

CHAPTER TWO  
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ADMINISTRATION

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2-1. Certain Statutes Applicable to the City of Gillette

The City of Gillette shall not be governed by the provisions of Wyoming Statutes, 1977, Sections 15-3-204 through 15-3-206, 15-3-208, 15-3-210 through 15-3-212, 15-3-302 and 15-3-304. (Charter Ord. 1132, 8-18-80.)

2-2. City Administration

The following provisions shall apply to and govern the City of Gillette.

(a) The Governing Body shall employ a City Administrator and City Attorney, and fix their salaries. The City Administrator shall receive no other or additional salary for the performance of any of the duties required of him as City Administrator. The City Administrator, City Attorney, and Municipal Judges are employees of the Governing Body. The City Administrator, City Attorney, and Municipal Judges are appointed by the Governing Body. Their salaries may be changed from year to year, and they may be discharged and their employment terminated at any time only by a majority vote of all the members elected to the Governing Body. (Charter Ord. 1165, 1-19-81; Charter Ord. 3582, 9-5-2008, effective date 12-6-2008)

(b) The Administrator shall give at least thirty (30) days notice in writing to the Governing Body before resigning his position. If the position becomes vacant for any reason, the Governing Body shall immediately proceed to employ another person. If there is a delay in securing a new Administrator the Governing Body shall act as Administrator at no additional compensation. The Governing Body shall be vested with authority and charged with the duties and responsibilities of the Administrator until an Administrator is hired and qualified. ( Charter Ord. 3582, 9-5-2008, effective date 12-6-2008)

(c) The Governing Body shall appoint one (1) or more municipal judges with jurisdiction to hear and determine all cases arising under the ordinances of the City.

(d) The Governing Body may employ experts to perform unusual or special services upon the recommendation of the Administrator or otherwise.

(e) Except for the City Administrator, Attorney and Municipal Judges, all employees shall be employed by the City Administrator and be selected on merit. He shall fix their salaries by and with the consent of the Governing Body, consistent with the city's ability to pay. Nothing herein shall be construed as affecting or superceding the provisions of Wyoming Statutes, 1977, 15-5-101 to 15-5-301 and 27-10-101 through 27-1-109, W.S. 1977. (Charter Ord. 1165, 1-19-81)

(f) In addition to his specific duties, the Administrator shall see that all laws and ordinances are observed and enforced. He shall attend all meetings of the Governing Body and may recommend necessary and expedient measures. He shall prepare and submit to the Governing Body reports required by it, or that he considers advisable. He shall keep the Governing Body fully advised of the City's financial condition and its future needs. He shall prepare the budget annually, submit it to the Governing Body and be responsible for its administration after adoption. He shall perform all duties imposed on him, not inconsistent with State Law or ordinances. The Administrator is the purchasing agent for the city.

(g) The Administrator shall manage any utility owned and operated by the city. Subject to the laws relating to public utilities, the Governing Body shall fix all rates and compensation to be paid by consumers of water, sewer, sanitation, electric current or any service furnished by any other public utility, owned or operated by the city. The Administrator shall make and enforce all necessary rules, regulations and penalties to enforce their collection, or for the protection of the property and rights pertaining to public utilities.

(h) The Administrator shall appoint, hire, and remove all employees according to the personnel rules and policies as adopted by the City Council. The City Clerk may be appointed to act as Treasurer, but in that event shall not receive more than the salary of one position. In addition, the Administrator may appoint and remove all necessary

subordinates, clerks, assistants, and laborers and fix the compensation of those appointed by him within the limits fixed by the Governing Body and the law. Except as otherwise provided he shall prescribe the powers and duties of all employees and may require any employee to perform duties of all employees and may require any employee to perform duties in two or more departments. He shall file with the Clerk a list of the names of all employees together with a statement of the salary or compensation each is to receive. The Administrator shall recommend such rules and regulations necessary for the efficient and economical conduct of the business of the City. The salaries of all officers shall be fixed by ordinance but shall not be less than the following amount per year: the Mayor, Six Hundred Dollars (\$600.00); each Councilman, Ten Dollars (\$10.00) for actual attendance at each regular or special meeting of the Governing Body or attendance upon any committee meeting.

