

WORK SESSION AGENDA



**Casper City Council
City Hall, Council Chambers
Tuesday, January 26, 2021, 4:30 p.m.**

COVID-19 precautions are in effect at Council meetings. All Council meetings including Work Sessions are held in Chambers. Entrance to the meetings is the east door off David Street. Upon entry you will be asked to sign-in for contact tracing purposes. Face coverings are required. Seating has been gridded into six feet distances. Seating capacity for the public is fifteen seats. Media will be given priority for seating. Public input via email is encouraged: CouncilComments@casperwy.gov

Work Session Meeting Agenda		Recommendation	Allotted Time	Beginning Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested				
1.	Council Meeting Follow-up		5 min	4:30
2.	RFP for Cable Channel 192	Direction Requested	20 min	4:35
3.	Council Goals & Objectives Update	Direction Requested	30 min	4:55
4.	Proud to Host the Best	Direction Requested	20 min	5:25
5.	Tobacco Ordinance	Move Forward for Approval	20 min	5:45
6.	Agenda Review		20 min	6:05
7.	Legislative Review		20 min	6:25
8.	Council Around the Table		10 min	6:45
Approximate End Time:				6:55

Please silence cell phones during the meeting

We are CASPER

Communication Accountability Stewardship Professionalism Efficiency Responsiveness

January 19, 2020

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Fleur Tremel, City Clerk/Assistant to the City Manager
SUBJECT: RFP for the Use of Cable Government Access Channel

Meeting Type & Date:

Work Session
January 26, 2020

Recommendation:

That Council provide direction for staff on the Request for Proposal for the use of the government access cable channel 192.

Summary

At Council's work session on October 27, 2020, Council discussed the proposal from a private individual whereby the City would enter into an agreement with a non-profit organization to manage and provide content for the City's cable television channel.

Per Council request, staff conducted additional research on whether the City can enter into a contract with a private organization to manage Spectrum cable channel 192. Staff found that a request for proposal would be required. This requirement would provide an opportunity for others to submit a proposal to manage the EG channel.

At the November 17, 2020 Council Pre-meeting, Council directed Staff to proceed with an RFP. Staff has developed an RFP for Council's review and now asks Council to provide feedback to continue the process. Staff recommends the following timeline for the RFP process and asks for Council's direction on whether it is appropriate.

Request for Proposals ("RFP") Release	Friday, January 29, 2021
Proposal Due Date and Time	Monday, April 5, 2021 12:00 p.m.
Interviews of Finalist Operators	TBA
Preliminary Selection of Apparent Successful Operator	Friday, May 14, 2021
Contract Award	Wednesday, June 4, 2021
Contract Begins	Thursday, July 1, 2021
Programs Due for Review	Friday, July 23, 2021 at 12:00 p.m.
Programs Air	Monday, August 2, 2021.

Financial Considerations

None at this time.

Oversight/Project Responsibility

Fleur Tremel, City Clerk/ Assistant to the Manager

Attachments

Request for Proposal for Use of Channel 192

REQUEST FOR PROPOSALS

FOR THE PROVISION OF TELEVISION PROGRAMMING AND PRODUCTION SERVICES

FOR THE CITY OF CASPER
CASPER, WYOMING 82601

(Issued 1/29/21)

Proposals Due By Monday April 5, 2021 at 12:00pm at City Manager's Office, City Hall

The City of Casper, Wyoming, referred to herein after as "City", seeks proposals from qualified organizations and/or individuals to operate the City's EG Access Cable Television Channel and to provide related community digital media production services. A qualified Operator will have a minimum of five years of experience as a video production organization or will assign to the Channel a lead executive who has a minimum of five years of experience in managing a video production organization and demonstrated financial viability.

1.0 Schedule: The following is the estimated schedule of events. The City reserves the right to modify this schedule at its discretion. Notification of changes will be posted at www.casperwy.gov

Request for Proposals ("RFP") Release	Friday, January 29, 2021
Proposal Due Date and Time	Monday, April 5, 2021 12:00 p.m.
Interviews of Finalist Operators	TBA
Preliminary Selection of Apparent Successful Operator	Friday, May 14, 2021
Contract Award	Wednesday, June 4, 2021
Contract Begins	Thursday, July 1, 2021
Programs Due for Review	Friday, July 23, 2021 at 12:00 p.m.
Programs Air	Monday, August 2, 2021.

2.0 Purpose: The purpose of this RFP is to determine the feasibility of entering into an agreement with a qualified Operator to operate the City's Educational/Governmental Access Cable Television Channel and to provide related community digital media production services. The Channel is viewed on cable channel 192.

To respond to this RFP, Operators must submit the information and forms as described in Section 21 of this RFP.

In its response to this RFP, the Operator will be asked to describe how it will meet the minimums and at the Operator's option, to propose service types and levels beyond the minimums.

3.0 Introduction: Advances in digital media production, distribution techniques, and social media technologies afford opportunities to develop and distribute content and programming in new and more cost-effective ways. The City encourages proposals that offer creative approaches to incorporate these technology advances. Specifically, the City desires proposals that complement traditional television cable-casting and video production techniques with new methods for content creation and distribution.

4.0 Background: The City has been granted an Educational/Governmental access channel through its franchise agreement with Spectrum. The City would like to use the channel to promote the public's interest in the City of Casper and showcase services provided to the community. In order to achieve this goal, the City of Casper can produce programs which highlight city policies, procedures, resources, activities, services, and events. The City will not use the channel for public use as in a PEG, but only educational and governmental use as an EG.

