

WORKING DRAFT

HOUSE BILL NO. _____

Counties-alternative forms of government.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Committee

A BILL

for

1 AN ACT relating to county governments; providing for
2 alternative forms of county government; providing election
3 procedures; providing for plans of government; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 18-2-201 through 18-2-401 are created
9 to read:

10

11 ARTICLE 2 - ALTERNATIVE FORMS OF COUNTY GOVERNMENT

12

GENERALLY

13

14 **18-2-201. Alternative forms of county government.**

1 (a) Each county in the state may adopt one (1) of the
2 alternative forms of government as follows:

3

4 (i) The consolidated form as provided in W.S.
5 _____; or

6

7 ***** Staff note: If consolidation**
8 **is referred to as a "alternative**
9 **form" of government in this**
10 **section, the election procedures**
11 **in the 1995 bill will need to be**
12 **conformed with the election**
13 **procedures provided herein. *****

14

15 (ii) The commission-manager form as provided in
16 W.S. 18-2-301 through 18-2-312.

17

18 (b) If a county does not adopt an alternative form of
19 government pursuant to subsection (a) of this section, the
20 form of government shall be the commission-chairman form
21 provided in W.S. 18-3-501 through 18-3-524.

22

23 **18-2-202. Effect of change in government.**

24

1 (a) All resolutions in effect at the time a new form
2 of county government or alteration of an existing plan of
3 county government becomes effective shall continue in
4 effect until repealed or amended in the manner provided by
5 law.

6
7 (b) The adoption of a new form of county government or
8 alteration of an existing plan of county government shall
9 not affect the validity of any bond, debt, contract,
10 obligation or cause of action accrued or established under
11 the prior form of government.

12

13 **18-2-203. Adoption of alternative forms of county**
14 **government.**

15

16 (a) The question of adopting an alternative form of
17 county government may be proposed by a petition of the
18 electors. The petition shall contain the information
19 required in W.S. 18-2-205, and unless in conflict with a
20 specific provision of this article the election shall be
21 conducted in the same manner as an election involving a
22 county-wide ballot proposition as provided in the Wyoming
23 election code.

1

2 (b) A petition to adopt an alternative form of county
3 government shall be submitted to a vote of the qualified
4 electors of the county and shall be adopted if a majority
5 of those casting their ballots vote in favor of the
6 proposition. Additional offices created by the adoption of
7 an alternative form of county government shall be filled at
8 the general election next following the election at which
9 the proposition was approved.

10

11 (c) The proposition to adopt an alternative form of
12 county government shall be at the expense of the county and
13 be submitted to the electors of the county upon receipt by
14 the county clerk of a petition requesting the election
15 signed by at least ten percent (10%) of the qualified
16 electors of the county. To be counted the electors shall
17 be registered voters when the completed petition is
18 submitted for verification. The number of electors
19 required shall be determined by the number of votes cast at
20 the last general election. The election shall be at the
21 direction and under the supervision of the county clerk.

22

1 (d) The proposition may be submitted at any general
2 election or at an election date authorized under W.S. 22-
3 21-103.

4

5 (e) At the election the ballots shall contain the
6 words:

7

8 "Vote for one (1):

9 [] For the adoption of the alternative form of
10 government proposed for _____ County.

11 [] For the existing form of government."

12

13 (f) Any county which has previously adopted an
14 alternative form of county government may adopt the
15 standard commission-chairman form of government in the same
16 manner as an adoption of an alternative form of county
17 government under this section.

18

19 **18-2-204. Permissible propositions.**

20

1 (a) A petition proposing to alter an existing form of
2 county government may:

3

4 (i) Propose amendments to the existing plan of
5 government if the existing plan is a commission-manager
6 form of government; or

7

8 (ii) Propose any form of government authorized by
9 this article.

10

11 **18-2-205. Requirements for petition.**

12

13 (a) A petition to adopt an alternative form of county
14 government shall contain:

15

16 (i) A certificate containing the "plan of
17 government" of the existing form of government;

18

19 (ii) A certificate containing the "plan of

1 government" of the proposed new form of government or
2 amendments to the existing plan; and

3

4 (iii) A comparison of the existing plan and
5 proposed plan of government, including a statement of the
6 strengths and weaknesses of the existing and proposed plans
7 of government, information that supports the adoption of
8 the proposed plan and information that supports retention
9 of the present plan.

10

11 (b) The filings required by this section shall be
12 made concurrently with submission of the petition.

