

ORDINANCE NO. 1-2026

AN ORDINANCE CREATING CHAPTER 12, ETHICAL OBLIGATIONS OF PUBLIC OFFICIALS, PUBLIC MEMBERS AND TOWN EMPLOYEES, OF THE MUNICIPAL CODE OF THE TOWN OF MOORCROFT, WYOMING, SPECIFYING THE ETHICAL DUTIES AND OBLIGATIONS OF PUBLIC OFFICIALS, PUBLIC MEMBERS AND EMPLOYEES OF THE TOWN OF MOORCROFT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, WYOMING AS FOLLOWS:

Section 1. That Chapter 12, Ethical Obligations of Public Officials, Public Members and Town Employees, of Title 1, General Provisions and Administration, of the Town of Moorcroft, Wyoming, is hereby created as set out in this ordinance.

Section 2. Purpose and construction.

a. This chapter is promulgated in accordance with W.S. 15-1-127(c) and recognizes that every public official, public member and Town employee should act in the best interest of the Town and promptly disclose any potential or actual personal or private interest or conflict of interest when acting in their official capacity. The intent and purpose of this chapter is to recognize that the appearance of a public official having a personal or private interest or the appearance of a conflict of interest by a public member or Town employee can be as serious and potentially damaging to the public trust as a public official having an actual personal or private interest or a public member or Town employee having an actual conflict of interest. Accordingly, any potential personal or private interest or conflict of interest should be disclosed, evaluated and administered in a similar manner as any actual personal or private interest or conflict of interest.

Nothing in this chapter shall be construed to supersede the obligations imposed upon public officials under W.S. 9-13-101 through 9-13-109 or the requirements imposed under W.S. 15-9-220 or 16-6-118, which provisions shall control to the extent inconsistent with this chapter.

Section 3. Definitions.

a. As used in this chapter:

i. “Conflict of interest” means any circumstance where a public member or Town employee is in the position in their official capacity to approve or influence a policy or action of the Town of Moorcroft, which policy or action will likely affect the financial interests of:

- A. The public member or Town employee or the public member's or Town employee's immediate family member or domestic partner;
- B. Any public or private organization in which the public member, Town employee or an immediate family member or domestic partner of the public member or Town employee is a director, trustee or officer or has more than five percent (5%) equity or investment interest or the right to acquire any equity or investment interest of more than five percent (5%); or
- C. Any public or private organization in which the public member, Town employee or an immediate family member or domestic partner of the public member or Town employee has a compensation arrangement of any kind. For purposes of this provision, a "compensation arrangement" shall mean and include any arrangement pursuant to which compensation is owed, paid, or received by the public member, Town employee or any immediate family member or domestic partner thereof.

- ii. "Town employee" means an appointed, classified or unclassified full-time or part-time employee of the Town of Moorcroft who receives a salary, or wage, or employment benefits of any kind, as remuneration for their time, service and efforts. A Town employee shall not include any person who serves the Town of Moorcroft as a volunteer, without any remuneration of any kind. For purposes of this provision, the term "remuneration" shall include State or local retirement benefits and health insurance.
- iii. "Domestic partner" means a person with whom a public official, public member or Town employee maintains a household and an intimate relationship, other than to whom the public official, public member or employee is legally married.
- iv. "Immediate family member" means a person's parent, brother, sister, spouse, child, or the child or spouse of an immediate family member;
- v. "Official capacity" means an action of a public official, public member or Town employee, either exercisable alone or with others, to approve, disapprove, shape or otherwise direct the action of the Town council, the action of a Town board or commission or the action of a department of the Town of Moorcroft;
- vi. "Personal or private interest" means an interest which is direct and immediate as opposed to speculative and remote and is an interest that provides the public official a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly

situated. In determining whether a public official has a personal or private interest in a matter, the public official shall first recognize the importance of his or her right to represent their constituency;

- vii. “Private benefit” means the receipt by a public official, public member or Town employee of a gift which resulted from him or her holding an office or position with the Town of Moorcroft. For the purposes of this paragraph, “gift” shall not include any loan, gift, gratuity, special discount or hospitality with a value of fifty dollars (\$50.00) or less;
- viii. “Public official” or “public member” means any elected or appointed Council person and any appointed board member serving on an appointed board or committee of the Town of Moorcroft.

