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AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF COKEVILLE, COUNTY OF LINCOLN, STATE OF WYOMING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF COKEVILLE:

TITLE I

GOVERNMENT ORGANIZATION

CHAPTER 1

ORDINANCES

1-101. NAME OF CODIFICATION. The ordinances contained herein shall be known as the “REVISED ORDINANCES OF THE TOWN OF COKEVILLE, WYOMING, 2013”, but shall be cited and referred to herein as the “REVISED ORDINANCES OF COKEVILLE.”

1-102. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict with the provisions of the REVISED ORDINANCES OF COKEVILLE are hereby repealed, subject to the exceptions of Section 1-103 of this Chapter.

1-103. EFFECT OF GENERAL REPEAL. The REVISED ORDINANCES OF COKEVILLE, shall not affect any right which has accrued, any duty imposed, any penalty incurred, any tenure of office of any person holding office at the time the Revised Ordinances take effect, or any action or proceeding commenced under or by virtue of the ordinance repealed; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded. Ordinances heretofore in force, such as are of a private, local or temporary nature, including grants, dedications, bond issues, or special levies for local assessments do not come within the scope of the repeal clause contained in Section 1-102 of this Chapter.

1-104. CONSTRUCTION OF ORDINANCES. In the construction of all ordinances of the Town of Cokeville, Wyoming, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

(a) GENERAL RULE: All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

(b) GENDER, SINGULAR AND PLURAL: Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things;

(c) PERSON: The word “person” shall extend and be applied to firms, corporations, or voluntary associations, as well as to the individual, unless plainly inapplicable.

(d) TENSES: The use of any verb in the present tense shall include the future when applicable.

(e) ACTS BY AGENTS: When an ordinance requires an act to be done which may by law as well be done by an agent as by the princi­pal, such requirement shall be construed to include all such acts when done by an authorized agent.

1-105. WHEN RULES OF CONSTRUCTION SHALL NOT APPLY. The rules of construction set forth in Section 1-104 shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

1-106. WHEN ORDINANCES TAKE EFFECT. All ordinances passed by the Town Council of the Town of Cokeville shall take effect and be in force from and after they are duly published by posting a certified copy thereof in the Town Hall for at least ten days. In cases of emergency, or when an ordinance specifically provides for its own effective date, such an ordinance shall take effect and be in force upon the date of passage or the date so specified.

1-107. WHEN REVISED ORDINANCES TAKE EFFECT. The Revised Ordinances of the Town of Cokeville, 2013, shall be in full force and effect from and after the expiration of the ten day publication period following passage and approval of the Town Council.

1-108. PENALTY, WHERE NOT OTHERWISE PROVIDED. Whenever in this Code or in any ordinance, resolution or regulation promulgated by any officer or agency of the city under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance, resolution or regulation shall be punished by either a fine of not more than seven hundred fifty (750) dollars or by imprisonment for a period of not more than six months, or both; provided, that the imposition of any such fine or imprisonment shall not bar institution of appropriate legal actions or proceedings by the city to restrain, correct or abate the violation, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine or imprisonment. Except as otherwise provided, each day any violation of this Code or any such ordinance, resolution or regulation continues shall consti­tute a separate offense.

1-109. SEVERABILITY WHERE NOT OTHERWISE PROVIDED. The Revised Ordinances of Cokeville, and the various parts, sections, and clauses thereof, where not otherwise provided, are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconsti­tutional or invalid by a Court of competent jurisdiction, it is hereby provided that the remainder of the Revised Ordinances of Cokeville shall not be affected thereby.

1-110. PUBLICATION OF REVISED ORDINANCES OF COKEVILLE. Within a reasonable time from and after the date of enactment of the Revised Ordinances of Cokeville, the same shall be published in a loose-leaf type booklet or available in electronic format. A sufficient number of copies shall be published to enable distribution of the Revised Ordinances of Cokeville to all Town Officers, public and school libraries. Any other agency or individual may obtain a copy after paying the cost of publication of said ordinances.