13

14 **18-2-206. Availability of petitions; publication of**
15 **summary.**

16

17 (a) Sufficient copies of a petition proposing
18 alterations to an existing form of government shall be made
19 available to the public for inspection at convenient
20 locations and at reasonable hours to provide all interested
21 persons an opportunity to review the proposed alterations

1 and documents. The copies shall be available no later than
2 sixty (60) days prior to any election on the proposition.
3 The county clerk may distribute copies of a petition to the
4 electors or residents of the county.

5

6 (b) In addition to any other notice required by law, a
7 summary of the proposals contained in a petition proposing
8 alteration of an existing form of government shall be
9 published at least twice in a newspaper of general
10 circulation in the county. Whenever an election on the
11 petition is to be held, publication shall be made during
12 the two (2) weeks preceding the election.

13

14 (c) The summary shall contain a description of the
15 proposed form of government, a comparison of the existing
16 and proposed forms of government, and a list of locations
17 where the full proposal may be reviewed or obtained.

18

19 (d) The cost of preparing the copies and publication
20 needed to meet the requirements of this section shall be
21 borne by the county government.

1

2 **18-2-207. Filing of approved plan.**

3

4 (a) A copy of the existing or proposed plan of
5 government ratified by the voters shall be certified by the
6 county clerk and filed with the secretary of state.

7

8 (b) The approved plan filed with the secretary of
9 state is the official plan and is a public record open to
10 inspection by the public and judicially noticeable by all
11 courts.

12

13 **18-2-208. Effective date of alternative plan or**
14 **amendment.**

15

16 (a) An alternative plan of government approved by the
17 electors takes effect when the new officers take office.

18

19 (b) Provisions creating offices and establishing
20 qualifications for office under any plan become effective

1 immediately for the purpose of electing officials.

2

3 (c) An amendment to an existing plan of government
4 becomes effective at the beginning of the county
5 government's fiscal year commencing after the election
6 results are officially declared.

7

8 **18-2-209. General transition provisions.**

9

10 (a) The governing body of a county which adopts an
11 alternative form of government shall prepare an advisory
12 plan for orderly transition to a new plan of government.
13 The transition plan may propose necessary resolutions,
14 plans for consolidation of services and functions, and a
15 plan for reorganizing boards, departments and agencies.

16

17 (b) The governing body of a county may enact and
18 enforce resolutions to bring about an orderly transition to
19 the new plan of government, including transfer of powers,
20 records, documents, properties, assets, funds, liabilities
21 or personnel. These resolutions shall be consistent with

1 the approved plan and necessary or convenient to place it
2 into full effect. Whenever a question arises concerning
3 transition which is not provided for, the governing body
4 may provide for the transition by resolution not
5 inconsistent with law.

6

7 **18-2-210. Transition provisions affecting personnel.**

8

9 (a) The members of the county commission holding
10 office on the date the new plan of government is adopted by
11 the electors of the county continue in office and in the
12 performance of their duties until the governing body
13 authorized by the plan has been elected and qualified,
14 whereupon the prior county commission is abolished.

15

16 (b) All other employees holding appointive offices or
17 positions under the direct supervision of the county
18 commission continue in the performance of the duties of
19 their respective offices and positions until provisions are
20 made for the performance or discontinuance of the duties or
21 the discontinuance of the offices or positions.

1

2 (c) A petition proposing an alternative form of county
3 government may provide that existing county commissioners
4 shall continue in office until the end of the term for
5 which they were elected or may provide that existing county
6 commissioners shall be retained as government employees
7 until the end of the term for which they were elected, and
8 their salaries may not be reduced.

9

10 **18-2-211. Election of new officials.**

11

12 (a) Within twenty (20) days after an election at which
13 the new form of government is approved by the electors, the
14 governing body of the county shall meet and order a special
15 primary and special general election for the purpose of
16 electing the officials required by the new form of
17 government. The elections for officials may be held in
18 conjunction with any other election.

19

20 (b) The order shall specify:

21

1 (i) A date for the special primary election to be
2 held no later than the next regularly scheduled county
3 primary election; and

4

5 (ii) A date for the special general election to
6 be held no later than the next regularly scheduled county
7 general election following the primary election date
8 established under paragraph (i) of this subsection.

9

10 **18-2-212. Organization of new governing body.**

11

12 (a) The first meeting of a new governing body for a
13 new plan of government shall be held at 10 a.m., sixty (60)
14 days after the results are certified for the election of
15 the new officers. At that time, newly elected members
16 shall take the oath of office prior to assuming the duties
17 of office.

