

DREAMS



We all have dreams in life. College for the children, retire comfortably, vacation homes. What are your dreams and how are you planning to get there?

Total life planning includes the financial effects of daily events that we don't pay attention to, or expect. If you could save more *would you?*

Financially, where do you want to be in 10, 20 or 30 years?

Contact Brian Lenell, CLU, ChFC
Personal Financial Solutions, Inc.
 307-778-2881 – Cheyenne, WY
 1502 Logan Avenue

Securities offered through The O.N. Equity Sales Company, Member FINRA/SIPC, One Financial Way, Cincinnati, OH 45242 (513)794-6794
 Investment Advisory services offered through O.N. Investment Management Company.
 221-226

Illegal meetings?

Some among you are beside yourselves over a meeting between two county commissioners and the mayor, with at least two attorneys present. The subject of that meeting was limited, presumably, to discussion concerning ownership of land in Section 28 - 23.87 acres of which the City was about to sell to Menards for another home improvement store in Cheyenne.

Anyone who has read the Supreme Court decision on *Cheyenne Newspapers, Inc. v. Building Code Board of Appeals of the City of Cheyenne* (2010 WY 2, 222 P.3d 158, decided January 8, 2010) knows that the Court split the baby on the issue of conducting "public meetings" in private by deciding, in a heated and split decision, that such closed meetings are "permissible" so long as no "action" is taken and a public vote is later taken to remedy a clear violation of Wyoming statute.

W. S. § 16-4-403(a) reads: "All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. **Action** taken at a meeting not in conformity with this act is null and void and not merely voidable."

The 2010 WTE case was not the first on the subject. In *Mayland v. Flitner* (2001 WY 69, 28 P.3d 838), Big Horn county commissioners went into executive session and deliberated on a matter, resulting in their instructing the county attorney to draft "findings of fact and conclusions of law" which they would "consider" and then vote on at a subsequent public meeting. Much the same was done here, only the Board of Appeals was scrupulously careful not to call their private retreat an "executive session" because there are specific purposes for which an executive session may be called.

Both of these cases involving illegal behavior were decided at the Supreme Court based on no "action" being taken. So, there is no dispute that what the commissioners and mayor did may violate the intent of the law, but did not violate the law.

In the Building Code Board case, Justice Kite's dissent (Hill joining): "So, are the citizens of this state left without a remedy when recalcitrant agencies simply refuse to follow the statute so long as they cover their tracks with a public announcement of their action?" Justice Burke offered, "It is fair to infer that the Board reached its decision during the closed meeting, and did little more than ratify the prior decision during the public meeting." Action was not voided.

What is the Cheyenne Herald? It is a bi-weekly publication (usually) that I hesitate to refer to as a "newspaper" but calling it only an "Opinion/Commentary" publication now does not adequately describe it either. While some of what appears on these pages is opinion, commentary, and/or essay, much of it is breaking news that readers won't find elsewhere. The WTE labeled the Herald "the local advocacy journal." I like that. But, when I published disclosures about misuse of City credit cards by a City Council secretary, that was not advocacy. That was fact. That was news. And, when I published specifics of the "secret" Costa Rica trip that LCCC's president had hidden from public scrutiny, that was fact. News. Not opinion or commentary. Or advocacy. Because I write virtually everything presented on these pages, my byline is seldom used. It is unnecessary. An article written by someone else will have a byline. The Herald is NOT a member of the Wyoming Press Association. I do not clear my offerings with anybody and I will not pay dues to share information. The Cheyenne Herald is Wyoming's only investigative publication and that responsibility is taken seriously. Thanks for reading.

Dave Featherly

Countin' 'em down

Publication dates and numbers for past remaining issues of the Cheyenne Herald

First revision, July 19, 2011

March 15	Issue No. 214
March 29	Issue No. 215
April 19*	Issue No. 216
May 3	Issue No. 217
May 17	Issue No. 218
June 1**	Issue No. 219
June 14	Issue No. 220
June 28	Issue No. 221
July 19*	Issue No. 222
August 2	Issue No. 223
August 16	Issue No. 224
August 30	Issue No. 225
September 20*	Issue No. 226
October 4	Issue No. 227
October 25*	Issue No. 228
November 8	Issue No. 229
November 29*	Issue No. 230
December 13	Issue No. 231
January 4*/**	Issue No. 232

January 24*	Issue No. 233
February 7	Issue No. 234
February 28*	Issue No. 235
March 13	Issue No. 236
March 27	Issue No. 237
April 17*	Issue No. 238
May 1	Issue No. 239
May 15	Issue No. 240
May 30**	Issue No. 241
June 19*	Issue No. 242
July 10*	Issue No. 243
July 31*	Issue No. 244
August 14	Issue No. 245
September 5*/**	Issue No. 246
September 18	Issue No. 247
October 2	Issue No. 248
October 16	Issue No. 249
October 30	Issue No. 250
November 13	Unnumbered

* three weeks after previous issue
 ** Wednesday due to holiday

The November 13, 2012 Cheyenne Herald will be printed after the 2012 general election and will not carry a number. The 2012 issues printed during the campaign window[s] indicated with a check mark (✓) will have full color advertising available. The underlined dates were revised before the July 19, 2011 issue - No. 222.

Advertise in the Cheyenne Herald - 637.2879