In an era of increasing media consolidation, the City remains committed to the preservation of local Education and Government (EG) Access programming. The EG Channel should contain valuable programming that would otherwise not be made available. It should serve to provide Casper residents with avenues for City information, to tell the stories of our diverse local community, educate and inform the public, engage the citizenry, and enhance the democratic process by making government more transparent.

5.0 Term: The estimated term of the Agreement is twelve months starting on July 1, 2021 and ending on June 30, 2022. The Operator will commence cablecasting education and governmental access programming on August 2, 2021 and end on June 30, 2022. At the City's option, the Agreement may be extended for one additional year. However, if the cable franchise fees are affected or if at any point Casper is threatened with loss of franchise fees due to the management arrangement, management conduct, or FCC rules and regulations, the contract ceases immediately and the equipment would become the property of the City of Casper.

6.0 Minimum Qualifications: The Operator must meet or exceed the following minimum qualifications and will be asked to demonstrate this in its proposal. In the event the Operator does not clearly demonstrate that it meets the minimum qualifications, the proposal may be rejected. The City requests that entities who do not meet these minimum qualifications NOT respond to this RFP.

6.1 Non-Profit Status: The Operator must be a non-profit entity to manage the channel on the City's behalf and within the Educational Governmental limitations. In order to bid, the Operator must have proof of non-profit application status confirmation. No proposal will be accepted or awarded until non-profit status has been granted.

6.2 Experience: The Operator should have a minimum of five years of experience as a video production organization, or the Operator will assign to the Channel a lead executive who has a minimum of five years of experience in managing a video production organization.

6.3 Facility(s): The Operator will be responsible for providing space for all equipment necessary, and any other production needs.

6.4 Operations Plan: The Operator will provide information on the programming that will be offered, budget projections, equipment and associated costs, and any facilities that will be used in operation of the channel.

7.0 Resources to be Provided by the City: The City will make the following resources available for use by the successful Operator:

7.1 EG Access Channel: Viewed on Spectrum Channel 192.

7.2 Compensation from the City: There will be no funding from the City for the use of the channel. The proposer will need to demonstrate financial viability, for both capital and operational expenses, on hand at the time of the proposal acceptance, or all proposals may be declined.

7.2.1 Financial Viability: The City will require Operator to show funding commitments that are fifty percent (50%) of the operating expenses at the time of proposal submittal and equal to or greater than one hundred and twenty-five percent (125%) of the operating expenses at the time of the contract.

7.3 Limitations on Funding: The City's channel will only allow Educational Governmental programming. No public access or public programming will be allowed. Further, funding of the channel can only be through donors, grants and sponsorships, no advertising can occur on the channel. [*Please see Sponsorship Template attached.*]

8.0 Minimum Service Types and Minimum Service Levels

8.1 Transition and Commencement of Services: During the transition period from July 1, 2021 and July 23, 2021, the Operator will work cooperatively with the City to ensure that the Operator is prepared and equipped to commence cable-casting on or before August 2, 2021.

8.2 Cable-Casting: On August 1, 2021, the Operator will commence cablecasting non-commercial programming over the existing public access Channel, Spectrum Channel 192. Cablecasting should be on a 24-7 basis.

8.3 Programming: The Operator will cablecast live and pre-recorded programming. All programming will be property of the City of Casper and Operator will only use programming on Channel 192.

8.3.1 Programming Standards: The Operator will have to receive approval from the City for all programming before airing on Channel 192 to ensure it is within the EG programming model. All Sponsorship acknowledgements must be approved by the City and Spectrum.

8.4 Proposed Programming: The primary duty of the Operator will be to produce shows that are about Casper and that are meant to be viewed by a Casper audience. All City Council meetings, Planning and Zoning Committee meetings, bid openings, and any other City usage of the channel will take priority.

8.5 Equipment: The Operator will have equipment necessary for and used in connection with the creation, production, editing, storage, and archiving of video programming. The equipment will include cameras, lights, control boards, video recording decks, mixers, etc. Furthermore, any access to the equipment in City Hall must be done remotely by the

Manager. The use of the Council Media Room is limited to Council Meetings, Planning and Zoning commission meetings, and maintenance of remote connection to the City's channel.

9.0 Communications with the City: All communications regarding this RFP must be directed to:

Fleur Tremel, City Clerk & Assistant to the City Manager

Phone: 307-235-8215

E-mail: ftremel@casperwy.gov

Website: www.casperwy.gov

9.1 Questions and Requests for Addenda: Operators who have questions about or suggestions for changes to this RFP including the proposed agreement may direct them by email to Fleur Tremel. Questions and requests for addenda must be emailed no later than the date and time listed in Section 1.0. Questions emailed after this time may not be considered or answered. Failure by an Operator to request clarification of any inadequacy, omission or conflict shall not relieve the Operator of the responsibility of being in compliance with the RFP or resulting agreement.

10.0 Changes to the RFP by Addenda: The City may make changes to this RFP if, in the sole judgment of the City, the changes will not compromise the City's objectives in this acquisition. Changes to this RFP will be made only by formal written addenda issued by the City. All addenda issued by the City shall become a part of this RFP and will be made part of the resulting agreement. In the event that it becomes necessary to revise any part of this RFP, addenda will be provided to all Operators invited to respond.

11.0 In Person Interview: Each Operator should be prepared to make a presentation to City staff in order to further explain its services and to answer questions. Any television personalities that the Operator plans to use shall be present at the interview.

12.0 Subcontractors: The Operator will not use any subcontractor for the provision of this service without prior written approval from the City. The Operator shall be responsible to retain, and pay for the services of, any subcontractor.