1-111. REVISION OF REVISED ORDINANCES OF COKEVILLE. The Town shall, once each year, revise the Revised Ordinances of Cokeville, by separating and dividing into classifications all ordinances passed subsequent to the general revision of 2013, and by publishing the additions on paper suitable for use in the Revised Ordinance loose-leaf binders and also by updating the electronic format.

1-112. EVIDENCE IN COURT. The Revised Ordinances of Cokeville, together with any subsequent revisions added in compliance with the provisions of this Chapter, shall be received in all actions and proceedings as prima facie evidence of the Ordinances of the Town of Cokeville of a permanent nature in force and effect as of the date of each Attorney’s certificate.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 2

Mayor

1-201. MAYOR AS CHIEF EXECUTIVE. The Mayor shall be the chief executive and administrative officer of the Town government, shall enforce the laws of the Town, and require the faithful performance of all administra­tive duties.

1-202. MAYOR TO APPOINT ADMINISTRATIVE OFFICERS. It shall be the duty of the Mayor to appoint competent, qualified officers and employees to administer the needs of the Town. The Mayor shall have the power to dismiss, suspend, and discipline all such officers and employees under his control.

1-203. BUDGET REPORT. The Mayor shall assemble estimates of the financial needs and resources of the Town of Cokeville for each ensuing year, and shall prepare a program of activities within the financial power of the Town, embodying the same in a budget document with proper supporting schedules and analysis. The completed report shall then be annually presented to the Town Council.

1-204. POWERS OF MAYOR. As chief executive, the Mayor shall have the following powers:

(a) PRESCRIBE RULES: The Mayor shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies or town officers subject to his authority, and he shall have the power to revoke, suspend, or amend any rules or regulations of an administrative agency within the Town by whomever prescribed.

(b) OVERRULE OFFICIALS: The Mayor shall have the power to act and set aside any action taken by a Town Official, except members of the council, and may supersede him in the functions of his office.

(c) DELEGATE DUTIES: The Mayor shall have the power to direct any department, division, or bureau to perform the work for any other department, division or bureau.

(d) APPOINT COMMITTEES: The Mayor shall have the power to designate such committees and the officers thereof as he shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the Mayor and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the Town.

1-205. MAYOR TO PRESIDE AT TOWN COUNCIL MEETINGS. It shall be the duty of the Mayor to preside at all meetings of the Town Council, but in case of his absence, one of the Councilmen shall be chosen to act as Mayor Pro Tempore.

1-206. VOTING POWER OF MAYOR. The Mayor shall have one vote, and no more, upon all questions coming before the council.

1-207. SIGNING OF CONTRACTS. The Mayor shall sign all contracts, leases, bonds, ordinances and other writing on behalf of the Town authorized by the Town Council or required by law.

1-208. APPOINTING MEMBER TO COUNCIL. When a vacancy occurs on the Town Council for any reason, the Mayor shall appoint someone to fill the vacancy, as approved by the Town Council, until a successor has been elected and qualified.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 3

Town Council

1-301. REGULAR MEETINGS. The Town Council shall hold regular meetings on the second Tuesday of each month at 7:00 o’clock p.m., provided however, that when the day fixed for any regular meeting of the Town Council falls upon a day designated by law as a national, state or legal holiday, such meeting shall be held at the same hour on the next succeeding day if the same be not a holiday. All regular meetings of the Town Council shall be held in the Town Hall in and for the Town of Cokeville, Wyoming.

1-302. SPECIAL MEETINGS. The Mayor shall call special meetings of the Town Council whenever, in his opinion, public business may require it, or within 24 hours of the express written request of any two members of the Council. Whenever a special meeting shall be called, each member of the Town Council shall be so notified, either in person or by notice in writing left at his place of residence, at least 12 hours before the meeting starts. Said notice shall state the date and hour of the meeting, the purpose for which the meeting is called, and no business shall be transacted thereat except such as is stated in the notice.

1-303. AGENDA. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall be delivered at least five hours prior to each Council meeting to the Town Clerk, whereupon said Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council, the Mayor, and Town Attorney, with a copy of the same, as far in advance of the meeting as time for preparation will permit.