(i) 1. Any person interested in any contract with the city, except contracts for current supplies for which no competitive bid is required, either individually or as a member of a firm, or as a director or other managing officer of a corporation, except the contract for his lawful compensation or salary as such officer or employee, is ineligible to hold any office or employment except as provided under this section.

2. An exception to the prohibition herein contained shall exist in the case of any member of the Governing Body in any situation involving a contract, whether submitted by sealed bids or otherwise by the Governing Body wherein the member may have an interest, directly or indirectly, provided that the following are complied with:

a. The interested member shall reveal the nature and extent of his interest to the other members of the Governing Body prior to consideration of said contract; and

b. The interested member shall not attempt to influence the other members of the Governing Body in any way relating to said contract; and

c. The interested member shall absent himself during the consideration or discussion of the said contract, nor shall he have a vote thereon; and

d. The interested member shall not participate in the consideration or discussion of the said contract, nor shall he have a vote thereon; and

e. The interested member shall not act, directly or indirectly, for the city in inspection, operation, administration or performance under the contract in which he has an interest.

(j) No officer or employee of the city may solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly from or by reason of any improvement, alteration or repair required by authority of the city, or any contract to which it is a party, except his lawful compensation as such officer or employee. No officer or employee may solicit, accept or receive, directly or indirectly, from any public service corporation, or the owner of any public utility or franchise of the city, any pass, frank, free ticket, free service, or any other favor, except that councilmen, who are regularly employed by such public service corporation or owner of public utility or franchise may receive free service or favor as is given to all other similar employees. A violation of any of the provisions of this section disqualifies the offender to continue in the employment of the city, and he shall be removed from his position. Any contract in which any officer or employee of the city is, or becomes, directly or indirectly interested, a corporation except as provided above in part I is void. Any money which has been paid on the contract may be recovered by the city from any and all the interested persons by a joint and several action brought in the name of the city.

(k)

1. The treasurer is the custodian of all money belonging to the city and shall give bond in double the sum of money estimated by the Governing Body to be at any time in his hands. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto; give every person paying money into the treasury a receipt specifying date of payment, and on what account paid; and shall file copies of all receipts, except tax receipts, with his reports. The treasurer shall keep all monies belonging to the city separate and distinct from his own, and he shall not, either

directly or indirectly, use the corporation money or warrants in his custody for his own use and benefit, or that of any other person or persons.

The City Administrator shall report to the Governing Body annually, at a time prescribed by ordinance, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury, showing the indebtedness of the city. He shall keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and person to whom paid, and specifying the time of payment.

2. Except as otherwise provided, all disbursements shall be made by warrants signed by the Administrator or the city clerk under his direction and countersigned by the mayor, and no warrant may be drawn in payment of a claim of more than \$50.00 until the claim certified by the Administrator has been allowed by resolution of the Governing Body. Every warrant shall specify its purpose, the fund against which it is drawn, and shall be made payable to the order of the person in whose favor it is drawn. Any warrant contrary to this section is void and any officer or employee drawing such a warrant is personally responsible for the amount of any payment made on it.

3. When any warrant is paid, it shall be immediately cancelled and filed in the office of the city treasurer. The orders drawn upon each fund shall be kept separate. The Governing Body shall provide for the examination during each audit of all cancelled warrants, bonds, and other obligations in the hands of the Administrator.

(1) Principal and interest upon bonds and certificates of indebtedness, when due, may be paid by the Administrator out of the proper funds, upon presentation and surrender to him of the bond, certificate or interest coupon. When paid, they shall be cancelled immediately and filed in the office of the Administrator, in the same manner as warrants. The payments shall be made by warrants conforming to the requirements of part (k), above.