13.0 Meetings: The Operator shall meet with members of the City staff as needed.

14.0 Criteria for Selection: All proposals received shall be subject to evaluation by City staff. The evaluation shall be for the express purpose of selecting the proposal which most clearly meets the RFP requirements. The following areas will be strongly considered in the selection process:

14.1 Understanding the Service: This refers to the Operator's understanding the City of Casper's needs as detailed in this RFP, and the nature and scope of the work involved.

14.2 Operator Service: This refers to the ability of the Operator to meet the specific needs of the RFP including, but not limited to, the ability to provide an exceptional level of customer service, and the ability to respond in a timely manner.

14.3 Demo Reel: Operator shall produce a sample program. The demo reel will become the property of the City of Casper; however, the City will not publicly air any reel unless and until the Operator is awarded a contract.

15.0 Agreement: The Operator will be required to sign an agreement with the City that matches the intent of this RFP, relating to the work to be performed. Such agreement shall include, but not necessarily be limited to, the following articles: method of compensation, time of performance, subcontracts, duties of the Operator, insurance and indemnity (personal injury, death, liable, slander, defamation, etc., as determined by the City of Casper Risk Manager), termination of the agreement, ownership of material, changes, submission of material, and obligations to the City.

16.0 Agreement Award: The City of Casper reserves the right to accept, reject, or request changes in proposals. The City will work closely with the selected Operator to develop or refine a detailed scope of work, schedule for completion of tasks and costs associated with completed work included in the agreement documents. The City is not liable for any costs incurred by the Operator.

17.0 Late Proposals: Late proposals will not be accepted. It is the responsibility of the Operator to ensure that the proposal arrives prior to 12:00 p.m. on April 5, 2021.

18.0 Response Material Ownership: The material submitted in response to the RFP becomes the property of the City of Casper and will only be returned to the Operator at the City's option. Responses may be reviewed by any person after the final selection has been made. The City of Casper has the right to use any or all ideas presented in reply to this request. Disqualification of an Operator does not eliminate this right.

19.0 Acceptance of Proposal Content: The contents of the proposal of the successful Operator may become contractual obligations, if the City of Casper wishes to execute an agreement based on the submitted proposal. Failure of the successful Operator to accept these obligations in an agreement may result in cancellation of the award, and such Operator may be removed from future solicitations.

20.0 Reference Checks: The City of Casper reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the Operator's performance on previous assignments.

21.0 Proposal Submittal:

21.1 Written Proposal:

21.1.1 Binding and Number of Copies: Sealed Proposals: Two (2) copies of each proposal must be submitted to the City Manager's Office, c/o Fleur Tremel at Casper City Hall (200 North David Street), by 4:00 p.m. on April 5, 2021. Each proposal will be externally labeled "**Response to Television Programming and Production RFP**". The proposal will remain valid for at least seventy-five (75) days. The Operator must also submit one electronic copy of the Proposal in .pdf format on disk. The City prefers that documents be copied double-sided and on recycled paper.

21.1.2 The City shall not consider proposals submitted by facsimile (fax) or email.

21.1.3 Operators are solely responsible for ensuring that proposals are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for receipt of proposals. At

the City's sole discretion, a proposal received after the deadline may be returned to the Operator, may be declared non-responsive and may not be subject to evaluation.

21.1.4 Format and Organization: The Operator shall include following documents in its proposal:

1) Cover Letter on the Operator's letterhead, signed by an individual authorized to legally commit the Operator. The Cover Letter must designate the officer, employee, or agent who will be the Operator's contact for all communications regarding its proposal. The following information for this individual shall be provided: Name, Title Organization's Name, Mailing Address, Office Telephone, Number, Mobile Telephone Number, and Email Address

2) Operator Questionnaire

[See Attachment]

3) Minimum Qualifications Form

[See Attachment]

4) Written Proposal Form

[See Attachment]

5) Demo Reel

[See Section 14.3]

SPONSORSHIP TEMPLATE

2 models

“This program is brought to you by company/product.”

“If you like what we are doing like us on Facebook and donate.”

All Sponsorships may include:

- Non-promotional, value-neutral name of the organization or its products or services.
- To help identify an underwriter, specific products or brand names may be mentioned in audio and depicted in banners.
- Product images or depictions should not focus on comparative qualities or benefits.
- The use of people in such product demonstrations or product image is limited.
- Calls to action of a non-transactional nature. The call to action should not be the primary focus of the creative, not be visually intrusive and not imply deadlines or discounts.

Sponsorships may not include:

- Promotional or qualitative language (favorable qualities, benefits and claims).
- Comparative language (i.e., “leader”, “largest”, “the only”, “exclusively”, “ranked No 1”).
- Price and value information.
- Health claims.
- Award or prize mentions.
- Favorable reviews (i.e., product review quotes), endorsements, testimonials.
- Inducement language (i.e., rewards programs, warranties, portion of purchase donated to charity, vehicle donation programs, holiday mentions related to sales of products, sweepstakes or contests).
- Language that expresses a view about a matter of public importance or interest or which supports or opposes a political candidate.
- Language that appears to be self-congratulatory.
- Phone numbers.

Operator's Name: _____

City of Casper Operator Questionnaire

INSTRUCTIONS: This is a mandatory form. Submit this form with your bid or proposal. Provide information to the extent information available. If response is incomplete or requires further description, the City may request additional information within a specified deadline, or may determine the missing information is immaterial to award.

Operator Information	
Operator's Legal Name	
"Doing Business Name" (dba) if applicable	
Mailing Address	
Contact Person and Title	
Contact Person's Phone Number	
Contact Person's Fax Number	
Contact Person's E-Mail Address	
Business License # (UBI#)	
Dun & Bradstreet number (if available)	
Identify the City and State of your company headquarters	

Ownership	
Is your firm a subsidiary, parent, holding company, or affiliate of another firm?	
What year was your firm, under the present ownership configuration, founded?	
How many years has your firm been in continuous operation without interruption?	
What year did your firm begin providing, on a continuous basis, the types of services or products that are required from this solicitation?	