1-304. CALL TO ORDER. The Mayor, or in his absence, the acting Mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or acting Mayor, the Town Clerk shall call the Council to order, where­upon a temporary chairman shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or acting Mayor, the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the Council.

1-305. ROLL CALL. Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

1-306. QUORUM. A simple majority of the Town Council shall constitute a quorum at any regular or special meeting of the Town Council. In the absence of a quorum, the presiding officer shall postpone the meeting to a date certain in the near future. The CokeviIle Town Council shall consist of a Mayor and four councilmen.

1-307. ORDER OF BUSINESS. The business of the Council shall be taken up for consideration and disposition generally in the following order, or as approved by the Council:

(a) Roll call

(b) Pledge of Allegiance

(c) Approval of minutes of previous meeting

(d) Awards and Public Recognition

(e) Unfinished business

(f) New business

(g) Appropriations

(h) Public comment / communications

(i) Resolutions / Ordinances

(j) Reports of officers, boards, and committees

(k) Adjournment.

Procedure not otherwise covered herein shall be generally governed by ‘Roberts Rules of Order.’ Nothing in this ordinance precludes the Town Council to conduct meetings as deemed appropriate by the Council.

1-308. MEETINGS OPEN TO PUBLIC. All meetings of the Town Council shall be open to the public.

1-309. DECORUM. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by majority vote of the Council.

1-310. SILENCE CONSTITUTES AFFIRMATIVE VOTE. Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

1-311. ADJOURNMENT. A motion to adjourn shall always be in order, and may be decided without debate. In the absence of such a motion, the presiding officer may declare the meeting to be adjourned when there is not further business to come before the body.

1-312. COUNCIL TO ACT BY ORDINANCE OR RESOLUTION. The Town Council shall act only by ordinance or resolution, which shall be introduced in writing, and all ordinances and resolutions except ordinances making appro­priations, shall be confined to one subject matter which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days. The final reading shall be in full unless the measure shall have been printed or typewritten and a copy thereof furnished to each member prior to such reading. The ayes and nays shall be taken on the passage of all ordinances and resolutions and entered on the journal of the proceedings of the council, and every ordinance and resolution shall require, on final passage, the affirmative vote of a majority of all the members. No member shall be excused from voting except on matters involving considerations of his official conduct or where his financial interests are involved.

1-313. SIGNING BY MAYOR AND CLERK. Upon final passage, every ordinance shall be signed by the Mayor, countersigned by the clerk, and recorded in a book kept by the clerk for that purpose.

1-314. DUTIES OF MEMBERS OF COUNCIL. It shall be the duty of each member of the council to attend all meetings of the council. He shall carry out in an efficient manner those duties assigned to him by the council and by the Mayor. Each member of the council shall have one vote upon all questions coming before the council.

1-315. SALARIES OF MAYOR AND COUNCILMEN. The salaries of the Mayor and Councilmen of the Town of Cokeville shall be:

(a) Mayor--$150.00 per month. (both effective 1-1-2013)

(b) Councilmen--$60.00 for each regular or special meeting attended.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 4

Elections

1-401. ELECTION CODE. All applicable sections of the Wyoming Election Code, Wyoming Statute Sec. 22-1-101 through 22-27-101, as amended, are hereby adopted by reference and incorporated into this section as fully as if completely set out herein.

One copy of such provisions shall be kept on file in the office of the Town Clerk where it shall be available for inspection by the public during the normal office hours of the Town Clerk.

1-402. ELECTIVE OFFICERS. At each Town election, one Mayor and two Town Councilmen shall be elected. In case of any vacancy in the Council, said vacancy shall be filled at the next municipal election, the person so elected to fill such vacancy for the balance of the regular term of the member whose place is thereby vacated shall serve for the unexpired portion of the term.

1-403. DISORDERLY CONDUCT. If any person in the Town of Cokeville conducts himself in a disorderly manner at any municipal election, he may be arrested without a warrant.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 5

Appointive Officers

1-501. TOWN CLERK. The Mayor, with the consent and approval of the Town Council, shall appoint a Town Clerk, who shall hold office for a term of one year, or until a successor is appointed and qualified.