(m) Every check drawn upon a city depository in payment of a warrant shall be signed by the Administrator or the city clerk under his direction and countersigned by the mayor, and state clearly thereon the purpose for which it is drawn.

(n) The Governing Body has the exclusive power and may, by ordinance, vacate any highway, street, lane or alley, or portion of either. The city may demand and receive the value of the land vacated as consideration for the vacation. (C.O. 1132, 8-18-80.)

#### Article I. City Council

2-3. Duties of councilmen generally.

The duties of the councilmen of the city shall, in addition to the duties prescribed by the statutes of the state, be to attend meetings and serve on all committees to which they are assigned. (C.O. 1948, Section 49.)

2-4. When regular meetings held.

The regular meeting of the Governing Body of the City of Gillette shall be held at 7:00 P.M. on the first and third Tuesday in each month. (C.O. 1948, Section 33; Ord. No. 820, 5-3-76; Ord. 3805, 10-21-2013.)

2-5. Notice of special meetings.

Whenever a special meeting is called as provided by Wyoming Statutes it shall be the duty of the city clerk to notify the members of the council by any means reasonably calculated to inform the members of the time and place of the meeting and to afford them an opportunity to attend. Regardless of the means of notice selected the content of the notice shall include the time and place of the special meeting and a description of the subject matter for discussion and action. Notice may be waived by any council member

by attendance or by any other reasonable means. (C.O. 1948, Section 38; Ord. No. 820, 5-3-76.)

2-6. Rules of Order.

Robert's Rules of Order, newly revised, copyright 1970, published by Scott, Foresman and Company, shall govern the city council in its deliberation in cases not otherwise provided for by statutes, ordinance, rule or regulation. (C.O. 1948, Section 34; Ord. No. 820, 5-3-76.)

Article II. OFFICERS AND EMPLOYEES, GENERALLY.

2-7. Bonding of officers and employees.

All city employees, including officers, shall be bonded for the faithful performance of their duties in a penal sum to be equal to twice the average amount of money estimated by the City Administrator to be at any time in such employee's hands; provided, that the City Administrator may increase or diminish the penal sum of the bond or its terms and conditions at any time as may be necessary to comply with the State Statutes. (Ord. No. 637, 1, 10-20-70; Ord. No. 820, 5-3-76.)

Article III. BOARDS, GENERALLY

2-8. City Planning Commission Establishment

(a) A planning commission for the City of Gillette pursuant to 15-1-602 W. S. 1977 is established and is appointed as the City Zoning Commission pursuant to 15-1-706 W.S. 1977.

MEMBERSHIP, COMPOSITION, TERMS

(b) The Planning Commission shall consist of seven members. Members shall serve for terms for three (3) years to expire June 30, provided that commission members

serving on the Planning Commission in March of 1989, whose terms would have expired on April 30, 1989, shall continue to serve until June 30, 1989. Commission members whose terms would have expired on April 30, 1990 shall continue to serve until June 30, 1990 and Commission members whose terms would have expired on April 30, 1991 shall continue to serve until June 30, 1991. The terms shall be staggered so that two positions shall become vacant in 1989, two shall expire in 1990 and three shall expire in 1991 and so that reappointments shall continue to expire in the same order thereafter. (Ord. 1718, 3-6-89)

## ORGANIZATION

(c) The Planning Commission shall hold its initial meeting July 10, 1979 to elect a chairman and vice-chairman, establish a meeting schedule and to conduct its other regular business. The chairman and vice-chairman shall serve for terms of one year, to expire the last day of April, provided that the terms of the first chairman and vice-chairman shall expire April 30, 1980. At the first meeting in May of each year the members shall elect their chairman and vice-chairman. The chairman shall preside at all meetings, and in his absence the vice-chairman shall preside. The City Department of Planning and Development shall be the secretary of the Planning Commission. The Planning Commission shall meet monthly and at such other times as necessary to conduct its business.