Financial Resources and Responsibility	Specify yes or no. If yes, explain.
Within the previous five years has your firm been the debtor of a bankruptcy?	
Is your firm in the process of or in negotiations toward being sold?	
Within the previous five years has your firm been debarred from contracting with any local, state, or federal governmental agency?	
Within the previous five years has your firm been determined to be a non-responsible bidder or Operator for any government contract?	
Within the previous five years has a governmental or private entity terminated your firm's contract prior to contract completion?	
Within the previous five years has your firm used any subcontractor to perform work on a government contract when that subcontractor had been debarred by a governmental agency?	

Affirmative Contracting – SMC 20.42	Specify yes or no. If yes, explain.
Within the previous five years has your firm been found to have violated any local, state, or federal anti-discrimination laws or regulations?	

Operator's Name: _____

Disputes	Specify yes or no. If yes, explain.
Within the previous five years has your firm been the defendant in court on a matter related to any of the following issues: <ul style="list-style-type: none"> • Payment to subcontractors? • Work performance on a contract? 	
Does your firm have outstanding judgments pending against it?	
Within the previous five years, was your firm assessed liquidated damages on a contract?	
Has your firm received notice of and/or in litigation about patent infringement for the product and/or service that your firm is offering to the City?	

Compliance	Specify yes or no. If yes, explain.
Within the previous five years, has your firm or any of its owners, partners, or officers, been assessed penalties or found to have violated any laws, rules, or regulations enforced or administered by a government entity? This does not include owners of stock in your firm if your firm is a publicly traded corporation.	
If a license is required to perform the services sought by this solicitation, within the previous five years has your firm had a license suspended by a licensing agency or been found to have violated licensing laws?	
If Hazardous Materials are an element of the contract, has the Operator had any violations of improper disposal of such materials or any violation of associated laws, rules or regulations in the previous five years?	

Involvement by Current and Former City Employees	Specify yes or no. If yes, explain
Are any of your company officers or employees a current or former City of Casper employee or volunteer? If yes, identify the employee name.	
Operator (including officer, director, employee, trustee, or partner) must not have a business interest or a close family or domestic relationship with any City official, officer or employee who was, is, or will be involved in selection, negotiation, drafting, signing, administration or evaluation of the Operator performance. Operator shall notify the City in writing, if known, and the City shall make the sole determination as to compliance.	

Emergency Contact Information	
Certain contract products or services may be valuable during a 24-hour emergency. If you have alternative contact information for emergency response during non-business hours, please provide below.	
Contact Name	
Emergency Phone Number	
Back-up Emergency Phone Number	
If your company has locations outside Casper that can be called upon in an emergency for these products or services, please list:	

Business History	Specify yes or no.
In the last five years, has your firm held other contracts with public agencies to provide similar products or services in a size and scope similar to that required by the City of Casper?	

Operator's Name: _____

<p>Provide and/or attach a sampling of contracts you have held in the past five years, sufficient for the City to understand the depth and breadth of your experience, with a particular emphasis on contracts with public agencies. The City may use this to assess your capability and experience at this particular type of product provision or service work. Specify the name/contact that can serve as a reference for each.</p> <ul style="list-style-type: none"> • If you have many such contracts, you can provide a brief summary. • If you are a subsidiary of a national firm, summarize the contracts that represent your local office. 	
---	--

By submittal of this form, the Operator hereby certifies:
Operator is not debarred, suspended, proposed for debarment, or declared ineligible for award of contracts by any Federal agency.
During the most recent three years, the Operator has not been convicted of or had a civil judgment rendering against the firm for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government, or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property, and my firm is not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.
Operator has not paid, nor will pay, Federal appropriated funds (including profit or fee received under a covered Federal transaction), to any person for influencing or attempting to influence an officer or employee of any agency, including City Council, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the Offeror shall notify the City of Casper and complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities.
Operator has not had a governmental or private entity contract terminated prior to contract completion or debarred from bidding, within the last five years.
Within the previous five years, Operator has not used any subcontractor to perform work on a government contract when that subcontractor had been debarred by a governmental agency.
Operator's offer is valid until the date the City awards an Operator Agreement or rejects all offers;
Operator has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive pricing in the preparation and submission of its Offer;
Operator shall provide immediate written notice to the City of Casper if, at any time prior to contract award, the Operator learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
Submittal of this Operator Questionnaire with your proposal provides authority and certification for your entire submittal.

MINIMUM QUALIFICATIONS

Please check the applicable box to signify compliance or non-compliance to each minimum qualification. If you do comply, describe exactly how you achieve each minimum qualification. The determination that you have achieved all the minimum qualifications is made from this document or a document with the same information.

Item #	Minimum Qualifications	Complies	Does <u>Not</u> Comply	If you comply, describe how you meet the minimum qualification.
1	Operator shall have been in the business of television or video production, editing, or like experience for a minimum of 5 years.			
2	Operator shall supply any and all equipment necessary to produce and edit agreed upon television programs.			

CITY OF CASPER WRITTEN PROPOSAL

For the written proposal, the Operator shall prepare a plan of how they will manage, produce, and fill the television time slots for the City. This plan should be typed on a separate sheet and detail the following elements:

QUALIFICATIONS AND REFERENCES (MAX. 1PG.)

Please explain why you would be qualified for this contract.

Please provide three references.