Section 4. Determination of Conflict, Disclosure and Reporting of Conflict.

a. Self Disclosure. Every public member shall have the affirmative duty to promptly and publicly disclose the existence of any conflict of interest or potential conflict of interest with respect to any proposed transaction, contract, policy, program or other matter under consideration by the public member in their official capacity. When in doubt, the public member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict. Disclosure of a matter as a potential conflict of interest may be made in writing by the public member to the Town Clerk, or may be made orally at any public meeting called by the Council for the purpose of conducting general business of the Town. Any disclosure made by a public member shall be sufficiently specific in detail as to allow the Council (or the remainder of the Council) to fully understand the nature of the potential conflict.

b. Third-Party Declaration of Conflict. If a public member does not declare a conflict of interest, and if two-thirds of the remaining Council, less the public member with the alleged conflict, determines that a conflict of interest exists as to any public member on any proposed transaction, contract, policy, program or other matter under consideration, then a conflict of interest shall be deemed to exist. Determination of a conflict by the Council shall be made in open session and all facts supporting that determination shall be specifically detailed and shall become a part of the public record.

c. Removal from All Meetings. If a public member declares a conflict of interest on a proposed transaction, contract, policy, program or other matter under consideration, or if two-thirds of the Council, less the public member with the alleged conflict, determines that a conflict of interest exists, the Council may request that a conflicted public member leave the meeting, and any future meetings, during the times where the matter may be discussed or considered. The request of the Council and the absence of the conflicted public member shall be recorded in the official minutes of the board or commission. For purposes of this provision, the term “leave the meeting” shall mean the complete removal and absence of such public member from the meeting space.

Section 5. Conduct of Conflicted Member.

a. General Conduct. The public member, upon the disclosure of a conflict of interest or a determination that conflict exists in accordance with this section, shall not engage in conduct, in their official capacity, which is intended to influence or otherwise affect the outcome of an issue being considered by the Council for which the public member is conflicted. This section shall not prohibit a conflicted public member from engaging the public or the Council as a private citizen or constituent or as a party to any matter under consideration by the Council.

b. Voting. No public member shall decide or vote on any matter in their official capacity in which the public member is deemed to have a conflict of interest. Any public member who has a personal or private interest in a matter under consideration shall abstain from voting. Any abstention shall be recorded in the official records of the governing body. An abstention under this section shall only be required in clear cases of a personal or private interest. If a public member has previously voted on any matter in his or her official capacity, he or she shall decline to take any future financial ownership in the transaction, contract, arrangement, policy or other such matter upon which he or she previously voted for the entirety of the time that official is a member of Town council.

c. Incorporation of Wyoming Law. All provisions of Wyoming Statute §§15-1-127, 9-13-101 through 109, 15-9-220, and 16-6-118, as may be amended from time to time, are hereby incorporated in this Ordinance as if fully set forth herein.

Section 6. Misuse of office; use of title prestige of office.

a. No public official, public member or Town employee shall:

- i. Supervise or manage an immediate family member or domestic partner who is in an office or position or has employment with the Town of Moorcroft;
- ii. Advocate or cause the employment, appointment, promotion, transfer or advancement of a family member or a domestic partner to an office or position of the Town of Moorcroft;
- iii. Use his or her office or position for their own private benefit or use public funds, time, personnel, facilities or equipment for his or her private benefit or that of another person or entity unless otherwise authorized by law.

Section 7. Violations by public members, public officials or Town employees.

a. A violation of any provision of this chapter shall constitute sufficient cause for termination of a person's employment with the Town of Moorcroft, for the censure of a public official or public member, or for the removal of a public member from his office or position.

Section 8. Severability. Should the courts of this state or the United States declare

any section, provision, paragraph, clause, sentence, phrase or part thereof of this Ordinance invalid or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phase, or part thereof of this Ordinance, then such decision shall affect only the section, provision, paragraph, clause, sentence, phase or part thereof declared to be unconstitutional or unauthorized and shall not effect any other part whatsoever of this Ordinance.

Section 9. Repealing Clause. Any portion of any ordinance, order, by-law or resolution in conflict with this ordinance is hereby repealed.