18

19 (b) If the terms of the commissioners are to be
20 overlapping, they shall draw lots to establish their
21 respective terms of office.

1

2

ARTICLE 3 - COMMISSION-MANAGER GOVERNMENT

3

4

18-2-301. Commission-manager form.

5

6 The commission-manager form consists of an elected
7 commission and a manager appointed by the commission, who
8 shall be the chief administrative officer of the county
9 government. The commission shall have all the powers and
10 duties proscribed by law for a commission-chairman form of
11 government unless otherwise provided by law or in the plan
12 of government approved by the voters. The manager shall be
13 responsible to the commission for the administration of all
14 government affairs placed in his charge by law or
15 resolution.

16

17

18-2-302. Appointment of manager.

18

19 The manager shall be appointed by the commission for an
20 indefinite term on the basis of merit only and removed only

1 by a majority vote of the whole number of the commission.

2

3 **18-2-303. Duties of manager.**

4

5 (a) The manager shall:

6

7 (i) Perform the duties required of him by law or
8 resolution;

9

10 (ii) Administer the affairs of the county
11 commission;

12

13 (iii) Direct, supervise, and administer all
14 departments, agencies and offices of the county commission
15 except as otherwise provided by law or resolution;

16

17 (iv) Carry out policies established by the
18 commission;

19

1 (v) Prepare the commission agenda;

2

3 (vi) Recommend measures to the commission;

4

5 (vii) Report to the commission on the affairs and
6 financial condition of the county commission;

7

8 (viii) Execute bonds, notes, contracts and
9 written obligations of the commission, subject to the
10 approval of the commission;

11

12 (ix) Report to the commission as the commission
13 may require;

14

15 (x) Attend commission meetings and may take part
16 in the discussion, but he may not vote;

17

18 (xi) Prepare and present the budget to the
19 commission for its approval and execute the budget adopted

1 by the commission;

2

3 (xii) Appoint, suspend and remove all employees
4 of the county commission except as otherwise provided by
5 law or resolution;

6

7 (xiii) Appoint members of temporary advisory
8 committees established by the manager.

9

10 **18-2-304. Employees of commission-manager government.**

11

12 (a) Employees appointed by the manager and his
13 subordinates shall be administratively responsible to the
14 manager.

15

16 (b) Neither the commission nor any of its members
17 shall dictate the appointment or removal of any employee
18 whom the manager or any of his subordinates are empowered
19 to appoint.

20

1 (c) Except for the purpose of inquiry or
2 investigation, the commission or its members shall deal
3 with the county employees who are subject to the direction
4 and supervision of the manager solely through the manager,
5 and neither the commission nor its members shall give
6 orders to any such employee, either publicly or privately.

7

8 **18-2-305. Structural suboptions.**

9

10 The plan of government submitted to the electors shall
11 further define the structural characteristics of the form
12 by including one (1) item from each of the alternatives
13 listed in W.S. 18-2-406 through 18-2-412.

14

15 **18-2-306. Appointment to boards.**

16

17 (a) All members of boards, other than temporary
18 advisory committees established by the manager, shall be
19 appointed by:

20

1 (i) The chairman with the consent of the
2 commission;

3

4 (ii) The manager with the consent of the
5 commission; or

6

7 (iii) The commission.

8

9 **18-2-307. Selection of commission members.**

10

11 (a) The commission shall be:

12

13 (i) Elected at large;

14

15 (ii) Elected by districts in which candidates
16 shall reside and which are apportioned by population;

17

18 (iii) Elected at large and nominated by a plan of
19 nomination that shall not preclude the possibility of the

1 majority of the electors nominating candidates for the
2 majority of the seats on the commission from persons
3 residing in the district or districts where the majority of
4 the electors reside; or

5

6 (iv) Elected by any combination of districts, in
7 which candidates shall reside and which are apportioned by
8 population, and at large.

9

10 **18-2-308. Type of election.**

11

12 (a) County commissioner elections shall be conducted
13 on a:

14

15 (i) Partisan basis; or

16

17 (ii) Nonpartisan basis.

18

19 **18-2-309. Chairman of commission.**

1

2 (a) The chairman of the commission shall be:

3

4 (i) Elected by the members of the commission from
5 their own number for a term established by resolution;

6

7 (ii) Elected by the electors for a term of
8 office; or

9

10 (iii) Selected as provided by resolution.

