

MEETING PROCEDURES

Teton County Board of County Commissioners

Adopted by
Resolution
September 24, 2002



Purpose and Authority

The Wyoming Constitution provides in Section 22 of Article 1:

The right to petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

And the U.S. Constitution provides in the 1st Amendment that Congress shall make no law abridging the freedom of the right of the people to peaceably assemble, and to petition the government for redress of grievances. With full compliance to the U.S. and Wyoming Constitutions the Teton County Board of County Commissioners promulgate these rules and regulations in order to ensure orderly meetings that encourages public participation. The following guiding principles have been the foundation of the formation of these rules:

- The Commission must act as a body
- The Commission should proceed in the most efficient manner possible.
- The Commission must act by at least a majority.
- Every Commissioner must have an equal opportunity to participate in decision-making.
- The Commissioner's Rules of Procedure must be followed consistently.
- The Commission's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.
- Meetings are accomplished in the spirit of openness with the encouragement of public participation.

No deliberative body can efficiently perform without rules of procedure. While rules cannot ensure civility and comment accuracy, or eliminate demagoguery, clear rules and their fair and consistent application can lead to an orderly process. Our system of government, with its foundation in a robust, free exchange of ideas and lofty First Amendment aspirations, militates against controlled civil discourse. Certainly, civility cannot be mandated, but order has to be maintained. At the same time, the Commission has to provide a broad opportunity for public participation. As said by Justice Felix Frankfurter in Baumgartner v. United States, 322 U.S. 665, 673-4 (1944), "One of the prerogatives of American citizenship is the right to criticize public men and measures – and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation."

The following rules are content-neutral time, place, and manner regulations which are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The significant government interest being an orderly meeting.

Chapter 1 Meetings

Rule 1-1 Time of Regular Meetings

The regular meeting of the Board of County Commissioners shall be held on the first and third Tuesday of each month, commencing at 9:00 a.m. in the commissioner chambers of the Teton County Administrative Office located at 200 S. Willow St., Jackson, Wyoming, or at such other location within the county as may be necessary due to limitations of space or other reasons. (W.S. §16-4-404(a), Lexis 2001)

Rule 1-2 Special Meetings

The chair or a majority of the Board of County Commissioners, shall have the power to call special meetings of the County Commission, the object of which shall be submitted to the County Clerk in writing and the call and object, as well as the disposition thereof, shall be entered upon the journal by the County Clerk. The call shall be in writing and signed by the person or persons calling the meeting. Notice shall be given to each member of the County Commissioner 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. No other business shall be considered at a special meeting. (W.S. §16-4-404(b), Lexis 2001)

Rule 1-3 Open Meetings

All meetings of the County Commission are public meetings, open to the public at all times, except as otherwise provided. No action of the County Commission shall be taken except during a public meeting. (W.S. §16-4-403(a), Lexis 2001). Meetings are defined as when at least a quorum of the Teton County Board of County Commissioners (three (3) members), are assembled for the purpose of discussion, deliberation, presentation of information, or taking action regarding public business, after having been called together through the proper authority. (W.S. §16-4-402(a)(iii), Lexis 2001)

Rule 1-4 Executive Sessions

- (a) The County Commission may hold executive sessions not open to the public upon a majority vote of the members present. Executive Sessions may only be held within a regular or special meeting and may not be held independently of a regular or special meeting:
- 1) With the attorney general, county attorney, sheriff or their respective deputies, or other officers of the law, on matters posing a treat to security of public or private property, or a threat to the public's right of access;
 - 2) 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 County Commission 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 County Commission may deliberate on its decision in executive sessions;
 - 3) On matters concerning litigation to which the County is a party or proposed litigation to which the County may be a party;
 - 4) On matters of national security;
 - 5) 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;
 - 6) To consider acceptance of gifts, donations, and bequests which the donor has requested in writing to be kept confidential;
 - 7) To consider or receive any information classified as confidential by law;
 - 8) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations. (W.S. §16-4-405, Lexis 2001)

- (b) The County Clerk or her designee shall be present at all executive sessions and shall take the minutes. Approval of minutes from previous executive sessions may only be approved during an executive session. (Fontaine v. Board of County Commissioners, 4 P.3d 890 (Wyo. 2000))