Passed, approved and adopted on the ____ day of _____, 2026

FIRST READING: January 14, 2026

SECOND READING:

THIRD AND FINAL READING:

BENJAMIN GLENN, MAYOR

(SEAL) ATTEST:

JESSECONNALLY, TOWN CLERK

Published:



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MEMORANDUM

To: Honorable Mayor Patrick Collins and Members of the Town Council

From: John Brodie, Deputy Town Attorney

Date: May 17, 2023

Subject: Ordinance creating Chapter 2.96, Ethical Obligations of Public Officials, Public Members and Town Employees, of Title 2, Administration and Personnel, specifying the ethical duties and obligations of public officials, public members and employees of the Town of Moorcroft.

This ordinance is being proposed in accordance with Wyoming Statute 15-1-127(c), which requires the governing body of each Town and town, by ordinance, to "prescribe requirements governing conflicts of interest by any employee and any member of his immediate family and procedures by which any employee and any member of his immediate family may be exempt from those requirements." The proposed ordinance also prescribes requirements and procedures governing: (1) Public officials who have a personal or private interest in a matter under consideration by the Town council; and (2) Public members who have a conflict of interest with respect to any proposed transaction, contract, policy, program or other matter under consideration by the public member in their official capacity.

This proposal borrows language and concepts promulgated by the Town of Casper under Chapter 2.60 (Code of Ethics) of the Town's municipal code. A copy of Chapter 2.60 is attached to this memorandum for your review and consideration.

Chapter 2.60 CODE OF ETHICS¹

Definition of terms.

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

“Anything of value” means:

A pecuniary item, including money or a bank bill or note;

A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;

A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;

A stock, bond, note or other investment interest in an entity;

A right in action;

A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;

A work of art, antiques or collectible;

An automobile or other means of personal transportation;

Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;

An honorarium or compensation for services arising out of the person’s service as a public official, public member, or employee;

The sale or trade of anything of value for consideration that would ordinarily not be available to a member of the public; or with a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person’s status as a public official, official or public employee.

A promise or offer of employment;

Any other thing of value that is pecuniary or compensatory in value to a person.

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

¹Editor’s note(s)—Ord. No. 5-18, § 1, adopted May 15, 2018, repealed Ch. 2.60, which pertained to public service code of ethics and derived from prior code §§ 2-61—2-64, 2-65(a), (b), (c), 2-66—2-69; Ord. No. 39-00 §§ 1—6, adopted 2000; Ord. 21-02 §§ 1—8, 10—12, adopted 2002; and Ord. No. 21-14, §§ 1—3, adopted Sept. 2, 2014.

Subsequently, Ord. No. 29-19, adopted Oct. 15, 2019, enacted new provisions to read as herein set out.

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

“Compensation” includes:

An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or

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

“Compensation” does not include:

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

Per diem payments or mileage arid/or vehicle allowances paid by the employing government entity in accordance with applicable law;

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

“Domestic partner” means a person with whom a public official, public member or Town employee maintains a household and an intimate relationship, other than to whom the public official, public member or employee is legally married.

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

“Family member” means an individual, who is the spouse, parent, sibling, child, grandparent or grandchild;

“Financial interest” means anything of value which yields directly or indirectly a benefit-other than the authorized salary, wage and benefits and remuneration for services to the Town, to the “employee” or “public official” or “public member”.

“Gift” does not include any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars or less.

“Official responsibility and official capaTown” means acting on a board or commission position, either exercisable alone or with others, and while acting in that position can vote to approve, disapprove, shape and/or otherwise direct the board’s or commission’s actions.

“Personal interest” is:

With respect to a “public official,” “public member” or “employee” an interest which is direct and immediate as opposed to speculative and remote; and

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

“Public member” means a member of the public not employed by the Town and who is not a “public official,” who is appointed to a board or commission while acting within “official responsibility” or “official capaTown” of the Town of Casper.

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“Public official” or “public member” means: every elected or appointed Casper Town Council person, and every appointed board or commission member serving on a board or commission of the Town of Casper.

(Ord. No. 29-19, 10-15-2019)

2.60.020 Use of title prestige of public office.

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

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

(Ord. No. 29-19, 10-15-2019)

2.60.030 Nepotism.

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

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

(Ord. No. 29-19, 10-15-2019)

2.60.040 Misuse of office.

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

(Ord. No. 29-19, 10-15-2019)

2.60.050 Official decisions and votes.

Official Decisions and Votes.