11

12 **18-2-310. Terms of commission members.**

13

14 (a) Commission members shall be elected for:

15

16 (i) Concurrent terms of office; or

17

18 (ii) Overlapping terms of office.

1

2 **18-2-311. Size of commission.**

3

4 (a) The size of the commission, which shall be
5 an odd number not less than three (3), shall be established
6 when the form is adopted by the voters.

7

8 **18-2-312. Terms of commissioners.**

9

10 The term of office of commissioners shall not exceed four
11 (4) years and shall be established when the form is adopted
12 by the voters.

13

14 **ARTICLE 4 - COMMISSION-CHAIRMAN GOVERNMENT**

15

16 **18-2-401. Commission-chairman form.**

17

18 The commission-chairman form consists of an elected
19 commission with the powers and duties as provided in W.S.

1 18-3-501 through 18-3-524, and any other powers and duties
2 specifically provided to county commissioners by law.

3

4 **Section 2.** W.S. 18-1-306(a)(iii), 18-1-318(a), 18-2-
5 101 by creating subsection (b), 18-3-102(a) by creating
6 paragraph (ix), 18-3-106, 18-3-107(c) and (e), 18-3-501(a)
7 and (b), 18-3-901(a)(intro) and 18-5-103(a) are amended to
8 read:

9

10 CHAPTER 1 - Generally

11 ARTICLE 3 - ORGANIZATION OF NEW COUNTIES

12

13 **18-1-306. Commissioners to appoint clerk; oath of**
14 **clerk; calling election.**

15

16 (a) The appointed commissioners shall:

17

18 (iii) Call for an election for the purpose of
19 having the qualified electors of the proposed new county
20 decide:

21

22 (A) If the proposed new county should be
23 organized; ~~and~~

24

1 (B) The location of the county seat of the
2 proposed new county; and

3
4 (C) The form of government as provided in
5 W.S. 18-2-201.

6
7 **18-1-318. Notice of hearing on report.**

8
9 (a) The court to which the report is made shall
10 immediately notify the chairman of the board of county
11 commissioners, or a county manager if an alternative form
12 of government as provided in W.S. 18-2-301 through 18-2-312
13 is adopted, of the new county of the time and place when
14 the report will be heard and considered by the court.

15
16 CHAPTER 2 - Corporate Powers and Duties

17
18 ARTICLE 1 - GENERALLY

19
20 **18-2-101. General powers; definition.**

21
22 (b) As used in this title, whenever the term "board
23 of county commissioners" is used it includes the county
24 manager if an alternative form of government as provided by

1 W.S. 18-2-301 through 18-2-312 is adopted by the county and
2 the plan of government gives the county executive or
3 manager the authority to act on behalf of the board of
4 county commissioners in the specified area.

5
6 **18-3-102. County officers required to execute bonds;**
7 **amount; sureties; penalty.**

8
9 (a) All county officers, except county attorneys,
10 before assuming the duties of their office and within
11 twenty (20) days after the commencement of the term for
12 which they were elected or appointed, shall take, subscribe
13 and file the oath of office, and execute and file their
14 official bonds to the state of Wyoming to insure the honest
15 and faithful performance of their duties, in the penal
16 amounts specified and according to the following
17 provisions:

18
19 (viii) County coroner: a bond as specified in
20 W.S. 7-4-101;

21
22 (ix) County manager if an alternative form of
23 government as provided by W.S. 18-2-301 through 18-2-312 is

1 adopted by the county, a bond approved by the clerk of the
2 district court of one thousand dollars (\$1,000.00).

3
4 **18-3-106. Full-time officers enumerated.**

5
6 Each county clerk, county treasurer, clerk of the district
7 court, county assessor ~~and,~~ county sheriff and county
8 manager if an alternative form of government as provided by
9 W.S. 18-2-301 through 18-2-312 is adopted by the county,

10 shall devote full time to the duties of their respective
11 offices during the term for which they were elected or
12 appointed. In counties which are not served by a district
13 attorney and in which the population exceeds nine thousand
14 (9,000) but is less than sixty thousand (60,000), the
15 county and prosecuting attorney shall devote full-time to
16 the duties of his office whenever a majority of the county
17 commissioners in that county resolve that a full-time
18 county and prosecuting attorney is necessary. In counties
19 which are not served by a district attorney and in which
20 the population does not exceed nine thousand (9,000), as
21 well as in counties which are served by a district
22 attorney, the county commissioners may designate the office
23 of county attorney and the office of county and prosecuting
24 attorney as a full-time office. The designations shall be

1 made by resolution at the time salaries are set under W.S.
2 18-3-107(a).

