

**COMMISSIONERS PROCEEDINGS
REGULAR MEETING
JULY 21, 1998**

The Carbon County Board of Commissioners met at 8:00 a.m. in the Commissioner Meeting Room of the Courthouse, Rawlins, Wyoming. Commissioners Artlin Zeiger, Gary Graalman and Linda Fleming were present. Artlin Zeiger, Chairman.

The following vouchers were presented and approved for payment:

AT & T	Various	417.80
Amerigas	Road & Bridge	120.00
Anderson Highway Signs	Road & Bridge	503.21
Bach Supply	Road & Bridge	636.33
Beaton, Donald E. DDS	Grants	100.00
Becker Fire Equipment	Fire Department	299.00
Bi-Rite Professional	Grants	278.95
Bi-Rite Sporting Goods	Extension	24.76
Bottom Line/Health	Extension	29.95
Boys Town National Training	Grants	675.00
Brad's Welding & Machine	Fire Department	233.65
Build Rite Lumber & Supply	Road & Bridge/Fire Department	392.51
C & M Auto Parts	Road & Bridge	101.24
California Contractors	Road & Bridge	119.70
Carbon County Senior Services	Senior Services	27,933.00
Carbon County Power & Light	Various	941.15
CenturyTel	Road & Bridge	74.12
Cesko, David MD	Grants	112.00
ChemSearch	Road & Bridge	164.20
City Market	Various	472.50
Cloud Peak Terminix	Carbon Building	35.00
CMI-TECO	Road & Bridge	130.12
Corporate Express	Various	773.33
Couch, Wayne MD	Grants	109.00
D & K Sanitation	Various	232.50
Day, Dave	Carbon Building	3,000.00
Dixon, Town of	Road & Bridge	33.50
Don's Repair Service	Senior Services	25.00
Drive Train Industries	Road & Bridge	53.28
Dubois Telephone Exchange	Road & Bridge	91.13
Eagle Uniform Exchange	Carbon Building/Road & Bridge	190.78
Eaton Tire & Service	Road & Bridge	26.00
Elk Mountain, Town of	Road & Bridge	45.00
Encampment, Town of	Road & Bridge	45.00
Engstrom J. DDS	Grants	170.00
Eric Smith Painting	Senior Services	2,385.00
Evergreen Disposal	Senior Services/Road & Bridge	90.00
Facts and Comparisons	Public Health	244.00
FedEx	Planning	11.50
Fleming, Linda L.	Commissioners	220.08
Flock, William MD	Grants	300.00
Franks, Jim	Building & Grounds	200.00
Fred Pryor Seminars	Clerk	178.00
Frontier Pharmacy	Grants	97.56
G. Neil Companies	Road & Bridge	34.60
Gases Plus	Road & Bridge/Fire Department	290.34
Glode, Mary D.	County Administration	1,913.26
Golden Rule Computer	Road & Bridge	440.00
Hanna, Town of	Road & Bridge	77.50
Hardware Hank	Road & Bridge	17.54
Harrison & Massey, LLC	County Administration	353.35
Harvey, Janice	Senior Services	44.00
Hasco Industrial Supply	Fire Department	269.95
Hello Direct	Attorney	391.96
Herold Iron Works	Road & Bridge	22.40
High Plains Power	Senior Services	86.60
Hoke, John L.	County Administration	1,880.00
Hot Springs REA Incorporated	Road & Bridge	18.75
IBM Corporation	Clerk	550.29

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Ideal Foods	Public Health	10.08
IKON	Attorney	347.25
J.H. Kaspar Oil Company	Various	3,000.08
J.W. Brewer Tire Company	Road & Bridge	550.00
Johnson Controls	Senior Services	1,740.24
Johnson, John R.	Grants	90.00
Kirsch, A.P. MD	Grants	156.00
KN Energy, Incorporated	Various	2,425.56
L & L Electric	Courthouse	279.21
Lexis Law Publishing	County Administration/Attorney	306.96
Lubrication Engineers	Road & Bridge	273.25
Lunt, John MC	Grants	468.00
M Lee Publishing	Attorney	137.00
MacPherson Law Offices	County Administration	63.75
Mathis, Brandy	Planning	30.00
McCann, Phyllis C.	Various	1,000.00
McIlvaine, Robert & Betty	Public Health	350.00
Medibadge	Grants	171.15
Medicine Bow, Town of	Various	189.20
Memorial Hospital of Carbon Co	Various	2,873.96
Mobile Concrete, Incorporated	Road & Bridge	1,012.50
Montgomery Kone Incorporated	Various	1,511.19
Mountain Hideaway	Fire Department	20.18
Myron Manufacturing Corp	Road & Bridge	171.95
North American Wildfire, Inc.	Fire Department	45.00
Nursing Management	Public Health	34.20
Pacific Power & Light Company	Various	5,045.08
Pantry, The	Planning	54.58
Parrie's Electronics	Senior Services	205.00
Pedersen Planning	Planning	75.00
Perkins Oil Company	Road & Bridge	1,322.00
Perue Printing	County Administration	59.00
Pickett, Thomas Y. & Associates	Assessor	2,500.00
Plainsman Printing & Supply	Various	732.12
Polk Company, The	Clerk	10.95
Questar Gas	Senior Services	15.05
Rawlins Automotive	Road & Bridge/Fire Department	1,077.09
Rawlins Fire Extinguisher	Various	556.30
Rawlins Glass	Road & Bridge	67.26
Rawlins Newspapers, Inc.	Various	635.15
Rawlins Optometric	Grants	98.00
Rawlins, City of	Various	2,458.71
Re-Charge Plus	Clerk	85.00
Reliable	Clerk of District Court	94.15
Richard's Service	Senior Services	200.00
Rip Griffin's Truck Service	Road & Bridge	8.00
Robidoux Brothers	Road & Bridge	6040
Rockmount Research & Alloys	Road & Bridge	222.52
S & L Industrial	Road & Bridge	1,451.40
S & S Disposal	Road & Bridge	20.00
S E D Medical Laboratory	Senior Services/Road & Bridge	110.00
Saratoga Auto Parts, Inc.	Road & Bridge/Fire Department	1,086.39
Saratoga Health Mart	Grants	98.76
Saratoga Sun	Planning	51.75
Saratoga, Town of	Road & Bridge	36.00
Schnal, Jonathan C.	Planning	47.24
Scoggins, William E.	Grants	26.00
Seton	Courthouse	44.09
Shepard's	Road & Bridge	107.70
Sheshunoff Information Services	Clerk	299.75
Shine, Robert MD	Grants	140.00
Shively Hardware	Road & Bridge	42.07
Southwest Professional	Road & Bridge	25.00
Spicer, Edward OD	Grants	58.00
State of Wyoming	Elections	190.85
Stevens Publishing	Public Health	113.00
Sturbridge Yankee Workshop	Various	659.94
Summit Medical Supply	Public Health	32.87
Sweet, Jeffrey C. DDS	Grants	45.00
Three Forks Muddy Gap Service	Fire Department	14.04
T & M Service	Senior Services	17.32