## CONTINUITY

(d) The Planning Commission established herein is the successor to the Gillette Campbell County Planning Commission as it relates to matters within the City and shall continue to process pending business at the level such business had achieved as the last official meeting of the Gillette/Campbell County Planning Commission. Within sixty (60) days of the initial meeting referred to in part (c) above the Planning Commission shall submit rules and regulations to the City Council for consideration.

## POWERS AND DUTIES

(e) The Planning Commission shall act consistently with the Subdivision Regulations and the Zoning Code; shall conduct public hearings and public meetings as may be necessary; shall conduct necessary studies and make recommendations to the City Council, public officials, other organizations and citizens on matters relating to the physical development of the City and its environs; and shall continually review and propose amendments to the Master Plan or Comprehensive Plan and certify such proposed amendments to the City Council. (Ord. 1017, 7-2-79.)

2-9. Renumbered as 5-7 (Ord. 1500, 11-21-83)

2-10. Renumbered as 5-8 (Ord. 1500, 11-21-83)

2-11. Renumbered as 5-9 (Ord. 1500, 11-21-83)

2-12. Board of Adjustment.

A Board of Adjustment is hereby created. Such Board shall consist of five (5) members, all of whom shall be residents of the City of Gillette. Members shall serve for terms for three (3) years to expire June 30, provided that members serving on the Board of Adjustment in March of 1989, whose terms would have expired on May 15, 1989, shall continue to serve until June 30. Board members whose terms would have expired on May 15, 1990 shall continue to serve until June 30, 1990 and Board members whose terms would have expired on May 15, 1991 shall continue to serve until June 30, 1991. They shall be appointed by the mayor and with the consent of the city council. The terms shall be staggered so that two positions shall become vacant in 1989, one shall expire in 1990 and two shall expire in 1991 and so that reappointments shall continue to expire in the same order thereafter. Vacancies shall be filled by appointment, by the same authority, for the unexpired term only. Members of the board serve without compensation. ( 2501, City Zoning and Subdivision Regulations; Ord. 820, 5-3-76; Ord. 1718, 3-6-89)

2-13. Personnel Review Board and Personnel Policies.

A. There is established a Personnel Review Board for the City of Gillette to oversee personnel procedures and serve as an appeals board for the Personnel Policies and Procedures Manual of the City of Gillette. The Board shall be composed of three (3) members, appointed by the Mayor with the advice and consent of the City Council, who shall serve for terms of three (3) years and shall not be removed from the Board except

for cause under procedures in compliance with the Wyoming Administrative Procedures Act.

Members shall serve for staggered terms of three (3) years each to expire June 30. Vacancies shall be filled by appointment, by the same authority, for the unexpired term only. Members of the board serve without compensation.

B A personnel policies and procedures manual has been adopted by resolution by the governing body of the City of Gillette, to serve as a general guide to the City's current employment practices and procedures, to assist employees to understand how the City operates and what is expected of the individual employee. This manual may also be referred to as the Employee Handbook and may be amended at any time and from time to time by resolution of the Governing Body. These guidelines also provide general information about compensation, benefits and other support provided to employees by the City. The guidelines also provide that if any person is removed from office for incompetency, neglect of duty or otherwise for cause, the charges against that person shall be specified and the person removed shall be provided an opportunity to file a grievance which can result in a hearing before the Personnel Review Board on the charges. (C.O. 1948, 14; Ord. 820, 5-3-76; Ord. 849, 10-18-76; Ord. 1532, 6-4-84; Ord. 1718, 3-6-89; Ord 3291, 11-17-2003)

2-14. Adoption of Municipal Budget Act.

No officer or employee of the City of Gillette shall make any expenditure or encumbrance in excess of the total appropriation for any department, as revised or amended providing that the revision or amendment occurs no later than one hundred twenty (120) days after the end of the fiscal year in which the expenditure or encumbrance occurred.

