRUSTEES MAY 17, 2007**

### **I. Call Meeting to Order**

Pat Thorson called the meeting to order at 7:00 a.m.

Present were Serena Cobb, Pat Thorson, Pat Freiberg, Crystal Mueller, and Dick Jay. Also present were Mike Reid, Vickie Diamond, Yvonne Wigington, Dick Williams, Steve Chadderdon and Tammy Trujillo. Also present were representatives of Larsen and Allen: Matthew Clays, Josh Wilks, Darrin McGarvey.

### **II. Approval of March 15, 2007 Minutes and April 19, 2007 Minutes**

Pat Freiberg moved to approve the March 15, 2007 and April 19, 2007 regular meeting minutes, as amended. The motion was seconded and carried.

### **III. WMC Administrative Report**

Vickie Diamond admitted that much time has been spent on the 5 Million Lives Campaign to incorporate best practices and to prevent harm to patients. It has been a goal to involve the Board more with the quality of the organization.

Vickie reported that patient satisfaction is up; the ER is down, however she is pleased to report that it's still above the goal mark. Dr. David Wheeler, a Pain Specialist, is now on board with the hospital three days a week. His home and practice is in Denver, Colorado, but he is on call with WMC 24/7 and other neurosurgeons back him when he's out of town.

Last week was Hospital Nurses Week. There were 88 nominations for nurses and awards were granted to several gifted nurses. Also there were 25 nominations for outstanding physicians. The two exceptional physicians recognized were Dr. Don Smith and Dr. Ron Iverson.

The Elkhorn Rehabilitation Center Groundbreaking was held on a cold day in April. There has been good progress made in the construction of the parking garage. The last of the utilities are being completed.

### **IV. Financial Report**

Dick Jay made a motion to accept the Semiannual Lease Provisions Review. The motion was seconded and carried.

Yvonne Wigington reported that Unpaid Care Year to Date is \$21 Million. Of the unpaid care, about \$16.4 million is from bad debt and about \$5.4 million is from charity care said. These figures are a 2.3 increase up from last year. There is a new Discharge Desk in place in the ER and this program has been received well.

Mike Reid reported that Board Member, Ken Eickhoff is working closely with the WMC's Financial Committee on bad debt.

The Board wants the record to reflect that at the April 19, 2007 meeting it was discussed why WMC couldn't go to the Bond Market. The reason is that AMBAC, the Bond Insurer, wants them to have a CEO in place prior to that occurrence. A CEO will be in place by approximately January or February. Planning Sessions are on hold until the new CEO is in place. However discussions continue with Hazelton and HER. They continue to work on mechanical and electrical projects.

Crystal Mueller pointed out that there's been a 6 %increase in revenue over last year.

### **V. MHBOT Agenda Preparation**

Questions arose as to protocol and reasons why the Commissioner's Administrative Assistants are preparing the MHBOT Agendas. Mike Reid consulted with Jon Campbell last week. The past MHBOT agreed that it would be a conflict of interest for

WMC to prepare the agenda and minutes. In addition, it would be proper, per the Commission's direction that the Administrative Assistant will continue to prepare the Agenda and the minutes. Pat Thorson requested that the agendas be sent out for review at least two weeks prior to the meeting date.

**VI. Adjournment**

The meeting was adjourned at 7:19 a.m.

**NEXT MEETING:  
June 21, 2007 7:00 A.M.**

Respectfully submitted,

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Secretary

## Sample Minutes B

Superintendent  
Donald Connell

### FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

P.O. Box 1400  
LANDER, WY 82520  
telephone 332-7040  
fax 332-5013

### MEETING MINUTES OF THE FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT BOARD

DATE: Monday, August 13, 2007  
TIME: 6:00 p.m.  
PLACE: Solid Waste District Office  
Lander Landfill  
Lander, Wyoming 82520

#### OPENING OF THE MEETING

The regular monthly meeting of the Solid Waste District was called to order at 6:00 p.m. by Chairman James Hedges with the following persons present.

Board Members:	James Hedges, Mike McDonald, Gregg Schaub, Dr. Dale Groutage, and Richard Rodgers.
Engineer:	Howard Johnson (Inberg-Miller Engineers)
Public Relations:	Paula McCormick and Dot Newton (McCormick Marketing)
Staff:	Superintendent Don Connell, Assistant Superintendent Ben Gonzales, and Secretary Amy Nichols
Excused:	Jerald Crews, Ralph Urbigkeit, Bob Campbell and William Wagon
Guests:	Brad Isbell (hydroGeophysics), Patrick Troxel (WDEQ/SHWD), and Deb Harris (WDEQ/SHWD)

#### DISTRICT BUSINESS

**Hydro-Geophysics, Sand Draw** – Brad Isbell (hydroGeophysics) thanked the Board for inviting him to share the data for the Sand Draw Landfill. Brad went through a power point presentation of data collected so far. Brad informed the Board he would go into a more technical explanation at the technical work session. Brad refreshed the Board on the process that is used to collect the data. Putting currents in the ground and measuring voltage potential. The resistivity levels are very low in this area. The data shows there are very subtle variations meaning tight formations probably moist clay and it should not promote fluid transport being very tight grained material. Discussion on the variation and conductivity of the wells followed.