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T & T Plumbing & Service	Carbon Building/Senior Services	1,236.00
Techniscan Incorporated	Building & Grounds	166.34
Tipton Computer Service	County Administration	2,249.00
True Value of Rawlins	Various	327.93
U.S. Postal Service	County Administration	10,000.00
U.S. Postmaster	County Administration	360.60
U.S. West Communications	Various	397.13
U.S. West Dex	County Administration	57.63
Union Telephone Company	Various	558.33
V-1 Propane	Fire Department	65.89
Valley Oil Company	Road & Bridge	759.64
Valley Waste Management	Senior Services	65.00
Van's Wholesale	Carbon Bldg/Bldg & Grounds	654.91
Viking Office Products	Clerk of District Court	343.43
West Express Lawn Service	Building & Grounds	118.13
West Group Payment Center	Attorney	142.75
Wille, Ron	Road & Bridge	185.00
Wilson, Ruth D.	Extension	398.57
Wise Agency, The	Clerk	20.00
Western Wyo Family Planning	Grants	1,119.00
Wyoming Diesel Service	Road & Bridge	625.41
Wyoming Machinery Company	Road & Bridge	2,586.21
Xerox Corporation	Clerk of DST CT/Public Health	399.71
Yampa Valley Electric	Various	615.15
Young, Charles MD	Grants/County Administration	476.00
Youngberg Plumbing & Heating	Senior Services	219.14
Zeiger, Artlin	Commissioners	309.39

ABATEMENTS

Marathon Oil Company Leach, Glenn R.	Affidavit of Erroneous Assessment	7.92
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REBATES

Marathon Oil Company Leach, Glenn R.	Affidavit of Erroneous Assessment	76.94
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FINANCIAL REPORTS

Commissioners approved financial reports from the County Clerk and the Clerk of District Court for June 1998.

ELECTION JUDGES

The following list of judges was presented:

DISTRICT 1 PRECINCT 1

R SHIRLEY DAVIS	D EVANGELINA LOPEZ
R MADGE TAYLOR	D DOROTHY SAULINO
	D DELCEY MOULDER

DISTRICT 1 PRECINCT 2

R JUDY RICHARDSON	D MYRTLE BOGGS
R JUDY SANDERS	D EMMA GONZALES
	D LINDA NULLE

DISTRICT 2 PRECINCT 1

R SHIRLEY MOELLER	D JUDY VASEY
R PEGGY PENMAN	

DISTRICT 2 PRECINCT 2

R PHYLLIS WINZENREID	D FRANCIS ORTEGA
R LOIS MORRISON	
R JUDY SANBORN	D CHERYL HINMAN

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R JOYCE KELLEY	D ALICIA SMYTH
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DISTRICT 3 PRECINCT 1

R MARIE PETERSON	D MARJORIE BLAKESLEE
R BURLA HELLER	D FRANCIS HUNER
R SUSANN WARD	D MARGARET SALLADE

DISTRICT 3 PRECINCT 2

R LINDA ANDERSON	D JOYCE PETERSON
R MARIE JACOBSEN	D ROSE KRYSL
R JANET FRANCE	

DISTRICT 4 PRECINCT 1

R JUDY RAYMOND	D ROBERTA ERICKSON
R CINDY COLLINS	

DISTRICT 5 PRECINCT 1

	D MELISSA BROWNELL
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DISTRICT 6 PRECINCT 1