Rule 1-5 Public Participation

A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation. (W.S. §16-4-403(b), Lexis 2001)

Rule 1-6 Recess

The County Commission may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held. (W.S. §16-4-404(c), Lexis 2001)

Rule 1-7 Emergency Meetings

The County Commission may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within 48 hours. (W.S. §16-4-404(d), Lexis 2001)

Rule 1-8 Disruption of Meetings

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the Chair may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section. (W.S. §16-4-406, Lexis 2001)

Chapter 2 Conduct of Meetings

Rule 2-1 Chapter Constitutes Rules Governing Procedures; Suspension of Rules

The provisions of this chapter shall constitute the rules and regulations governing the procedures of the County Commission, and shall be strictly adhered to unless temporarily suspended by three-quarters vote of the council members present at the meeting. The motion to suspend the provisions of this chapter must specify for what purpose the suspension is made and the suspension shall exist only until the purpose named in the motion is accomplished.

Rule 2-2 Applicability of Robert's Rules of Order

This Chapter shall govern the County Commission in regards to parliamentary procedure of meetings, however, for those areas of parliamentary procedure in which this Chapter is silent, the rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 10th Edition, and any subsequent editions or amendments thereto, if any, shall govern the County Commission so long as Robert's Rules of Order are not inconsistent with the provisions of this Chapter or the Statutes of the State of Wyoming.

Rule 2-3 Presiding Officer

The Chair shall preside at all meetings of the County Commission as the presiding officer. In the absence of the chair, the vice-chair shall preside and act as chair until the appearance of the chair. If the vice-chair is unavailable, the county commission may appoint by a majority vote a chair pro-tem. The chair pro-tem and vice-chair when occupying the place of the chair, may exercise all of the powers of that office, and have the same privileges, while so acting, shall be as binding upon the Board of County Commissioners and upon the County of Teton, as if done by the chair. The Chair shall designate a Parliamentarian to advise as to parliamentary procedure.

Rule 2-4 Call to Order

At the hour appointed for the meeting of the County Commission, the County Commission shall be called to order by the presiding officer. The

County Clerk or her designee, shall call the roll. If a quorum is present, the County Commission shall proceed to the business which may come before it. A majority of all the qualified members of the governing body constitute a quorum. Once achieved, a quorum is not obviated by a member who has withdrawn from a meeting without the approval of the Commission.

Rule 2-5 **Order of Business**

(a) The order of business at each regular County Commission meeting shall be as set forth in the agenda prepared prior to each meeting. The suggested agenda format is as follows:

- Call to Order
- Roll Call
- Quorum Pronouncement by the Chair
- Approval of Minutes
- Adoption of Agenda
- Communications
- Public Comment
- Reports
- Special Orders
- Unfinished Business and General Orders
- New Business
- Adjournment

(b) The County Clerk or her designee shall prepare and deliver to each commissioner and the County Attorney an agenda no later than 7 days preceding the next meeting. Items to be included on the agenda must be submitted to the County Clerk in writing on the first Friday following the last regular meeting. The agenda shall state the presenter for each agenda item. The County Clerk shall also mail a copy of the agenda to every person who has requested the same in writing during the preceding year.

(c) Following adoption of the agenda, agenda items may not be added, removed, or their order changed unless by a vote of the majority of the commissioners present or at the discretion of the chair.

Rule 2-6 **Public Participation**

- (a) Recognition. No person may address the Commission without the permission of the presiding officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the presiding officer may not recognize anyone other than a commissioner or a member

of the county staff until all commissioners have finished discussing the agenda item under consideration.

- (b) Addressing the Commission. A person addressing the Commission shall do so at the speaker's rostrum and shall begin by offering his or her name and group affiliation, if any, orally, and in writing if requested. All remarks shall be addressed to the chair. No cross-talking shall be permitted.
- (c) Limits. Each speaker shall limit his or her remarks to three (3) minutes, except as otherwise specifically provided for in these rules, or except as time is extended by the presiding officer. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the agenda item under consideration.
- (d) Questions. Following each speaker's remarks, each commissioner shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if all the commissioners present other than the questioner object.
- (e) Written Communication. Consideration of written communications of an evidentiary or argumentative nature that is received by the Commission less than 48 hours prior to the meeting is discouraged, and no commissioner is obligated to take into consideration matters contained therein. Similarly, consideration of petitions, except to the extent that the signatures are witnessed by notary public, is discouraged and no commissioner shall have any obligation to assume the genuineness of unwitnessed signatures to any petition.