- Include names, phone numbers, and how you know the reference.
- Ideal references will be a previous customer.

RECORDING STUDIO (MAX. 2 PG.)

Please explain where programs will be recorded and edited.

- This does not have to be in a studio for all shows.
- Just include your ideas for ideal recording locations.

EQUIPMENT (MAX. 2PG.)

Please explain the equipment that will be used to produce and edit.

RATINGS (MAX. 1 PG.)

Please explain the guidelines that will be used to ensure that the shows maintain a PG rating.

- This should include how all the shows' ratings will be measured, evaluated, and enforced.

THOUGHTS/IDEAS/CONCERNS

Please provide any and all information that the City should take into consideration when evaluating your proposal.

PROGRAMMING

Please explain what shows could be produced for the City and the number and frequency of episodes.

- You may use the shows listed in the RFP and/or your own ideas, but explain the format and how the show(s) will take place.


Please explain the guidelines that will be used to ensure that the programming will be appropriate for an EG channel (instead of a PEG channel).

SCHEDULE

Please provide a proposed 24-hour television schedule for one month.

- This should include Council meeting(s).
- This can include live, pre-recorded, and any shows that could be shown legally on the channel.

January 11, 2021

MEMO TO: J. Carter Napier, City Manager 
FROM: Jolene Martinez, Assistant to the City Manager
SUBJECT: Council Goals and Objectives Progress Report

Meeting Type & Date

Council Work Session January 26, 2021

Action Type

Information only

Recommendation

No recommendation

Summary

Council held a meeting on February 25, 2019 to outline its strategic goals and directed staff to develop objectives and tasks to meet the goals. Staff drafted objectives and tasks for Council consideration at their March 26, 2019 work session. Council formally adopted, via resolution, the goals and objectives at their April 2, 2019 meeting.

The goals, objectives and tasks for the 2019 effort were guided by Council direction as well as two documents: Generation Casper: Comprehensive Plan (2017) and the State of Wyoming's ENDOW report called Transforming Wyoming (2018). When considered together and with the added guidance of other City of Casper master plans and planning documents, these documents provide a strong framework for the City's strategic direction.

Staff has worked to achieve the 2019 Council Goals and Objectives based on a multi-year timeline. Progress in 2020 was slowed due to the COVID-19 Pandemic coupled with a downturn in the state's energy sector. These factors interrupted normal operations and tax revenues. Some of the progress highlights include increasing workforce housing; enhancing community gateways; and increasing sworn police staffing. A progress report is attached.

Financial Considerations

There are no financial considerations

Oversight/Project Responsibility

J. Carter Napier, City Manager

Attachments

Progress report

Council Goals 2019

Progress Report December 2020

Background

Much study, research, funding, and public input have gone into recent city and state efforts such as Generation Casper Comprehensive Plan (2017) and **Governor Mead's ENDOW Initiative (2018)**. These two pieces of work complement each other as well as complement **Council's Goals**. The public input, findings, and recommendations of Generation Casper and ENDOW were used as guidance in developing focus areas, objectives, and **strategies to address Council's goals**.

Council has three goals: Enhance the attractiveness of the community for business and workforce development; Enhance public safety and the efficiency of police and fire operations; and Provide the highest quality service to citizens.

Generation Casper Comprehensive Plan is Casper's land use policy document that will help ensure efficient city services, adequate key infrastructure, and continued growth of Casper's unique quality of life. Generation Casper is based on six themes: Endless Character; Vibrant Urban Center; Distinctive Regional Hub; Enhanced Connectivity; Embrace the River; and Undiscovered Quality of Life.

ENDOW (Economically Needed Diversity Options for Wyoming) sees five building blocks for Economic Opportunities and Job Growth in Wyoming: Workforce and Education; Health and Quality of Life; Infrastructure; Entrepreneurial Ecosystem; and State Capabilities. **Council's Goals nearly mirror the ENDOW building blocks when State Capabilities is replaced with City Capabilities.**

When viewed holistically, tracked, and measured, Council's Goals represent a nice nexus of public input and public direction gathered through the - aforementioned initiatives.

Goal 1

Enhance the attractiveness of the community for business and workforce development.

Focus Area: Housing Options

The City of Casper will leverage the addition or redevelopment of desirable workforce housing to create 100 opportunities by doing the following:

Objective A: Coordinate and prioritize neighborhood redevelopment with Public Services and Public Safety. *(Andrew, Keith, Liz)*

1. Review following neighborhoods for re-development using quality of life measurements to leverage 25 units for redevelopment with key infrastructure improvements.
 - o Ft Caspar Phase III
 - o West NCHS
 - o North Casper
 - K Street corridor
 - a. Present Council with findings and a recommendation for consideration in fall 2019.
2. Review options of underutilized multifamily housing stock for redevelopment to leverage 25 units of workforce housing.
 - a. Present Council a proposal by April 2021.

STATUS DECEMBER 2020

Part I offenses, consisting of homicide, rape, robbery, assault, burglary, larceny-theft, motor vehicle theft, and arson, were mapped against the Pavement Condition Index. Based on that analysis, phase 2 of East K Street was reconstructed over the summer. Project limits were from North Grant Street to St. Mary Street. Improvements included street realignment to create better pedestrian connectivity; a mill and overlay asphalt surface; replacement of cast iron water mains; installation of storm sewer catch basins; ADA accessible ramps at intersections along the corridor; and miscellaneous repairs to sidewalk, curb, gutter and curbside.

Fronting onto K Street are 14 residential lots. Casper Housing Authority is also converting the old North Casper Elementary School into their main offices and providing a day-care for working families. The City meets consistently with the Casper Housing Authority to review multifamily housing stock in the North Casper area. At least 25 units have been identified for redevelopment into workforce housing.