R SHIRLEY FORSBERG	D TARYL FORSBERG
R SUSAN HISER	D KIMBERLY KORTES

DISTRICT 7 PRECINCT 1

R PATRICIA ELLIS	D MARGARET PARR
R PAT SIMS	D KATHERINE CURRY
R BONNIE CULVER	D REBECCA DOLLING

DISTRICT 8 PRECINCT 1

R DIXIE SHEA	D DORIS LANE
R JUNE WEST	D VIRGINIA CARLSON
	D JO ANN AINSLIE

DISTRICT 9 PRECINCT 1

R DENISE L. SHERWOOD	D BETTY AMAN
NP HEIDI CUSTIS	NP ROSS SKIVER

DISTRICT 10 PRECINCT 1

R LANA CLARK	D MARY PERRY
R MARY DUNMIRE	

DISTRICT 11 PRECINCT 1

R GERTRUDE HEROLD	D JANET LASCO
R MABEL HENDERSON	
R SONJA COLLAMER	

DISTRICT 11 PRECINCT 2

R DIXIE JOHNSON	D ARDYCE HOEM
R DIANA WIANT	

DISTRICT 12 PRECINCT 1

R KAREN CASSON	
R ROSEMARY CRAIGHEAD	D LOIS HARTSELL
R MARGARET PERDUE	D ALMA ARMSTRONG

DISTRICT 12 PRECINCT 2

R BETTY MERRILL	D CHARLOTTE KRAFT
R SANDRA MILLER	D DORA MARTIN

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DISTRICT 14 PRECINCT 1

R RUTH MOORE	D REBA SHEEHAN
R ANNA MAE HUTTON	

DISTRICT 15 PRECINCT 1

R DORA PEARSON	D CAROL ORCHARD
R MARJORIE MEYERS	D SUSIE CENTA

DISTRICT 16 PRECINCT 1

R BARBARA SHELBY	D LOVINA PIERSON
	D ALICE KOENEKE
	D RUBY ALICE ROSS

PRIMARY ELECTION PROCLAMATION**PRIMARY ELECTION PROCLAMATION****CARBON COUNTY**

AUGUST 18, 1998 - PRIMARY ELECTION DAY

July 17, 1998 is the last day to register with the County Clerk or the Town Clerks. Registration is also permitted at the polls on Primary Election Day.

FILING DATES AND OFFICES

May 14 - June 5 Federal and State candidates, including State Legislature,
file with the Secretary of State.

County, Special District Trustee and Precinct Committeemen
 and Committeewomen, file with the County Clerk.

Municipal candidates file with the Town or City Clerks.

STATE OF WYOMING)
) SS
 COUNTY OF CARBON)

In accordance with Section 22-2-109, Wyoming Statutes 1977, Public Notice is hereby given that
 a Primary Election will be held in all the districts and precincts located in Carbon County , on
 Tuesday, August 18, 1998, for the purpose of electing or nominating the following officers to-wit:

OFFICERS TO BE ELECTED AT THE PRIMARY

<u>NUMBER</u>	<u>TITLE</u>	<u>TERM</u>
TWENTY-ONE (21)	Republican Precinct Committeemen & Women PAIR	2 YEARS
TWENTY-TWO (22)	Democratic Precinct Committeemen & Women PAIR	2 YEARS
THREE (3)	MEDICINE BOW RURAL HEALTH CARE TRUSTEES	4 YEARS

**PARTISAN OFFICERS TO BE NOMINATED BY EACH
PARTY AT THE PRIMARY**

ONE (1)	U.S. Representative	2 YEARS
ONE (1)	Governor	4 YEARS
ONE (1)	Secretary of State	4 YEARS
ONE (1)	State Auditor	4 YEARS
ONE (1)	State Treasurer	4 YEARS
ONE (1)	State Superintendent of Public Instruction	4 YEARS
ONE (1)	State Senator, Senate District 11	4 YEARS
ONE (1)	State Representative, House District 15	2 YEARS
ONE (1)	State Representative, House District 16	2 YEARS

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ONE (1)	State Representative, House District 47	2 YEARS
TWO (2)	County Commissioners	4 YEARS
ONE (1)	County Coroner	4 YEARS
ONE (1)	County Attorney	4 YEARS
ONE (1)	County Sheriff	4 YEARS
ONE (1)	County Clerk	4 YEARS
ONE (1)	County Treasurer	4 YEARS
ONE (1)	County Assessor	4 YEARS
ONE (1)	Clerk of District Court	4 YEARS

NONPARTISAN OFFICERS TO BE NOMINATED AT
THE PRIMARY ELECTION

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<u>NUMBER</u>	<u>TOWN OF BAGGS</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF DIXON</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF ELK MOUNTAIN</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF ENCAMPMENT</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF JIANKA</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
ONE (1)	Council member	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF MEDICINE BOW</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>CITY OF RAWLINS</u>	<u>TERM</u>
ONE (1)	WARD 1 Council member	4 YEARS
ONE (1)	WARD 2 Council member	4 YEARS
ONE (1)	WARD 3 Council member	4 YEARS
ONE (1)	AT LARGE Council member	4 YEARS

	<u>TOWN OF RIVERSIDE</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF SARATOGA</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS
TWO (2)	Council members	4 YEARS

	<u>TOWN OF SINCLAIR</u>	<u>TERM</u>
ONE (1)	Mayor	2 YEARS

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TWO (2)	Council members	4 YEARS
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1998 GENERAL ELECTION FILING INFORMATION

FILING DATES: August 5 - August 24, 1998

Filing forms for the following non-partisan officers to be elected at the General Election are to be filed with the County Clerk.