Rule 2-7 Preservation of Order

The Presiding Officer shall preserve order, prevent personally directed comments, confine members in debate to the question, and shall decide who shall be first heard when two or more commissioners rise at the same time. Any appeal of the presiding officer's decision in such case shall be to the County Commission then sitting, which shall decide at once and without debate, and a member called to order may extenuate or justify. A member called to order at a County Commission meeting shall at once suspend his remarks, unless permitted to explain. If there is no appeal, the decision of the presiding officer shall be conclusive and, if an appeal is taken, the County Commission shall decide the question at once and without debate.

Rule 2-8 **Sergeant-at-Arms**

The County Sheriff, or his designee, shall act as sergeant-at-arms at all meetings of the County Commission at the request of the chair, and he shall preserve order at such meetings and carry out the directions of the presiding officer respecting any business of the county commission.

Rule 2-9 **County commissioners to observe order**

No county commissioner shall entertain conversation while another is speaking at a County Commission meeting nor pass between the speaker and the presiding officer.

Rule 2-10 **Procedure to Obtain Floor**

Each county commissioner, before speaking on any question at a county commissioner meeting, shall address himself to the presiding officer by his proper title, and shall not proceed with his remarks until recognized and named by the presiding officer. A Commissioner may obtain the floor without recognition by the presiding officer for a point of order.

Rule 2-11 **Limit on Speaking on the Question**

No county commissioner shall speak more than twice on the same question without leave of the presiding officer, nor more than once until each member present desiring to speak shall have spoken.

Rule 2-12 **Motions Generally**

- a. No question shall be debated or put to a vote at a county commission meeting unless the same is seconded. When a motion is seconded, it shall be so stated by the presiding officer before debate or action thereon.
- b. Each motion shall be reduced to writing by the county commissioner making it if the presiding officer or any county commissioner shall ask it.
- c. After a motion is stated by a presiding officer, it shall be deemed to be in the possession of the County Commission, but it may be withdrawn by the presiding officer before decision or amendment, with the permission of the County Commission.

Rule 2-13 **Division of Question**

If the question before the County Commission contains more than one distinct proposition, any county commissioner may have the same divided.

Rule 2-14 **Statement for Reasons of Voting**

Any county commissioner may state his reason for voting upon any question either immediately before or immediately after the entire vote is taken of all members, but he shall confine his remarks strictly to the subject under consideration, and shall not spend longer than five minutes.

Rule 2-15 **Subsidiary Motions**

- a) When a question is before the County Commission, no motion shall be received, except as herein specified, which motion shall have precedence in the order stated:
 - i) **To appeal** a procedural ruling of the presiding officer. The motion needs a second. The presiding officer has the first opportunity to speak to the appeal. Then debate may occur among the commissioners, and finally the presiding officer has the last right to speak before taking the vote. A majority vote is needed to sustain the decision of the chair;
 - ii) **To adjourn.** This motion may be made only at the conclusion of the action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to simply adjourn cannot be amended, but a motion to adjourn to a time named may be amended and is open to debate;
 - iii) **To take a brief recess.** This may be voted upon or is a privilege of the chair.
 - iv) **Question of Privilege.** Permits a member to make a request relating to the rights and privileges of the commission. Does not require a second and is not debatable. The chair rules on the request. Normally used to request to go into executive session, complain about noise or to turn down the heat in the room.
 - v) **Call to follow the agenda.** (Call for the Orders of the Day) The motion must be made at the first reasonable opportunity or it is waived. The commission may set aside the Orders of the Day by a two-thirds vote.
 - vi) **Point of Order.** A second is not required and is not debatable. To rise to a point of order is to protest a breach of the rules. The chair rules on the request.

