

Illegal Meetings ...

What appears below, in the box, are the words to W.S. § 16-4-405 on Executive Sessions. The words were copied and reproduced in their entirety. What appears below is Wyoming state law on the subject.

Rick Kaysen has been mayor of Cheyenne for just over one year. By now, he should be acquainted with this issue probably more than all others. It is imperative that public business be conducted in public view. Generally, the governing body has probably been compliant. But, allegations have now surfaced that Rick and city attorney Dan White may have violated state statute in at least three areas in a single meeting.

First, the issues that may be discussed, debated and even voted on in executive session are very limited. They are quoted below. There are allegations that Rick, on advice of incompetent counsel, went astray with discussions on subjects not specifically allowed to be discussed in an executive session.

Second: If at least one member of the governing body expressed objection that the meeting was in violation of state law for executive sessions, that portion of the

minutes is a public record and a copy of those minutes should be released.

Third, an executive session must be called from another meeting, according to state law (see [c] below). What regularly scheduled meeting was in progress when Rick went into executive session? And did the group return to that meeting and adjourn from that meeting when they were finished both with the executive session and that meeting?

Which parts of W.S. § 16-4-405 were violated and what was discussed in violation of state statute? Obviously, discussions, debate and/or votes in violation of state law are not shielded from public scrutiny and minutes should have been produced to reflect those violations. If Rick Kaysen's chosen city attorney now is familiar with the law and can respond, he should do so publicly. His alleged "citations" are often not on-point. If he can't, the City needs to retain competent counsel to respond to this matter.

The WTE cannot accept that the Wyoming Supreme Court condones closed meetings. The Chief Justice said, in open court, that the statute regarding public meetings "has no teeth." Violations will be ignored. Lawsuits will waste money. Elected people of integrity are the only protection against closed meetings. Not the High Court.

16-4-405. Executive sessions.

(a) A governing body of an agency may hold executive sessions not open to the public:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) 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 governing body 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 governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) 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;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

(b) Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made.