CARBON COUNTY SCHOOL DISTRICT #1 TRUSTEES

<u>NUMBER</u>	<u>TERM</u>
THREE (3) All Trustees in Carbon County School District #1 to be elected <u>at large</u> .	4 YEARS

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CARBON COUNTY SCHOOL DISTRICT #2 TRUSTEES

ONE (1) AREA 1 (all of CCSD #2 North of Interstate 80)	4 YEARS
ONE (1) AREA 2 (all of CCSD #2 South of Interstate 80 not including Saratoga Town Limits)	4 YEARS
ONE (1) AREA 3 (inside Saratoga Town Limits)	4 YEARS
TWO (2) AT LARGE (anywhere in CCSD #2)	4 YEARS

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SPECIAL DISTRICT TRUSTEES

LITTLE SNAKE RIVER CONSERVATION DISTRICT

TWO (2)	Rural Trustees	4 YEARS
ONE (1)	Urban Trustee	UNEXPIRED

2 YEARS

MEDICINE BOW CONSERVATION DISTRICT

TWO (2)	Rural Trustees	4 YEARS
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**SARATOGA-ENCAMPMENT-RAWLINS
CONSERVATION DISTRICT**

TWO (2)	Rural Trustees	4 YEARS
THREE (3)	Baggs Cemetery Trustees	4 YEARS
THREE (3)	Reader Cemetery Trustees	4 YEARS
THREE (3)	Saratoga Cemetery Trustees	4 YEARS

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The following State Judicial Officers shall be voted on for retention in office at the General Election.

TWO (2)	Supreme Court Justices	8 YEARS
ONE (1)	District Court Judge B	6 YEARS

VOTING ASSISTANCE

Any elector who requires assistance to vote because of blindness, disability, or inability to read or write, may be given assistance by a person of the elector's choice, other than the elector's employer or an agent of that employer or an officer or agent of the elector's union (W.S. 22-13-113 (a)).

If you have any questions regarding the accessibility of your polling place, please contact the County Clerk's office at 328-2650.

CAMPAIGN REPORTING REQUIREMENTS

Every candidate, whether successful or not, shall file under oath a fully itemized statement of receipts and expenditures within ten (10) days after any Primary, General or Special Election (W.S. 22-25-106). A candidate who fails to file, within the time required, a full and complete itemized statement

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of receipts and expenditures, or who violates W.S. 22-25-102 is guilty of a misdemeanor, and shall not receive a certificate of nomination or election, nor shall enter upon the duties of the office, as the case may be, and a vacancy exists.

Every political action committee and the candidate's campaign committee formed under W.S. 22-25-101 shall file a fully itemized statement of receipts and expenditures with fourteen (14) days after any Primary, General, or Special Election with the appropriate filing officers.

(Published in accordance with W.S. 22-2-109, 1977)

TEDDY A. YOCKEY
Carbon County Clerk

CARBON BUILDING

Dave Day presented a report on progress of the Carbon Building roofing project.

BUDGET RESOLUTIONS

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to adopt the following resolution:

RESOLUTION 1998-12

RESOLUTION TO PROVIDE INCOME NECESSARY TO FINANCE BUDGET

WHEREAS, on the 21st day of July, 1998, this Board adopted a County Budget for the 1998-99 fiscal year ending June 30, 1999 calling for the following appropriations:

General Fund	\$ 8,734,719
Fair Fund	\$ 141,439
Jeffrey Center	\$ 63,299
Hospital Fund	\$ 249,906
Library Fund	\$ 374,630
Museum	\$ 47,869
TOTAL	\$9,611,862

And WHEREAS, after deducting all other cash and estimated revenue, it is necessary that the following amounts be raised by general taxation, and in order to raise such sums of money, it is necessary that levies be made for the 1998-99 fiscal year ending June 30, 1999 as shown opposite each fund:

	Amount to Be-raised	Mill Levy
General Fund	\$ 3,557,958	.9.966
Fair Fund	\$ 91,394	.256
Jeffrey Center	\$ 62,119	.174
Hospital Fund	\$ 249,906	.700
Library Fund	\$ 278,467	.780
Museum	\$ 44,269	.124

NOW, BE IT RESOLVED by the Board of County Commissioners that the foregoing levies be made for the 1998-99 fiscal year ending June 30, 1999.

Dated this 21st day of July, 1998.

-s- Artlin Zeiger
-s- Linda Fleming
-s- Gary Graalman

Board of County Commissioners
of Carbon County

Attest:

-s- Teddy A. Yockey, County Clerk

A motion was made by Gary Graalman, seconded by Linda Fleming and unanimously carried to adopt the following resolution:

RESOLUTION 1998-13

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APPROPRIATION RESOLUTION

WHEREAS, on the 8th day of July 1998, Teddy A. Yockey, Carbon County Clerk the budget making authority, prepared and submitted to the Board a county Budget for the 1998-99 fiscal year ending June 30, 1999.

WHEREAS, such a budget was duly entered at large upon the records of this Board and a copy thereof was made available for public inspection at the office of the County Clerk; and

WHEREAS, notice of a public hearing on such budget, together with the summary of said budget, was published in the Daily Times, a legal newspaper published and of general circulation in the county on the 11th and 18th days of July, 1998 and

WHEREAS, a public hearing was held on such budget at the time and place specified in said notice, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, following such public hearing certain alterations and revisions were made in such proposed budget, all of which more fully appear in the minutes of this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the county budget, as so revised and altered, be adopted as the official county budget for the 1998-99 fiscal year ending June 30, 1999.