3

4 18-3-107. Annual salaries of certain officers;
5 additional compensation prohibited; exception as to
6 traveling and other expenses; compensation of county
7 commissioner; appointment and salaries of deputies, clerks,
8 stenographers and other assistants.

9

10 (c) Each county commissioner, and county manager if
11 an alternative form of government as provided by W.S. 18-2-
12 301 through 18-2-312 is adopted by the county, will be paid
13 such compensation as the board of county commissioners
14 determines by resolution. No county commissioner, or county
15 manager if an alternative form of government as provided by
16 W.S. 18-2-301 through 18-2-312 is adopted by the county,
17 may receive more than the lowest compensation paid any
18 elected county officer in the same county who serves full-
19 time as specified in W.S. 18-3-106.

20

21 (e) By and with the consent of the board of county
22 commissioners of the respective counties, the county
23 assessor, county clerk, clerk of the district court, county
24 and prosecuting attorney ~~and,~~ county treasurer and county

1 manager if an alternative form of government as provided by
2 W.S. 18-2-301 through 18-2-312 is adopted by the county and
3 if approved in the plan of government, in each county in
4 the state may appoint one (1) or more deputies for each of
5 the above-named offices who shall receive an annual salary
6 of not less than twenty percent (20%) of the above named
7 officer's salary to be established by the board of county
8 commissioners and also appoint such other clerks,
9 stenographers and assistants as may be necessary to
10 properly administer the affairs of any county office.

11

12 ARTICLE 5 - COUNTY COMMISSIONERS

13

14 **18-3-501. Composition; election for increasing the**
15 **number; term; quorum; election for districting; procedures.**

16

17 (a) Unless otherwise provided in an approved
18 alternative plan of government as provided in W.S. 18-2-301
19 through 18-2-312, each board of county commissioners shall
20 consist of three (3) qualified electors who shall be
21 elected in the following manner: at the general election
22 held in the year 1980 and every fourth year thereafter,
23 there shall be elected one (1) commissioner for a term of
24 four (4) years and at the general election held in the year

1 of 1978 and every fourth year thereafter there shall be
2 elected two (2) commissioners for a term of four (4) years
3 each. Any two (2) members of the board constitute a quorum
4 and are competent to act.

5

6 (b) Notwithstanding subsection (a) of this section
7 and unless otherwise provided in an approved alternative
8 plan of government as provided in W.S. 18-2-301 through 18-
9 2-312, any county may increase the membership of its board
10 of county commissioners from three (3) to five (5) members
11 if a proposition for the increase is submitted to a vote of
12 the qualified electors of the county and a majority of
13 those casting their ballots vote in favor of the increase.
14 Additional offices created under this subsection in odd-
15 numbered years shall be filled at the general election next
16 following the election at which the increase was approved.
17 Additional offices created under this subsection in even-
18 numbered years shall be filled at the general election to
19 be held in two (2) years and not at the current year
20 general election. At the general election, not more than
21 one (1) commissioner shall be elected for a term of two (2)
22 years, and the election ballots shall so state. Each term
23 shall otherwise be four (4) years.

24

1 ARTICLE 9 - REMOVAL FROM OFFICE

2

3 18-3-901. Causes for removal from office enumerated;
4 procedure as to removal; filling vacancies; section
5 declared supplemental.

6

7 (a) The board of county commissioners may declare
8 vacant the office of county assessor, clerk of the district
9 court, county clerk, county sheriff~~or~~, county treasurer or
10 county manager if an alternative form of government as
11 provided by W.S. 18-2-301 through 18-2-312 is adopted by
12 the county, whenever:

13

14 18-5-103. Appointment of county planning commission;
15 composition; powers and duties generally.

16

17 (a) To avail itself of the powers conferred by W.S.
18 18-5-101 through 18-5-107 the board of county commissioners
19 shall appoint a county planning commission. The chairman of
20 the board of county commissioners, or the county manager if
21 an alternative plan of government is adopted pursuant to W.
22 S. 18-2-301 through 18-2-312, shall be an ex officio member
23 of the commission. Other members of the commission shall
24 own real property situated therein. The mayors of the

1 incorporated communities within the county or their
2 designees shall be members of the commission.

3

4 **Section 3.** This act is effective July 1, 2006.

5

6

(END)

1