Brad shared some preliminary results with the Board for the Lander Landfill. The data from lines 2-10 have been collected, line 11 is being collected this evening. The preliminary results show high resolution resistivity.

There was discussion on collection of the RPM data at both landfills. Patrick Troxel (WDEQ/SHWD) stated they would not pay the reimbursement for the data collection in the expansion area of Sand Draw, but may in the currently permitted area. Patrick explained to the board he would be comfortable making that decision prior to the final report as long as the current data is validated. Patrick informed the Board of his availability Don will contact him with a meeting time. Brad was directed to go ahead with the RPM collection at both Lander and Sand Draw sites.

Brad Isbell committed to having an interim report next week for the Sand Draw site with the final report following the collection of the RPM data.

Patrick Troxel and Deb Harris of WDEQ/SHWD excused themselves from the remainder of the meeting at 7:15 pm.

**Electronic Waste (e-waste) Discussion & Marketing Update** – Paula McCormick (McCormick Marketing) gave the Board a review of the e-waste discussion from the July meeting. Paula then introduced Dot Newton as the one who has done research on the e-waste program. Dot Newton gave an overview of the information she has found, her opinion on public education, and a “top ten” offenders list. Dot also shared what other states are doing. During Dots research she found GPX, a company that could recycle the Districts e-waste for 25¢ a pound. Dot also suggested the Board come up with a position statement. Paula was asked to draft a position statement and come up with a “top ten list”.

Dot Newton excused herself from the board meeting at 8:10 pm.

**Governor’s Select Committee on Tribal Relations** – Don Connell informed the Board the Transfer Station Committee has been invited to meet with the Select Committee on Tribal Relations on August 20, 2007. Don explained the letter in the board packets needed to be to the committee by August 8, 2007 to inform them what the Transfer Station Committee wanted to talk about. Dr. Dale Groutage explained a 1/3 of the District’s budget is spent on the transfer stations. In the committee’s research they have found the income the District receives from the reservation is over a million or about a third of the District’s budget so the revenue and expenses are about even. The committee agreed to ask the Governor’s Tribal Committee to work with the District on the following issues:

1. The District needs a binding agreement with the Tribes for the same jurisdiction at the WRIR transfer stations as they have on the non-reservation transfer stations.
2. The District needs an appointed liaison from the Tribes to work on jurisdictional and financial issues.
3. The District needs to install surveillance and security systems to monitor and control disposal of illegal waste at the transfer stations. Along with the purchase of new equipment for pickup and transfer of the transfer stations.

**Planning Committee Creation & Progress Report** – Howard Johnson posted a timeline schedule and gave a progress report for the Integrated Solid Waste Management Plan (ISWMP). Howard informed the Board the letter of intent was mailed to the state which completed phase 1.

Howard went over what needs to happen in August and September. Howard went over the billing and reimbursement process and explained the forms need to be signed by an authorized member of the Board. Howard asked the Board to set up a working group composed of 8 people. Howard went over the expectations of this group and suggested 2 board members, 1 from the Shoshoni Tribe, 1 from the Arapahoe Tribe, 1 County Commissioner, 1 from the City of Riverton, 1 from the City of Lander, and 1 from the Association of Government. This will give a good representation of Fremont County. Paula McCormik was asked to put together the basic requirements. Paula was also asked to take the minutes or bring someone to take the minutes for the working sessions and to handle the mailings. James Hedges (Chairman) appointed Dr. Dale Groutage and Mike McDonald with Richard Rodgers being the alternate. Jim also suggested the District Liaison Pat Hickerson be on the committee to represent the Commissioners. The District office was set as the meeting place.

**Recycling-** Don Connell reviewed the CES recycling numbers with the Board. Don pointed out the total savings to the District as of July 2007 is \$32,384.12 for this calendar year. Don brought to the Board's attention the unsafe procedure CES is using to load the 40 yard containers with the recycle material. Don suggested buying a PET Blower to help the clients load the containers in a safe manner. Don was asked to get more information on the capabilities of the blower and put it on next month's agenda.

**User Fee Write Offs** – Don Connell brought to the Board 2 write offs, Gary Bevers in the amount of \$16.00, and Mary Bouchard in the amount of \$8.00.