BE IT FURTHER RESOLVED, that the following appropriations be made for the 1998-99 fiscal year ending June 30, 1999 and that the expenditures of each officer, department or spending agency be limited to the amount herein appropriated.

GENERAL FUND

County Commissioners	\$ 57,400
County Clerk	\$ 412,253
County Treasurer	\$ 215,475
County Assessor	\$ 200,000
County Sheriff	\$1,222,888
County Attorney	\$ 262,450
County Building & Grounds	\$ 850,416
County Coroner	\$ 31,500
Extension Office	\$ 81,270
Clerk of District Court	\$ 131,056
Planning	\$ 70,226
Public Health/W.I.C.	\$ 243,892
Road & Bridge	\$1,040,850
Fire Protection	\$ 154,875
Emergency Management	\$ 25,460
Severance Tax	\$ 363,694
Senior Centers	\$ 211,419
Grants	\$ 453,700
County Administration	\$1,769,150
Total General Fund Appropriations	\$7,797,974
Cash Reserve Fund	\$ 750,000
Depreciation Reserve Funds	\$ 186,745

TOTAL REQUIREMENTS \$8,734,719

County Fair	\$ 141,439
County Museum	\$ 47,869
County Hospital	\$ 249,906
County Library	\$ 374,630
Jeffrey Center	\$ 63,299

TOTAL APPROPRIATIONS \$9,611,862

Dated this 21st day of July 1998.

**BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY**

-s- Artlin Zeiger

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-s- Artlin Zeiger
-s- Linda Fleming
-s- Gary Graalman

Attest: -s- Teddy A. Yockey, County Clerk

LIQUOR LICENSE

A hearing was held at 10 a.m. to discuss liquor licenses. A motion was made by Gary Graalman, seconded by Linda Fleming and unanimously approved to accept the following licenses:

**1998-99 LIQUOR LICENSE RENEWALS
SEPTEMBER 1, 1998 TO AUGUST 31, 1999**

LIMITED RETAIL LIQUOR LICENSES:	
	\$1,500.00
Sinclair Golf Club	\$ 750.00
Old Baldy Club, Inc.	\$ 750.00
RETAIL LIQUOR LICENSES:	
	\$5,500.00
A Bar A Ranch	\$1,000.00
Flying J Ranch Plaza	\$1,000.00
4K County Club	\$1,000.00
Mountain Hideaway	\$1,000.00
Whistle Pig Saloon	\$1,500.00
COUNTY RETAIL MALT BEVERAGE PERMITS:	
	\$1,500.00
Arlington Outpost	\$ 300.00
Elk Mountain Conoco	\$ 300.00
Seminole Boat Club	\$ 300.00
3-Forks Muddy Gap Service	\$ 300.00
Walcott Service	\$ 300.00
TOTAL LIQUOR LICENSE FEES:	
	\$8,500.00

RULES OF PRACTICE

A hearing was held at 10:30 a.m. concerning rules of practice governing hearing & contested cases before the Carbon County Board of County Commissioners that were reviewed by Wade Waldrip. Art Zeiger called for public comment. Commissioners acknowledged written comments received from Jon R. "Dick" Gray. Artlin Zeiger declared the hearing closed.

A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to approve the following resolution:

RESOLUTION 1998-14

**RESOLUTION TO ADOPT AND SUPERSEDE RULES OF PRACTICE
GOVERNING HEARINGS AND CONTESTED CASES BEFORE
THE CARBON COUNTY BOARD OF COMMISSIONERS**

BE IT RESOLVED by the governing body of Carbon County, Wyoming pursuant to W.S. 16-3-103, that the Rules of Practice Governing Hearing and Contested Cases before the Carbon County Board of Commissioners are hereby adopted as attached hereto and specifically incorporated herein by reference.

**RULES OF PRACTICE
GOVERNING HEARINGS AND CONTESTED CASES
BEFORE THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS**

SECTION 1 – AUTHORITY

These rules are promulgated pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-103, as amended. Whether or not herein set forth, the provisions of the Wyoming

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Administrative Procedure Act, W.S. 16-3-101 through 16-3-115, as amended, shall, in addition to these rules, govern all hearings and adjudications under these rules of practice, except that where a conflict shall arise between the statutes and these rules, the statute shall govern and control.

SECTION 2 - DEFINITIONS

As used in these rules:

- (A) "Affidavit" means a written notarized statement of facts made voluntarily under oath.
- (B) "Agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, a county or other political subdivision of the state or county, except the governing body of a city or town, the state legislature, or the judiciary.
- (C) "Board" means the Carbon County Board of County Commissioners.
- (D) "Chairman" means the Chairman of the Carbon County Board of County Commissioners.
- (E) "Clerk" means that employee of a County Clerk's Office who serves the Board as their secretary.
- (F) "Contested Case" means a proceeding including, but not restricted to, rate making, price fixing, permitting, licensing, or a petition filed pursuant to W.S. 24-9-101, in which legal rights, duties or privileges or a party are required by law to be determined by the board after an opportunity for hearing.
- (G) "Hearing" includes contested cases and those instances where by policy or resolution appeal to the Board is provided.
- (H) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.
- (I) "Person" means an individual, partnership, corporation, association, municipality, governmental subdivision, or public or private organization or any character other than an agency.