1-502. DUTIES OF TOWN CLERK. It shall be the duty of the Town Clerk to keep the corporate seal, papers and books belonging to the Town of Cokeville, to attend the meetings of the Town Council and to keep a journal of all of its proceedings, and to keep a record of all ordinances passed by the Town Council. The journal and the record, after approval of the same, shall be signed by the Mayor and attested by the Clerk. The Town Clerk shall attest all warrants, bonds and licenses issued in pursuance to the orders and ordinances of the Town Council, affix the corporate seal thereto, and keep an account in a suitable book under appropriate headings of all warrants drawn on the treasury, and an account of all licenses issued, showing the date and amount thereof. The Town Clerk shall also act as Town Treasurer and while acting as Town Treasurer shall, upon payment of all orders, immediately cancel the same and preserve the invoices, statements or orders on file. He shall make a monthly report to the Town Council, and report at other times when directed by them to do so, giving a full and itemized statement of all monies received and expended, accompanied by all warrants or orders paid since his last report, and make a full report of all the receipts and disbursements during the year. He shall pay no monies from the Town Treasury except upon warrants bearing the Town Seal and signed by the Mayor. The Town Clerk shall likewise perform such other duties as may from time to time be delegated to him by the Town Council or the Mayor.

1-503. BOND. The Town Clerk shall give a penal bond in the sum of $20,000.00 for the faithful performance of his duties with a sufficient surety to be approved by the Town Council.

1-504. POLICE CHIEF. The Mayor, with the approval of the Town Council, shall appoint the Police Chief, who shall hold office for a term of one year or until a successor is appointed and qualified. The Police Chief will be charged with the duty of main­taining public peace and safety and enforcing the laws of the United States, the State of Wyoming, and the ordinances of the Town of Cokeville. Other police officers may also be appointed when such services are deemed necessary by the Mayor or Town Council.

1-505. TOWN ATTORNEY. The Mayor, with the approval of the Town Council, shall appoint a Town Attorney to act for a term of one year.

1-506. DUTIES OF TOWN ATTORNEY. The Town Attorney at all times shall act to protect the interest of the Town, advise the Town Council when requested, prepare or revise ordinances, render opinions upon any legal matter or question submitted to him by the Council or Mayor, attend Council meetings, when requested by the Council, prepare all contracts and legal instruments to which the Town is a party, and prepare, when authorized by the Council, all charges and complaints against, and shall appear in the appropriate Court in the prosecution of, every person charged with a violation of a Town ordinance, or with the commission of a misdemeanor, as declared by the ordinances of this town.

1-507. The Mayor, with the approval of the Town Council, shall appoint a financial institution for the use of the Town as a depository for Town funds for a year or until a successor institution is appointed.

1-508. OTHER OFFICERS. The Mayor, with the approval of the Town Council, may appoint from time to time such other administrative officers as may be required to serve the needs of the Town. The duties and powers of such officers may be prescribed by the Mayor at the time of appointment.

1-509. COMPENSATION. Such salaries, commissions, fees, retainers or wages as would reasonably compensate an appointive officer for services rendered or duties performed shall be determined and set by the Mayor, with approval of the Town Council, and paid in the same manner as any other claim against the Town of Cokeville.

1-510. AT WILL POLICY. Nothing in this section shall be construed as making a contract of employment with any employee or exclusive use of an institution, or prohibit the Town from exercising the use of an “At Will” policy, as approved by Wyoming State Statutes, concerning the removal or release of any employee or institution, regardless of appointment status contained herein.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 6

Corporate Seal

1-601. CORPORATE SEAL. A seal, the impression of which shall be in circular form, bearing the words “Corporate Seal” and around the outer edges the words “Town of Cokeville, Wyoming” shall be and the same is hereby adopted and declared to be the seal of the Town of Cokeville.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 7

Fiscal Year

1-701. FISCAL YEAR. The fiscal year of the Town of Cokeville shall commence on July 1 of each calendar year, and continue through June 30 of the succeeding year.