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

With respect to the public official or public member, an interest which is direct and immediate as opposed to speculative and remote; and

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

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

This section shall not be construed to supersede Wyoming Statutes Sections 15-9-220, or 16-6-118. Those provisions shall control to the extent inconsistent with this section.

Definition of/Purpose for Conflict of Interest. Prohibition.

Definition of "Conflict of Interest." A conflict of interest will be deemed to exist, whenever an individual is in the position to approve or influence policies or actions of the Town of Casper or one of its boards or commissions (hereafter Town), or reasonably appears to be in a position to approve or influence policies or actions of the Town, which involve or could harm, or benefit financially: (i) the individual; (ii) any member of the member's immediate family (spouse, parents, children, brothers or sisters, and spouses of these individuals and/or cohabitation partner); (iii) any organization in which he or she or an immediate family member or cohabitation partner is a director, trustee or officer or has more than five percent equity or investment interest or the right to acquire any equity or investment interest of more than five percent; (iv) any organization in which he or she or an immediate family member or cohabitation partner has a compensation arrangement; For the avoidance of doubt, service on a joint powers board while on the Town council, and service as a liaison or representative to a Town of Casper commission or board, shall not constitute a conflict of interest, but the duty of the council member is to act in the best interest of the Town.

Purpose. The purpose of this policy recognizes the mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. Each Town council member shall promptly disclose any conflict of interest or potential conflicts of interest that exist or may arise; a council member is to act in the best interest of the Town.

Procedures Regarding Conflicts of Interest:

Duty to Disclose:

In connection with any proposed transaction, contract, arrangement, policy, program or other matter being considered by the Town of Casper or its governing body, a council member shall promptly disclose the existence of any conflict or potential conflict that may give rise to a conflict of interest with respect to the proposed transaction, contract arrangement, policy, program or other such matter.

Potential conflicts of interest can be seriously damaging to the public's trust. A council member shall promptly disclose the existence of any potential conflict of interest. When in doubt, the council member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict.

If any council member has reason to believe that another council member has a potential conflict of interest, the council member with such belief shall inform the governing body, including disclosing all relevant facts and concerns relating thereto.

If any citizen or group of citizens has reason to believe that a council member has or had a conflict of interest, the citizen or group of citizens can bring the complaint to a council member, who shall forward the complaint to the mayor or the vice mayor. The mayor or vice mayor will acknowledge receipt of the complaint to the complainant and will advise the complainant that appropriate

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measures will be taken, based upon a review of the complaint, which may include communications with the parties, Town staff or others as deemed necessary.

Procedures for Addressing a Conflict of Interest.

If a council member declares a conflict of interest, or a potential conflict of interest exists, or two-thirds of the governing body less the member with an alleged potential conflict determine that a conflict of interest exists, the conflicted member may make a presentation to the governing body in open session regarding the conflict of interest but shall only state facts; the member shall not argue for or against the item under consideration. The conflicted member shall then leave the meeting and all future meetings where the potential conflict may be discussed or considered and shall not be present during any discussion of the matter which gave rise to the conflict of interest or potential conflict of interest of the member.

Duty to Abstain.

After disclosing the existence of a potential conflict, the council member shall refrain from using their potential influence (either at or outside a council meeting, or otherwise) to influence the governing body's handling of the transaction, contract, arrangement, policy, program, or other matter.

No council member may vote on, or each council member must abstain from voting on, any matter in which the council member has a conflict of interest or potential conflict of interest.

Preemptive Policy to Avoid Conflicts of Interest or the Appearance of a Conflict of Interest.

If a council member votes on a matter before council, he or she shall decline to take any financial ownership in the transaction, contract, arrangement, policy, or other such matter upon which he or she voted, for the entirety of the time that member is a member of Town council and/or is a Town council board or commission appointee.

(Ord. No. 29-19, 10-15-2019; Ord. No. 21-20, 10-20-2020)

2.60.060 Actions taken while negotiating for employment.

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

(Ord. No. 29-19, 10-15-2019)

2.60.070 Consequences to public officials, officials and employees.

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

(Ord. No. 29-19, 10-15-2019)

2.60.080 Effective date.

This chapter shall become effective twenty-one days after council has approved the ordinance [from which this chapter derives] on third reading.

(Ord. No. 29-19, 10-15-2019)