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SECTION 3 - APPLICABILITY OF RULES

- (A) The following rules shall apply to all hearings of appeals required to be heard before the Board, pursuant to federal or state law, policy of any county department, any resolution of this board, or hearings required to be held pursuant to the Wyoming Administrative Procedure Act.
- (B) Hearings not in compliance with these rules may be held by the Board upon express written agreement by all parties.
- (C) All petitions filed with the Board in the form of appeals from agency decisions shall be handled under these rules to the extent that they are applicable.

SECTION 4 - DOCKET

When a proceeding is instituted by the filing of a petition, the clerk shall assign a number and enter the proceedings, with the date of its filing on a separate page of a docket provided for such purposes. The clerk shall establish a separate file for each docketed case, in which shall be systematically placed all papers, opinions, documents, transcripts and evidence pertaining thereto, and all such items shall have noted thereon the docket number assigned and the date of the filing.

SECTION 5 - REPRESENTATION

All parties have a right to represent themselves or to be represented by counsel. The filing of a petition or other similar representation by any attorney constitutes his appearance for the party for whom the representation is made. The Board must be notified in writing of any withdrawal from the case by any attorney who has previously entered an appearance. Any person appearing before the Board 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 in the State of Wyoming, or a non-resident attorney associated with a Wyoming attorney.

SECTION 6 - COUNTY ATTORNEY

In all matters under these rules, the Chairman shall request the County Attorney or a deputy to be present to assist and advise the Board or to represent the County or to serve as a hearing officer. If there is a conflict in the County Attorney acting as an advisor for the Board, the Board shall authorize the employment of special counsel to act either as an attorney for the Board or attorney for the County.

SECTION 7 - PETITION; CONTENTS

Any person or agency desiring to come before the Board for a hearing pursuant to the Administrative Procedure Act resolution or departmental policy of the county must file with the Board, in its office at Rawlins, Wyoming, a petition requesting a hearing setting forth:

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(A) The person's name, address and telephone number.
 (B) A statement in ordinary or concise language setting forth the action or decision desired by the petitioner.
 (C) The name, address and telephone number of the attorney for the petitioner, if any.
 (D) The legal attorney, if any, known at the time of the filing of a petition upon which the petitioner relies.
 (E) If the petition involves a matter, which by resolution of the board departmental policy or the Wyoming Administrative Procedure Act requires that the petition constitutes a contested case, the Board shall, within thirty (30) days after receiving the petition:
 (1) Decide in favor of the petitioner;
 (2) Notify the petitioner that a contested case hearing shall be held; or
 (3) Deny the request for a contested case. Following denial, the Board shall issue findings and an order. The order shall be the Board's final decision, and if governed by the provisions of the Wyoming Administrative Procedure Act, may be appealed to the District Court pursuant to that Act.

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SECTION 8 – NOTICE OF HEARING

The clerk shall cause written notice of any hearing held under these rules to be served upon each party, personally or by certified mail, as much time in advance of the date set for the hearing as is reasonably practicable, or in any specific time limit required by statute. Such notice shall include a statement of:

(A) The time, place and nature of hearing;
 (B) The docket number assigned to the case;
 (C) The legal authority and jurisdiction under which the hearing is to be held;
 (D) The particular sections of the statutes, rules, resolutions, policies or court decisions involved;
 (E) A short plain statement of the matters asserted. If the clerk is unable to state the matters in detail, the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application, a more definite and detailed statement shall be furnished by the petitioner.

SECTION 9 – INFORMAL INTERVIEW AND DISPOSITION

The Board may request an informal interview with the petitioner and any other party before holding a contested case. Either party may be represented by counsel during the interview, and unless precluded by law, any case may be finally disposed of by stipulation, agreed settlement, consent order, default of the parties, or approved by the Board. Any order shall be entered in the case record.

SECTION 10 – HEARING OFFICER

(A) The Board may appoint a hearing officer to preside over any hearing held pursuant to these rules, or the hearing may be conducted by the chairman. The appointed hearing officer shall not have participated in preliminary investigation or case preparation. The appointment of a hearing officer shall not necessarily require the absence of the Board at any proceeding or hearing.
 (B) The hearing officer shall be the presiding officer at the hearing and shall conduct all proceedings in an impartial manner.
 (C) If a hearing officer is appointed, the hearing officer shall be a qualified member of the Wyoming State Bar.
 (D) The hearing officer shall withdraw from a case if he or she deem themselves to be disqualified. The hearing officer shall provide a written explanation to the Board before withdrawing.
 (E) A party may make a written request for the removal of the hearing officer. The request shall be made immediately after the party has reasonable grounds to believe that the hearing officer is a subject to disqualification. The written request shall explain the reasons for the requested disqualification and may be accompanied by affidavits. If the hearing officer denies the request, they shall issue a written explanation of their denial and enter the explanation into the record. If the hearing officer grants the request, the Board shall appoint a new hearing officer as soon as possible.
 (F) The Board may assess all costs incurred as a result of the services of a hearing officer equitably amongst the parties.

SECTION 11 – DUTIES AND POWERS OF PRESIDING OFFICER

(A) The hearing officer or, in the absence thereof, the Chairman of the Board shall have all powers necessary to conduct a fair and impartial contested hearing, including but not limited to the following:
 (1) Administate oaths and affirmations.
 (2) Issue subpoenas.