MIKE MCDONALD moved and DR DALE GROUTAGE seconded the motion to write off Gary Bevers in the amount of \$16.00 and Mary Bouchard in the amount of \$8.00. MOTION CARRIED UNANIMOUSLY.

**Hudson Landfill Lease** – Don Connell informed the Board the BLM Hudson Landfill Lease was due for \$25.00.

MIKE MCDONALD moved and GREGG SCHAUB seconded the motion to pay \$25.00 for the Hudson Landfill Lease. MOTION CARRIED UNANIMOUSLY.

**Approval of July, 2007 Minutes -**

DR. DALE GROUTAGE moved and RICHARD RODGERS seconded the motion to approve the consent agenda as mailed including the meeting minutes of July 16, 2007. MOTION CARRIED UNANIMOUSLY

**Approval of July Bills -**

MIKE MCDONALD moved and GREGG SCHAUB seconded the motion to approve July bills to be paid (list in office). MOTION CARRIED UNANIMOUSLY

Don Connell brought up the need for himself or an available Board member to be designated in the minutes to be able to sign the reimbursement forms. Don explained the bills to the District

will be on the bills list so the Board would approve the payment before the packet was put together for submittal.

DR. DALE GROUTAGE moved and MIKE MCDONALD seconded the motion to approve Don Connell to sign the reimbursement forms for the planning or the environmental monitoring grants to the State. MOTION CARRIED UNANIMOUSLY.

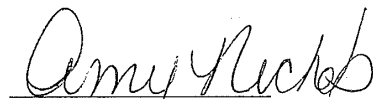
Don Connell brought to the Boards attention the hydro-Geophysics check for \$59,050.00 was held at the July meeting due to them not getting the District any data on their work so far. James Hedges stated he was comfortable with signing the check this month after the presentation from them. Discussion followed. The Board agreed they were comfortable with signing the check this month for the work hydroGeophysics has completed so far.

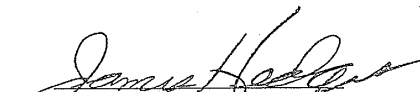
MIKE MCDONALD moved and RICHARD RODGERS seconded the motion to adjourn the meeting at 9:20 p.m. MOTION CARRIED UNANIMOUSLY.

The next scheduled Board meeting will be held September 10, 2007 at 6:00 p.m. in the Solid Waste District Office at the Lander Landfill.

Respectfully Submitted

APPROVED

  
Amy Nichols, Secretary

  
Chairman, James Hedges



# **Sample Minutes C**

## **Park County Board of Commissioners**

**August 21, 2007**

### **Regular Meeting**

Proceedings of a regular meeting of the Board of County Commissioners of Park County, Wyoming, held in Cody, Wyoming on Tuesday, August 21. Present were Commission Chair Bucky Hall, Commissioners Marie Fontaine, Bill Brewer, Tim French, Jill Shockley Siggins, Deputy County Clerk Wardi Reber and County Clerk Kelly Jensen.

#### **Park County Library Foundation**

Wally Johnson, Former Park County Library Foundation President thanked the Board of County Commissioners for their support of the new library and introduced Mary Barbee, newly elected President of the Park County Library Foundation. Barbee presented a \$100,000 check to the Commissioners, representing one-third of the Foundation's commitment to the Park County Library construction project. Commissioners asked Foundation members to develop recommended guidelines for naming opportunities for significant contributions to the library project. Foundation members also recognized Frances Clymer, Marie Schow, Jane Bell, Eve Pickering, and Alicia D'Alessandro for contributions toward the project. The Board thanked the Foundation for the \$100,000 and their commitment to the project. No action was taken.

#### **Wyoming Library Association's Library Endowment Bill**

Commissioner Fontaine made a motion, seconded by Brewer, to approve a letter of support for the Library Endowment Bill, which would allow library foundations to raise endowment funds that would be matched with state funds. Motion carried.

#### **Personnel Action Forms – Lt. Rick Atwood**

Commissioner Siggins made a motion, seconded by French, to approve Personnel Action Forms for James Keenan (effective September 1, 2007) and Jessica Campbell (effective August 23, 2007) as Detention Deputies I and advancement of Joe Torczon to Detention Sergeant (effective September 1, 2007). Motion carried.

#### **Public Hearing Date - Size & Weight Limits for Bridges & Roads**

Commissioner Fontaine made a motion, seconded by Siggins, to advertise and set Tuesday, October 16, 2007 at 2:00 p.m. for a public hearing to establish size and weight limits for Park County bridges and roads. Motion carried.

#### **Approve Minutes**

Commissioner Siggins made a motion, seconded by Fontaine, to approve the minutes from the August 14, 2007 Regular Meeting and the August 14, 2007 Work Session. Motion carried.