*In 2017, the residences fronting K Street within this project area had ten (10) reported Part I crimes. The annual number of Part I Crimes has decreased to seven (7) in 2018, four (4) in 2019, and three (3) in 2020, constituting a **70%** decline in Part I crimes since 2017. The Casper Police Department supports the application of rejuvenation and infrastructure in reducing crime in specific neighborhoods. The K Street project is an example of a collaborative, team-based success.*

Objective B: Make City-owned land available for housing in key areas to add 30 units of workforce housing within 3 years. (Liz)

1. Review City-owned properties with Council by July 2019 to divest the City of housing potential land inventory by 100%.
2. Establish dates by which property could be in private ownership with Council in August 2019.
3. Develop a Request for Proposal or Bid Process for the identified target properties by August 2019.
 - a. Ensure that housing developments start within one year of each parcel being let to the private sector.

STATUS DECEMBER 2020

*Staff received approval from the Casper City Council in August 2019 to put the Beverly Street property out for bid for private-sector development into approximately 50 units of workforce housing. A Request for Bid (RFB) was published in March 2020 for the **property. The appraised value on the property is \$1,255,000. The City's Housing Authority responded to the RFB and submitted a bid of \$601,000 for a 60-unit affordable housing development, which will offer both affordable, and workforce housing, and fulfills a housing goal identified by Council. The bid met the required terms and conditions of the RFB. It was the only bid received. The Casper Housing Authority has applied to the Wyoming Community Development Authority (WCDA) for tax credits to build the low-income housing development, to be known as Liberty Square. The difference between the appraised price and the purchase price on their application will show as a donation by the City, which shows local governmental support of a tax credit/workforce housing project. Construction is planned for September 2021.***

Objective C: Create development incentives for key areas to leverage the availability of 20 units of workforce lots or structures by 2022. (Liz, John)

1. Select development areas by April 2021.
2. Present Council with a development incentives proposal by April 2021.

DECEMBER 2020

Development incentives still to be determined.

Focus Area: Housing Options

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	Endow Building Block
Outputs & Outcomes					Undiscovered Quality of Life	Health & Quality of Life
Neighborhood blocks reviewed	4	4			Undiscovered Quality of Life	Health & Quality of Life
Units for redevelopment	25	25			Undiscovered Quality of Life	Health & Quality of Life
Presentation to Council			Fall 2019	Fall 2019	Undiscovered Quality of Life	Health & Quality of Life
Housing units leveraged	25		2022		Undiscovered Quality of Life	Health & Quality of Life
Presentation to Council			Apr 2021		Undiscovered Quality of Life	Health & Quality of Life
Review city owned properties			Jul 2019	Aug 2019	Undiscovered Quality of Life	Health & Quality of Life
Establish dates for private owner			Aug 2019	Aug 2019	Undiscovered Quality of Life	Health & Quality of Life
Develop RFP/RFB			Aug 2019	Mar 2020	Undiscovered Quality of Life	Health & Quality of Life
Private owner housing Start	1 year	1.5 year			Undiscovered Quality of Life	Entrepreneurial Ecosystem
City owned property listed			Jul 2019	Mar 2020	Undiscovered Quality of Life	Health & Quality of Life
City owned property sold			Dec 2019	Dec 2020	Undiscovered Quality of Life	Health & Quality of Life
Workforce housing units added	30	60			Undiscovered Quality of Life	Health & Quality of Life
Select development areas			Apr 2021		Undiscovered Quality of Life	Health & Quality of Life
Presentation to Council			Apr 2021		Undiscovered Quality of Life	Health & Quality of Life
Incentive workforce lots	20		2022		Undiscovered Quality of Life	State Capabilities

Focus Area: Infrastructure Development

The City of Casper will invest in high quality, reliable infrastructure necessary for increased business development opportunities and quality of life by doing the following:

Objective A: Evaluate opportunities that exist with broadband and other digital infrastructure to improve redundancy by 75% and provide high speed access for every business by 2022. *(Tracey, John)*

1. Consult with private partners to gather a capability, capacity, and need analysis by end of FY2020.
 - a. Establish priorities for future use with the Council in summer of 2020.
2. **Analyze the City's needs regarding** City leases of fiber optic cabling by the end of FY2020.
 - a. Establish cost needs for long term, redundant fiber optic network connecting City facilities to form proposal for Council consideration by September 2020.

STATUS DECEMBER 2020

Broadband services in Casper continued to improve in terms of speed of service availability from 2019-2021. A noteworthy example was the announcement by Charter Communications (Spectrum) of the provision of gigabit services to the community. In addition to Charter and Centurylink, there are several other telecommunications companies that either have or are installing fiber optics within City limits. Moving forward, staff will research a dig once policy, similar to the one employed by the State of Wyoming along highway and Interstate Rights of Way whereby the company performing the work is required to add two additional conduits for future expansion.

The agreement with Charter Communications providing for fiber optic communications between eleven City facilities is set to expire in 2026. A recent quote obtained from Advanced Communications Technology (ACT) out of Sheridan provided an approximate cost of \$4 million to install new, city-owned fiber connections to these locations. This figure coincided with the new construction amount in the Fiber Feasibility Study the City had performed in 2015. (That study included another \$700,000 for engineering fees.) A proposal was also received from Charter Communications for continued fiber use between City Hall and ten remote locations. The new agreement would extend the usage to 2033 at a cost of \$62,400 per year. The benefits of City-owned fiber do not outweigh the costs required at this time. Moving forward, staff will continue negotiations to extend the agreement with Charter in advance of the 2026 expiration. Redundancy for City operations will continue to be expanded as needed, including a fiber run in 2021 to connect the Solid Waste and Metro Animal Control sites to the Waste Water Treatment Plant.