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- (3) Provide for and determine the scope of discovery.
- (4) Take or cause depositions to be taken.
- (5) Hold pre-hearing conferences.
- (6) Preside over and regulate the course of the hearing.
- (7) Dispose of Procedural requests and similar matters.
- (8) Rule upon offers of proof and receive relevant evidence.
- (9) Recess the hearing or grant continuances for good cause, provided, however, that no continuance shall be granted which shall extend the time for hearing beyond the time within which such a hearing must be held as provided by law unless stipulated to by both parties.
- (10) Allow parties to submit written briefs and allow parties to cause a transcript of the hearing to be made, at their own expense.
- (11) Develop proposed findings of fact and conclusions of law or request that the parties submit proposed findings of fact and conclusions of law.
- (12) Take any other action authorized by law consistent with these rules or required to fulfill any of these duties.

(B) The presiding officer and the Board may examine any witness called by any party and may further direct questions to any party or any attorney representing any party during the course of the hearing.

SECTION 12 - APPLICABLE RULES OF CIVIL PROCEDURE

The rules of practice and procedure contained in the Rules of Civil Procedure of the State of Wyoming, insofar as the same may be applicable, shall apply in all hearings before the Board or hearing officer. For the application of such rules, the Clerk is designated to be in the same relationship to the Board or hearing officer as a Clerk of Court to a Court.

SECTION 13 - SUBPOENAS

The hearing officer, chairman or Clerk of the Board, upon written application of any party or his attorney, shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or other documents relevant or material to the inquiry, all subject to the provisions of Wyoming law.

SECTION 14 - PRE-HEARING CONFERENCE

- (A) At any time before the hearing date, the hearing officer may hold a pre-hearing conference to consider simplifying the issues, amending the pleadings, clarifying or limiting the evidence, formulating procedures to govern the hearing, and any other matters which will aid in the disposition of the case.
- (B) Such a conference shall be conducted informally. A memorandum will be prepared by the presiding officer or hearing examiner, which recites the actions taken at the conference, amendments allowed, agreements of the party, and limitations of the issues to those not disposed of by admissions or agreements of counsel and the parties. The pre-hearing memorandum will control the course of the hearing unless modified by the presiding officer or hearing examiner to prevent manifest injustice.

SECTION 15 - EVIDENCE AND TESTIMONY

- (A) Admissibility of Evidence. Irrelevant, immaterial and unduly repetitious information shall be excluded. All documentary or physical evidence shall be marked as exhibits. Petitioner exhibits shall be marked by letters of the alphabet beginning with "A". Respondent exhibits shall be marked with numbers beginning with "1".
- (B) Objections. Grounds for objections to offered evidence shall be briefly stated. All objections and rulings shall be entered onto the record.
- (C) Witnesses. A testifying witness shall be identified by stating their name and address. All witnesses shall stand and be administered the following oath by the presiding officer: "Do you swear (or affirm) to tell the truth, the whole truth and nothing but the truth in the matter now before the Board?"
- (D) Privileged and Confidential Information. The hearing officer may recognize any privilege at law in considering evidence.
- (E) Judicial Notice. Judicial notice may be taken of any information in the nature of traditional matters of judicial notice.

SECTION 16 - ORDER OF PROCEDURE AT HEARING

- (A) If the petitioner or his representative fails to appear, the hearing examiner may:
 - (1) Grant a continuance;
 - (2) Conduct the proceedings in the absence of the petitioner or his representative; or
 - (3) Declare the petitioner to be in default and rule against the petitioner in all matters in default.
- (B) To the extent practicable, contested hearings shall be conducted in the following

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manner:

- (1) The hearing shall be held in public, except insofar as such hearings may be closed pursuant to the provisions of W.S. 16-4-405 or the provisions of any other applicable law.
- (2) The hearing officer shall commence the hearing by calling the docket number and title of the case to be heard. The hearing officer shall ask if the parties are ready to proceed. The hearing officer may also allow the parties to dispose of any preliminary matters.
- (3) The hearing officer may allow all parties to give a brief opening statement to explain their position and outline the evidence they propose to offer.
- (4) The hearing officer shall administer the oath to all witnesses at the beginning of the hearing or before each witness testifies.
- (5) The petitioner shall present its evidence first, followed by the respondent. The petitioner may then submit rebuttal evidence, and witnesses may be cross-examined by the opposing party or by the Board.
- (6) Closing statements will be made in the following sequence:
 - (a) Petitioner
 - (b) Adverse party
 - (c) Petitioner rebuttal
- (7) The time for opening and closing statements may be limited by the presiding officer at the presiding officer's discretion.
- (8) Following the closing statements, the hearing officer may dismiss and excuse all witnesses and declare the hearing closed.

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SECTION 17 – DECISION AND ORDER

The Board may consult with the hearing officer, who shall also assist the Board in drafting findings of fact and conclusions of law, which findings of fact and conclusions of law shall be rendered within thirty (30) days after the conclusion of the hearing, unless otherwise provided by law. Said order of decision shall be filed by the clerk in the file of the matter and shall contain the vote on the decision. Findings of fact as set forth in the statutory language shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings, and the parties shall be notified either personally or by certified mail of the decision or order, and a copy of the decision and order shall be delivered personally or mailed by certified mail forthwith to each party or his attorney of record.

SECTION 18 – MEMBER OF BOARD PRESENT

No member of the Board shall vote upon a decision of the Board unless he or she shall have been present at the hearing or has read the transcript of proceedings or heard a recording of the proceedings and examined the official record of the hearing.