TITLE I

CHAPTER 8

INVESTMENT POLICY

1-801: STATEMENT OF INVESTMENT POLICY. This Investment Policy is adopted pursuant to the requirements of W.S. 9-4-831(h). It is the policy of the Town of Cokeville to invest public funds in a manner which will provide a reasonable rate investment return while assuring the maximum security of principal, meeting the daily cash flow demands of the Town of Cokeville, and conforming to all federal, state and local laws and regulations governing the investment of public funds.

1-802: SCOPE.This investment policy applies to all financial assets of the Town of Cokeville.

1-803: PRUDENCE.

(a) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(b) The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the contest of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviation from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

1-804: OBJECTIVES.The primary objectives, in priority order, of the Town of Cokeville investment action shall be:

(a) Safety: Safety of principal is the foremost objective of the investment program. Investments of the Town shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

(b) Liquidity: The Town’s investment portfolio will remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated.

(c) Return of Investment: The Town’s investment portfolio shall be designed with the objective of attaining a reasonable rate of return throughout budgetary and economic cycles, taking into account the Town’s investment risk constraints and the cash flow characteristics of the portfolio.

1-805: MANAGEMENT RESPONSIBILITY. Management responsibility for the investment program is hereby delegated to the Town Clerk, who may establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Governing Body. The Town Clerk shall be responsible for all transactions undertaken and shall establish a system of controls to regulate investing activities.

1-806: INVESTMENT COMMITTEE. The Town of Cokeville Finance Committee is hereby established, consisting of the Mayor, Council Members, and the Town Clerk.

1-807: ETHICS AND CONFLICTS OF INTEREST.

(a) Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

(b) Officers and employees shall not conduct any personal investment business with the same branch office of the same firm through which the Town conducts any investment activity. “Personal investment business” used here does not mean checking accounts, savings accounts, money market funds, time deposits of five years or less, insurance products, or deferred compensation programs.

(c) Members of the Investment Committee and investment officials employed by the municipality shall disclose to the Mayor any material personal financial interests in financial institutions that conduct business within the jurisdictions, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Town’s portfolio.

(d) Employees and officers shall subordinate their personal investment transactions to those of the Town, particularly with regard to the time of purchases and sales.

1-808: AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

(a) The Town Clerk will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers who maintain an office in the State of Wyoming.

(b) No public deposit shall be made except in a qualified public depository as established by W.S. 9-4-817 through 9-4-822.

(c) An annual review of the financial condition and registration of qualified bidders will be conducted by the Town Clerk. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the Town invests.

1-809: AUTHORIZED AND SUITABLE INVESTMENTS.The Town Clerk is authorized to invest in those types of securities as allowed in W.S. 9-1-416, W.S. 9-4-831, and any other state law authorizing a type of investment.

1-810: SAFEKEEPING AND CUSTODY.

(a) For the security of Town funds, the Governing Body shall require all town depositories to deposit securities of the kind and character described in W.S. 9-4-801 through 9-4-815, or to furnish a surety bond that meets the requirements of W.S. 9-4-801 through 9-4-815 for the payment of the deposits and interest thereon.

(b) A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the Town and retained in the Town’s safety deposit box.

(c) All security transactions, including collateral for repurchase agreement, entered into by the Town shall be conducted on a delivery-versus-payment (DVP) basis.

1-811: DIVERSIFICATION. The Town will diversify its instruments by security type and institution. With the exception of U.S. Treasury securities, certificates of deposit, and authorized pools, no more than Twenty-five Percent (25%) of the Town’s total investment portfolio will be invested in a single security type.

1-812: MAXIMUM MATURITIES. To the extent possible, the Town will attempt to match its investments with anticipated cash flow requirements.

1-813: MARKET YIELD. The Town’s investment strategy is active. The Town will generally purchase instruments with the intent of holding the investments until maturity.

1-814: REPORTING. The Town Clerk is charged with the responsibility of including a market report on investment activity and returns in the Monthly Financial Report.

1-815: INVESTMENT POLICY ADOPTION. The Town’s Statement of Investment Policy shall be adopted by resolution of the Governing Body. The policy shall be reviewed on an annual basis by the Finance Committee and any modification made thereto must be approved by the Governing Body.