2-15. Salaries for the Mayor and City Councilmen

A. The salary for the Mayor of the City of Gillette shall be \$18,000 per year.

B. The salary for the Councilmen shall be \$500 per month.  
(Ord.1714, 1-16-89 ; Ord. 3028, 3-2-98)

2-16. (Repealed Charter Ord. No. 1624,4-7-86)

2-17. (Repealed Charter Ord. No. 1624 4-7-86)

2-18. (Repealed Charter Ord. No. 1624 4-7-86)

2-19. (Repealed Charter Ord. No. 1624 4-7-86)

2-20. Administrative Agency Contested Case Procedure Rules.

(a) Scope.

The rules of practice and procedure set forth in this article shall be applicable only in contested cases, as defined in Section 16-3-101 Wyoming Statutes, 1977, as amended, before agencies of the municipality as defined in Section 16-3-101, Wyoming Statutes, 1977, as amended. This ordinance shall not be interpreted to grant new causes of action or to permit appeals of City or agency action not otherwise appealable. Nothing in these rules shall be interpreted to preclude informal settlement of any case.

(b) Petitions--Initiation of contest; filing period.

All contested cases to which the rules of practice and procedure set forth in this article apply shall be initiated by the particular agency of the municipality or by a petitioner upon a written verified petition which shall allege the acts or omissions by which the petitioner is aggrieved or adversely affected. The petition shall be filed within ten days of the act or omission from which the petitioner is aggrieved or adversely affected.

(c) Same--Place of filing; contents.

The verified petition shall be filed with the clerk of the municipality and shall set forth:

- (1) The name of the agency to which the petition is directed;
- (2) The name and address of each contestee and his attorney, if any;
- (3) The legal description and a plat plan of real property involved in the contest, if any;
- (4) A statement, in ordinary and concise language, of the facts upon which the petition is based, including reference to statutory law, ordinances, rules, regulations and

orders and including any instruments or documents involved in the allegations therein contained;

(5) A concise request or prayer for the specific relief desired.

(d) Same--Service.

The petitioner shall cause to be served upon all contestees named in the petition a full, true and correct copy thereof. Service and proof of service shall be made in accordance with the provisions of Rule 4, Wyoming Rules of Civil Procedure; provided, that personal service made within the municipality may be made by a member of the police department of the municipality. In the case of the agency, service shall be made upon the presiding officers.

(e) Answer generally.

Contestees shall be allowed twenty days from and after the date of service of the petition within which to file with the clerk of the agency or if none has been appointed the City Clerk, his answer or other appearance. A copy of such answer or other appearance shall be served upon the petitioner in accordance with the provisions of Rule 5, Wyoming Rules of Civil Procedure.

(f) Docket; filing fee.

When a proceeding is instituted by the filing of a petition as provided in this article the clerk of the agency or the city clerk, shall assign it a number and enter it with the date of its filing on a separate page of a docket provided for that purpose. The clerk shall establish a separate file for each docketed case, in which shall be placed all pleadings, documents, papers, transcripts, evidence and exhibits pertaining thereto; and all such items shall have noted thereon the docket number assigned and the date of filing. There shall be a filing fee in the amount of ten dollars which shall be paid to the clerk at the time of filing of the verified petition.

(g) Default.

In the event of failure of a contestee to answer or otherwise appear within the time allowed by these rules, provided that Section (d) has been complied with, such contestee so failing to answer or otherwise appear thereafter; and after written notice to the petitioner, the proceeding will be brought before the agency to which it was presented for consideration and appropriate action.

(h) Disposition without hearing.

Any proceeding initiated under this article may be concluded by stipulation, agreed settlement, consent order or default of the parties or motion and order of dismissal if such disposition is approved by the agency before which it was initiated. If a proceeding is so disposed of an appropriate order shall be entered and included in the case record.

(i) Hearing of motions generally.