#### **Special Funding Contracts**

Commissioner Siggins made a motion, seconded by Brewer, to approve and authorize Chairman Hall to sign, three additional FY08 Special Funding Contracts with outside agencies. Motion carried.

#### **Powder River Basin Resource Council/Clark Resource Council**

Deb Thomas, representing Clark Resource Council and the Powder River Basin Resource Council, presented a slide show on the Clark Oil & Gas Update; Energy Efficiency & Renewable Energy Campaign, including a description of the Windsor Energy August 2006 Crosby Well 25-3 blowout. She asked Commissioners to consider backing a moratorium on all-further drilling (by Windsor Energy) until further investigation is complete and to consider a three-point opportunity to comment. No action was taken.

#### **Cole Simple Subdivision SS-138**

Assistant Planner Nikki Burnett presented the Cole Simple Subdivision SS-138, whose applicant is Suzanne Cole. It is described as a two-lot subdivision totaling approximately 7.00+/- acres for Lot 1 and 27.18+/- acres for Lot 2 from an original parcel containing 34.18 +/- acres within the E1/2SE1/4 of Lot 56, Resurvey, T52N, R101W, 6th P.M., Park County, Wyoming in the GR-5 zoning district. The property is located at 5886 Greybull Highway, south of Hwy 14-16-20, and west of Cole Road.

Commissioner Fontaine made a motion, seconded by French, to adopt  
**RESOLUTION 2007-63, APPROVAL OF A FINAL PLAT FOR THE COLE SS-138 SIMPLE SUBDIVISION WITHIN THE E1/2SE1/4 OF LOT 56, RESURVEY, T52 N, R101W, 6TH P.M., PARK COUNTY, WYOMING.** Motion carried.

**Executive Session**

Commissioner French made a motion, seconded by Fontaine, to go into executive session pursuant to Wyoming Statute 16-4-405(a)(ii) regarding personnel. Motion carried. Commissioner French made a motion, seconded by Siggins, to go out of executive session and return to the regular meeting. Motion carried.

**Justice Private Road Petition Report - Set Hearing Date**

Assistant County Attorney Jim Davis described the process to complete the Justice Private Road Petition contested case hearing, presenting the Viewers and Appraisers report from Larry Hedderman, Bob Swander and George Margargal.

Commissioner Fontaine made a motion, seconded by Siggins, to accept the report submitted by the Viewers and Appraisers in the Scott and Marjorie Justice Private Road Petition. Motion carried. Deputy County Attorney Davis will present possible dates and times at a future meeting.

**Executive Session/Confidential**

Commissioner French made a motion, seconded by Brewer, to go into executive session pursuant to Wyoming Statute 16-4-405(a)(ix) to consider or receive confidential information. Motion carried.

Commissioner Fontaine made a motion, seconded by Brewer, to go out of executive session and return to the regular meeting. Motion carried.

**Adjournment**

There being no further business to come before the Board of County Commissioners, Commissioner Siggins made a motion, seconded by Fontaine, to adjourn the meeting. Motion carried.

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Bucky Hall, Chairman  
Park County Board of Commissioners

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Tim A. French, Vice Chairman

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Marie Fontaine, Commissioner

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Bill Brewer, Commissioner

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Jill Shockley Siggins, Commissioner

Attest:

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Kelly Jensen, Park County Clerk

Locate the on-line Wyoming Board Member Training here:

<https://extension.catalog.instructure.com/courses/cdebt-100>

The screenshot shows a web browser window with the URL <https://extension.catalog.instructure.com/courses/cdebt-100>. The browser's address bar and tabs are visible at the top. The page header is dark brown and features the University of Wyoming logo on the left, the text "WyoLearn Catalog Extension" in the center, and a "Login" button on the right. The main content area has a blue background. On the left, there is a promotional image for the "Wyoming Board Member Training" course. The image shows a conference table with papers and a sign that reads "WYOMING BOARD MEMBER TRAINING". A yellow "FREE" tag is in the top left corner of the image, and a yellow "ENROLL" button is in the bottom left corner. To the right of the image, the text "Wyoming Board Member Training" is displayed in large white font, followed by "Self-paced" in smaller white font, and a yellow "ENROLL" button.

WyoLearn Catalog  
Extension

FREE

WYOMING  
BOARD MEMBER  
TRAINING

Wyoming Board Member  
Training

Self-paced

ENROLL

This is the on-line training for Wyoming's county-appointed board members. This online training program was designed to complement the County-Appointed Board Member Handbook and provides a basic introduction for serving as a county board member.

# Notes

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# **Agency/Organization Information**

To be added by each agency/organization which may include:

Board Bylaws

Organizational Structure

Specific information from the Agency/Organization's Attorney

Any Additional Information, such as codes of ethics