Objective B: Connect all major business and recreational segments to population centers via pedestrian access by 2022 to increase walkability with more interconnectivity and reduce connectivity gaps by 15% each year. *(Andrew, Tim, Liz)*

1. Partner with the Platte River Trails Trust to execute any capital contracts necessary to complete the planned trail projects by October 2019.
2. Update the Bike, Pedestrian, and Pathway Plan (2015) in 2020.
3. Implement key elements of the Bike, Pedestrian, and Pathway Plan (2020) in years 2020-2022.

- a. Identify 3 opportunity areas for implementation for inclusion in the FY 21 budget.

STATUS DECEMBER 2020

The Bike, Pedestrian, and Pathway Plan from 2015 is in the process of being updated with funds from MPO. Funding sources will be identified for selected projects. The City has identified and progressed in constructing pathway and pedestrian amenities. The pathway improvements and expansions have been done in partnership with the Platte River Trails Trust. Notable pathway and pedestrian amenities constructed within the last year or scheduled for construction include the following:

- *Rotary Park Phase II - a new multi-use detached asphalt pathway along Casper Mountain Road from the intersection of Wyoming Boulevard and Casper Mountain Road extending to the south for approximately 7,650 feet, or 1.45 miles. Funded by: TAP Grant & 1%#15 Optional Sales Tax.*
- *Morad Park to Walmart Trail – currently under design, this pathway will be approximately 2,200 feet long and connect Morad Park to the west side Wal-Mart. Funded by: TAP Grant & 1%#15 Optional Sales Tax.*
- *Midwest Avenue Bike Lane and Pedestrian Development – as part of the Midwest Reconstruction project from Elm Street to Walnut Street, a new separated bike lane will be constructed along with 10-foot concrete sidewalks. Funded by: TAP Grant, Capital Fund Reserves, 1%#14, 1%#15.*
- *Paradise Valley to Robertson Road Trail – the city currently has HDR Engineering under contract for the design of a pedestrian bridge and pathway to connect Robertson Road to Paradise Valley park. Funded by: TAP Grant, 1%#16.*
- *2019 Platte River Trails Replacement – replaced 2030-feet of deteriorated asphalt pathway with 10-ft wide concrete pathway at the North Casper Soccer Fields Complex, and installed 1130-feet to provide pedestrian access from M St. to the trail network. Replaced 1000-feet of deteriorated asphalt pathway in the middle of Paradise Valley Park. Funded by: 1%#15.*
- *North Beverly Street Roadway Improvements – project included widening 1100-feet of sidewalk to 10-feet to improve connectivity between the Rails-to-Trails pathway network and the Platte River Trails network. Funded by: 1%#15.*
- *3^d Street Improvements – Beverly to Conwell – project installed 470-feet of sidewalk to eliminate sidewalk gaps. Funded by: 1%#15.*
- *Verda James Pedestrian Overpass – project removed and replaced the pedestrian bridge ramps. Funded by: 1%#14, 1%#15.*

Objective C: Decrease infrastructure loss caused bank erosion by 100%. (Jolene)

1. Complete river restoration design for First Street Reach and bid project by June 3, 2019.
2. Construct First Street Reach by December 31, 2019.
 - a. Increase wetlands as a best management practice for treating stormwater.
 - b. Increase public amenities such as parks or trails to engage with the river by 25%.

- c. Increase public access to the river by 25%.

STATUS DECEMBER 2020

The First Street Reach of the river restoration project was designed, bid, and awarded. Construction delays caused by the need to address contamination from the old Amoco Refinery were significant enough that a change order was requested and authorized. This made the project a two-season construction, which will extend the construction on the project into spring 2021 and possibly 2022. Two wetlands were created and existing wetlands were enhanced. One stormwater outfall realignment was initially removed from project due to cost but funding has been found. Therefore, the project will be re-bid in spring 2021 and constructed in summer 2021. Installation of boulder stairs on river left by Jonah Bank increased access in 2019. The river banks between First Street and the BNSF bridge have been enhanced such that river access is increased in that area. Other access will be increased when the boat ramp is constructed near the BNSF bridge. Amenities were removed from the river restoration project due to costs, but will be re-bid as separate projects as funding becomes available. Grant writing and fundraising are underway to develop a linear riverfront park (a.k.a First Street Gateway) with a boat ramp and additional amenities.

Objective D: Decrease unenhanced gateways by 100% through implementation of the I-25 Gateway Beautification Plan. *(Andrew, Tim, Liz)*

- 1. Identify and budget for FY20 priority areas in May 2019.
- 2. Complete conceptual design plans for additional gateway elements by June 30, 2019.
 - a. Schedule out phases of implementation for the next Capital Plan (FY21).
- 3. Improve east gateway with iconic feature by September 2019.

STATUS DECEMBER 2020

Under a cooperative agreement with WYDOT, plans have been developed to enhance the I25 & Walsh Drive interchange. Improvements include the installation of decorative lighting and street trees, the extension of the Rails to Trails pathway from Walsh Drive to Curtis Street, and a "Welcome to Casper" sign. The Center Street underpass pedestrian railing was replaced summer 2020 with new, powder-coated, decorative railing.

WYDOT will make enhancement funds available in 2022 for their work on I25 between Center St. and F St. Additional funds will be available in 2024 for their work along I25 between the Yellowstone Bridge and Center St. WYDOT enhancement funds will also be made available in 2024 for the intersection of CY Ave. & Wyo. Blvd. as well as Poplar St. between CY Ave. and Collins Dr.