The agency before which the proceeding was initiated may, after ten days notice given in accordance with Section (1), hear any motion filed in connection with any proceeding initiated pursuant to the rules set forth in this article.

(j) Depositions; discovery.

Any party to a proceeding initiated pursuant to the rules set forth in this article may take depositions and discovery in accordance with Section 16-3-107, Wyoming Statutes, 1977.

(k) Pre-hearing conferences.

Prior to the day of hearing, the agency before which the proceeding was initiated may direct the parties to the proceeding or their attorneys to appear before the agency for a pre-hearing conference.

(l) Hearings--Date; Notice; Representatives.

After the issues of the case have been joined the agency before which the proceeding was initiated shall set a date, time and place for hearing. The agency shall give notice of hearing to all parties to the proceeding in accordance with the provisions of

Section 16-3-107, Wyoming Statutes, 1977, as amended. Such notice shall be given personally or by certified or registered mail with return receipt thereof not less than 15 days prior to the date of hearing. If notice of hearing is given by mail, the computation of time shall begin to run on the date the notice is deposited in the United States Mail. All issues and matters involved in a proceeding shall be presented on behalf of the agency by an officer or agent of such agency as designated by it. Any contestee may be represented personally or by counsel subject to the provisions of Section (q).

(m) Same--Order of procedure.

As nearly as may be, hearings shall be conducted in accordance with the following order or procedure:

(1) The presiding officer of the agency before which the hearing is being conducted shall announce that the hearing is convened upon the call of the docket number and title of the matter to be heard and shall direct the reading into the record of the formal notice of hearing given by the agency and shall note for the record all subpoenas issued and all appearances of record including contestees and their counsels of record;

(2) The petitioner or his agent or attorney shall be allowed to make an opening statement to briefly explain his position to the agency and to outline the evidence he proposes to offer;

(3) The petitioner or his agent or attorney shall thereupon proceed to present his evidence. Witnesses may be cross-examined by the other parties and may be examined by members of the agency. All exhibits offered by and on behalf of the petitioner shall be marked by letters of the alphabet beginning with "A".

(4) The other parties shall, in the order of answers or appearances made, be heard in the same manner as the petitioner;

(i) They shall be allowed to make an opening statement in the same manner and for the same purpose as the petitioner;

(ii) Their evidence, witnesses and exhibits shall be presented and heard in the same manner as allowed the petitioner and their exhibits shall be marked by numbers beginning with (1).

(5) The agency may, in its discretion, allow evidence to be offered out of order;

(6) At the conclusion of the presentation of the other party's evidence, the petitioner may present rebuttal evidence;

(7) At the conclusion of petitioner's rebuttal evidence, or if there is no rebuttal evidence, at the conclusion of the other party's evidence, the presiding officer of the agency shall declare the evidence closed;

(8) Closing statements will be made in the following sequence.:

(i) Petitioner;

(ii) Other parties in order of answers or appearances;

(iii) Petitioner in rebuttal.

The time for oral argument or closing statement may be limited by the agency;

(9) After all the proceedings have been concluded the agency shall declare the hearing closed. Any party may tender briefs of law to the agency, and the agency may call for such briefs as they may deem advisable or grant a party a reasonable time within which to prepare and submit briefs to aid the agency in arriving at a decision. The agency shall take the case under advisement and shall declare that its decision will be announced within a reasonable time following consideration of all the matters presented at the hearing.

(n) Subpoenas.

The presiding officer of the agency before which a proceeding is initiated pursuant to the rules set forth in this article shall, upon written request of any party to the proceeding, issue subpoenas for appearance or to produce books, paper and other documents or subpoenas duces tecum in accordance with the provisions of Section 16-3-107 Wyoming Statutes, 1977, as amended.

(o) Swearing of witnesses.

All persons testifying at any hearing pursuant to the rules set forth in this article shall stand and be administered the following oath by oath be either the presiding officer or secretary of the agency;

"Do you swear (or affirm) to tell the truth, the whole truth and nothing but the truth in this hearing now before the (name of agency)?"