- vii) **To suspend the rules.** The commission may not suspend provisions of the rules that are imposed by law, for example motions that require 2/3 by statute. To suspend the rules requires a 2/3 vote;
- viii) **Object to Consideration of a Question.** This motion is made to prevent the main motion from being considered. No second is required and it is not debatable. The motion requires a 2/3 vote in the negative not to consider. Only a negative vote can be reconsidered. If 2/3 of the commissioners vote in the negative, then the motion cannot be considered for the duration of the meeting. It can be proposed again at another meeting. The presiding officer shall state the question as: “The consideration of the question is objected to. Shall the question be considered? Those in favor of considering the question please say aye.”
- ix) **Division.** To verify a voice vote by having members stand. No second is required and it is not debatable. If called for it is done automatically without a ruling from the presiding officer.
- x) **Point of Information.** To request information
- xi) **To go into executive session.** The Commission may go into executive session only under the provisions of the Wyoming Open Meetings Act. The motion shall cite the statutory basis for the executive session and shall be adopted at an open meeting. The Commission may either recess or adjourn into executive session
- xii) **To leave executive session;**
- xiii) **To divide a complex question and consider it by parts.**
- xiv) **To defer consideration.** The Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 30 days thereafter unless a motion to revive consideration is adopted. This motion should be distinguished from a motion to postpone to a certain time or date, which matter then automatically is brought up again when that time arrives.
- xv) **Motion for the previous question.** This motion is not in order until there have been at least 20 minutes of debate and/or every member has had an opportunity to speak once. The previous question shall be put in this form: “Shall the main question now be put?” It shall be admitted when demanded by a majority of the members present. Its effect, when sustained by a majority of the members present, shall put to an end all debate and bring the County Commission to a direct vote.

- xvi) **To postpone to a certain time or day.** A Motion to postpone to a certain time or day may be either made as a general order or a special order. A special order requires two-thirds vote, whereas a general order only requires a majority. A General Order states the date and/or the approximate time that the matter will be taken up, but does not interrupt pending matters at that time. A Special Order states a specific date and time and at that specified time all pending matters cease in order to consider the special order. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the day in question or move to suspend the rules. Motions to Lay on the Table are to be only used for laying and removing items from the table of the same meeting. Improper usage of a Motion to Lay on the Table should be restated by the chair as a motion to postpone if it appears that is the true intention.
- xvii) **Refer.** The Commission may vote to refer a substantive motion to a committee or the staff for its study and recommendation.
- xviii) **To amend** An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. The intent of such an amendment should be achieved in a simpler, more straightforward manner by the defeat of the original motion. Pertinent amendments that make major substantive changes to the original motion are proper. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. On an amendment to strike out and insert, the paragraph or sentence it amends shall be first read as it stands, then the words proposed to be struck out, and then those words proposed to be inserted and finally the paragraph or sentence as it would stand if so amended. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote. Friendly amendments must be approved by the commissioner making the original motion and the commissioner who seconded the motion, and then treated as the main motion.
- xix) **To revive consideration.** The commission may vote to revive consideration of any substantive motion earlier deferred by Motion to Defer Consideration. The motion is in order at any time within the 30 days after the date of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 30 days after the deferral unless a motion to revive consideration is adopted.
- xx) **To Reconsider.** The Commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side, must be seconded by any member regardless of how that member voted originally, and only at the meeting during which the original

vote was taken or at the next regular meeting. When a motion is lost by reason of not receiving a two-thirds vote required for its passage, a motion to reconsider may be made by those voting in the minority. A motion for reconsideration being once made and decided in the negative shall not be renewed, nor shall a vote to reconsider be reconsidered.

- xxi) **To rescind.** The Commission may vote to rescind actions it has previously taken.
 - xxii) **To prevent reintroduction/reconsideration for six (6) months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds (2/3) of the entire membership of the Commission. If adopted, the restriction imposed by the motion remains in effect for six (6) months.
- b) When one of the motions listed in subsection (a) of this section has made:
- i) No other motion which is inferior to it in precedence may be made;
 - ii) All motions then pending must be put in the order of their rank as set forth in subsection (a) of this section; and
 - iii) No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.