SECTION 19 – RECORD

- (A) All hearings shall be recorded verbatim stenographically or by other appropriate means designed to provide a full and complete record of the hearing.
- (B) The record in contested cases shall consist of:
 - (1) Petition.
 - (2) Formal and informal notices, pleadings, motions, written requests, intermediate rulings or decisions, and stipulations.
 - (3) Evidence received or considered, including matters officially noticed.
 - (4) Questions and offers of proof, objections and rules.
 - (5) Transcript of all recorded proceedings.
 - (6) Proposed findings and objections.
 - (7) The Board's final order of decision.

SECTION 20 – NOTICE

All notices provided shall be personally served or sent by certified mail.

SECTION 21 – EX PARTE MATTERS

Unless otherwise provided for by law, the hearing officer and the Board shall not consult with any individual or party on any matter at issue, except as allowed in W.S. 16-3-111.

SECTION 22 – PREVIOUS RULES SUPERSEDED

From and after the effective date of these rules, any and all previous filed Rules of Practice of the Carbon County Board of County Commissioners shall be superseded and shall be of no further effect.

SECTION 23 – SEVERABILITY

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If any provisions of these Rules of Practice or the application thereof to any matters held invalid, the applications of these rules which can be given effect without the invalid provision or application, and for this purpose the provisions of these rules are severable.

Pursuant to W.S. 16-3-103 and Chapter 1 of the Rules of the Wyoming Secretary of State, these rules are approved and adopted, after public notice and hearing, by the Board of County Commissioners of Carbon County, Wyoming, this 21st day of July, 1998.

-s- Artlin Zeiger, Chairman
 -s- Linda Fleming, Member
 -s- Gary Graalman, Member

PRESENTED, READ AND ADOPTED this 21st day of July, 1998.

BOARD OF CARBON COUNTY COMMISSIONERS

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-s- Artlin Zeiger, Chairman

ATTEST: -s- Teddy A. Yockey, Carbon County Clerk

Reviewed and approved as to form: -s- Wade Waldrip, Civil Deputy

A motion was made by Gary Graalman, seconded by Linda Fleming and unanimously carried to adopt the following resolution:

RESOLUTION 1998-15

STATEMENT OF REASONS/RULES OF PRACTICE GOVERNING HEARINGS AND CONTESTED CASES BEFORE THE CARBON COUNTY BOARD OF COMMISSIONERS

The adoption of Rules of Practice Governing Hearings and Contested Cases Before the Carbon County Board of Commissioners, in accordance with W.S. 16-3-101, is necessary to promote and protect the public health, safety, and general welfare of the citizens of Carbon County; to insure the orderly administration and the rights of due process for those matters appropriately brought before the Board as a contested case.

DATED this 21st day of July, 1998.

BOARD OF CARBON COUNTY COMMISSIONERS

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-s- Artlin Zeiger, Chairman

ATTEST: -s- Teddy A. Yockey, Carbon County Clerk

Reviewed and approved as to form: -s- Wade Waldrip, Civil Deputy

EXECUTIVE SESSION

A motion was made by Linda Fleming and seconded by Gary Graalman to enter into Executive Session to discuss personnel. (11:00 AM)

A motion was made by Linda Fleming and seconded by Gary Graalman to come out of Executive Session. (11:45 AM)

INTERMOUNTAIN BENEFIT ASSOCIATES - HEALTH INSURANCE

Dale Lyman, representing IBA reviewed the county's health insurance plan for period of October 1, 1997 through June 30, 1998 which showed claims were 5% higher than the previous year and announced the effective date of the new prescription card is September 1, 1998.

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ADJOURNMENT

The meeting adjourned for lunch. (12:15 PM)

RECONVENEMENT

The meeting reconvened following lunch. (2:00 PM)

COUNTY ROAD 201

174 Bill and Judy Saulcy discussed access to public land using County Road #201. The Barrett to Butler Bridge road was also discussed. A formal meeting involving the County Attorney, interested parties and their attorneys is scheduled for August 4, 1998 at 10:30 AM. in the Commissioner Meeting Room of the Courthouse.

ROAD & BRIDGE

Bill Nation, Carbon County Road & Bridge department supervisor presented an administrative report on completed and pending work, and also discussed vehicle purchases.

EXECUTIVE SESSION

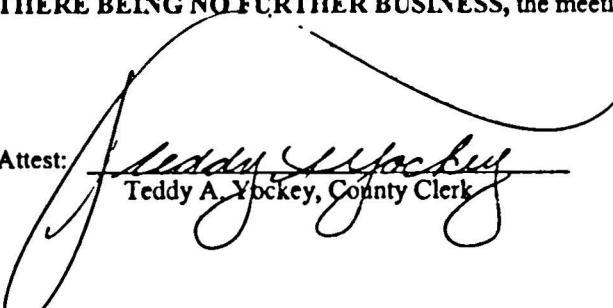
A motion was made by Gary Graalman, seconded by Linda Fleming and unanimously carried to enter into executive session to discuss pending litigation. (3:40 PM)

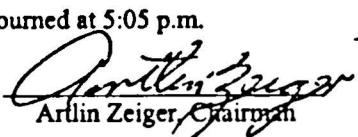
A motion was made by Linda Fleming, seconded by Gary Graalman and unanimously carried to come out of executive session. (4:25 PM)

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, the meeting adjourned at 5:05 p.m.

Attest:


Teddy A. Yockey, County Clerk


Arlin Zeiger, Chairman

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