(p) Applicability of Civil Rules of Procedure.

The following rules of practice and procedure contained in the Rules of Civil Procedure of Wyoming, insofar as the same may be applicable and not inconsistent with the laws of the state in matters before an agency and applicable to the rules, orders and regulations promulgated by an agency under such laws, shall apply: 4(c) (d) (m) (1) (2) (i,ii,iii,v) (n); 5; 6; 10;11;17(a); 20; 26; 18 though 37 (excepting Rule 37(b)(1) and 37(b)(2)(iv) therefrom; 45; 72.1.

(q) Attorneys.

The filing of an answer or other appearance by an attorney constitutes his appearance for the party for whom the pleading is filed. The agency before which the proceeding is initiated shall be notified in writing of his withdrawal from any hearing. Any person appearing before an agency at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless such person shall be an attorney licensed to practice law in the state or a nonresident attorney associated with a Wyoming attorney qualified to practice law in the state. This rule shall not be construed to prohibit any person from representing himself in any hearing before an agency.

(r) Recording of proceedings.

When oral testimony of witnesses is taken in contested cases before an agency, the proceedings, including all testimony, shall be reported verbatim by a competent reporter or by tape recording. The compensation of such reporter shall be paid by the unsuccessful party or as otherwise ordered by the agency. If a transcript of testimony is required in the subsequent agency deliberations, the cost thereof shall be furnished to the agency by the unsuccessful party.

(s) Making and filing of decisions.

The agency before which a hearing pursuant to this article is conducted shall, following the full and complete hearing, make and enter a written decision and order in all contested cases, in accordance with the provisions of Section 16-3-110, Wyoming Statutes, 1977, as amended. Such decisions and orders shall be filed with the agency and will, without further action, become the decision and order as a result of the hearing. Upon entry and filing the agency shall send a copy by prepaid mail to each party or their attorneys of record.

(t) Review or rehearing of rate-making, price fixing, or licensing cases.

In all contested cases conducted in accordance with the rules of practice and procedure set forth in this article the subject of which is rate-making, price-fixing or licensing, the decision of the agency before which the proceeding is initiated shall be final and shall not be subject to review or rehearing by such agency unless so ordered by the City Council or District Court. Subsequent petitions requesting the same or similar relief shall not be accepted by the clerk of the agency or considered by the agency subject to these rules for a period of 12 months following the entry of the decision of the agency before which the original proceeding was initiated.

(u) Appeals--Appeals to District Court and City Council generally.

Unless otherwise provided by statute all appeals of decisions rendered by municipal agencies shall be to the City Council. There shall be no trial de novo before the City Council and the hearing before the City Council shall be on the record as a whole as it was developed before the agency. Petitioner and contestee shall be given the

opportunity to make oral argument before the City Council. The City Council may affirm or reverse the decision appealed from and may direct that the agency conduct further hearings. The time limits for appeals of agency determinations shall apply to appeals to the City Council.

Appeals to the District Court from decisions of an agency are governed by Section 16-3-114, Wyoming Statutes, 1977, and Rule 12 of the Wyoming Rules of Appellate Procedure promulgated by the Supreme Court of the State of Wyoming.

(v) Same--Transcripts.

In case of an appeal to the District Court, the party appealing shall secure and file a transcript of the testimony and all other evidence offered at the hearing which transcript must be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case. The compensation of the reporter for making the transcript of the testimony and all other costs involved in such appeal shall be borne by the prosecuting such appeal.

(w) Applicability of "Wyoming Administrative Procedure Act."

In all proceedings before an agency pursuant to the rules set forth in this article, the "Wyoming Administrative Procedure Act" (Section 16-3-101 through 16-3-115, Wyoming Statutes, 1977, as amended) shall apply. If a conflict arises between such act and the rules set forth in this article, the act shall supersede these rules. (Ordinance No. 1593, 6/17/85)