After an extensive permitting process with WYDOT and the FHWA, the eastside "Welcome to Casper" gateway statue was moved to the gore area between the interstate and Hat Six Road off-ramp. Funded by the W.N. McMurry Revocable Trust, the new location is much more visible to motorists on I25.

*As part of the First Street river restoration project, an additional gateway project, the First Street Gateway Project has been identified as an important opportunity **and to address "embracing the river" as outlined in Generation Casper Comprehensive Plan.** The project includes a riverfront linear park with a boat ramp and other amenities including art as interpretive elements. Planning, grant writing, and fundraising are underway, and the project will be added to FY21 capital plan.*

Objective E: Update or create business plans for City amenities to improve target services to reduce subsidies and utilities to reduce need for rate increases by 10%. (Andrew, Tim, Tom Pitlick)

1. Build business plans aimed at drawing more year-round use at recreational amenities by April 2020 to increase business during off season by 15% by 2021.
 - a. Increase year round use opportunities at Hogadon Lodge by paving the parking lot and installing air conditioning by September 2019, pending Council approval.
2. Identify other efficiencies and treatment needs at utilities by April 2020
 - a. Finish Utility business plan development by FY 2021.

STATUS DECEMBER 2020:

Business plans have been developed for both CPU and Solid Waste. Presentations were made to Council at work sessions in spring 2020. Business plans for recreational amenities are complete and have been presented to the City Manager. Staff continues to look for year-round opportunities that will not increase subsidy requirements. Approximately one third of the Hogadon parking lot was paved in the summer of 2020. Additional paving may take place depending on prioritization of funding in future years. The air conditioner for Hogadon was installed in the summer of 2020 to accommodate more functions in the summer months.

Objective F: Implement the Downtown Parking Study. (Liz, Chief McPheeters)

1. Explore use of parking meter technology by August 2019.
 - a. Implement by September 2021.
2. Recommend modernized parking enforcement programs/technology for implementation by April 2020, pending Council approval.
3. Consider the establishment of Parking Enterprise Fund to eliminate dependence upon the General Fund by 100% by 2022.

STATUS DECEMBER 2020

The Casper Area MPO partnered with the Casper Police Department to explore the potential for installing parking meters in downtown Casper, along key commercial corridors. The other recommendations from the Downtown Park Study were also explored – hiring parking management professional/firm and increasing enforcement and implementing a consistent fine structure with Municipal Court. Beginning in September 2019, three work session presentations were conducted for discussion and direction from the City Council. The final decision was not to install parking meters or hire a parking management professional, but instead, to focus on consistent enforcement from the Casper Police Department and subsequent citations and fine penalties with Municipal Court. Implementation began in January 2020, with ongoing improvements and reporting through spring 2020. The establishment of a Parking Enterprise Fund was also declined by City Council.

Focus Area: Infrastructure Development

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
Stake holders gathered			Jun 2019	Oct 2020	Enhanced Connectivity	Infrastructure
Needs analysis completed			Jun 2019	Nov 2020	Enhanced Connectivity	Infrastructure
City Loop lease termination proposal			Sep 2020	N/A	Enhanced Connectivity	Infrastructure
Connectivity gaps reduced	15%	20%			Enhanced Connectivity	Infrastructure
Bike, Pedestrian, & Pathway Plan updated			Dec 2020		Enhanced Connectivity	Health & Quality of Life
Increase river access	25%	25%			Embrace the River	Health & Quality of Life
In-River construction bids			Jun 2019	Jun 2019	Embrace the River	Health & Quality of Life
Increase public amenities	25%	construction planned for summer/fall 2021			Embrace the River	Health & Quality of Life
First Street Reach constructed			Dec 2019	Dec 2020	Embrace the River	Health & Quality of Life
125 Gateway beautification priority areas identified			May 2019	May 2019	Endless Character	State Capabilities
Conceptual designs for gateway elements completed			Jun 2019	Jun 2019	Endless Character	State Capabilities
Unenhanced gateways remaining	0	1			Endless Character	State Capabilities
Eastside gateway feature completed			Sep 2019	Aug 2019	Endless Character	State Capabilities
Hogadon lodge lot paving completed			Sep 2019	Aug 2020	Undiscovered Quality of Life	Health & Quality of Life
Hogadon lodge air-conditioning installed			Sep 2019	Aug 2020	Undiscovered Quality of Life	Health & Quality of Life
Off season recreational business plans produced			Apr 2020	Apr 2019	Undiscovered Quality of Life	Health & Quality of Life
Reduce recreational subsidy	10%	13.7% increase			Undiscovered Quality of Life	Health & Quality of Life
Increase off - season business	15%	18%			Undiscovered Quality of Life	Health & Quality of Life
Additional utilities inefficiencies & treatments identified			Apr 2020		Endless Character	Infrastructure
Utility business plan completed			Jun 2020	Apr 2020	Endless Character	Infrastructure
Rate increase need reduced	10%	undetermined			Endless Character	Infrastructure
Parking meter technology analyzed			Aug 2019	Sep 2019	Vibrant Urban Center	Health & Quality of Life
Parking meter technology implemented			Sep 2021	Per Council do not implement	Vibrant Urban Center	Health & Quality of Life
New parking enforcement program implemented			Apr 2020	Jan 2020	Vibrant Urban Center	Health & Quality of Life
Parking enterprise fund established		Per Council	Jul 2022	Per Council do not implement	Vibrant Urban Center	Health & Quality of Life

Focus Area: Marketing

The City of Casper will exceptionally market itself as a great community to locate a business and to live by doing the following:

Objective A: Communicate community amenities with Way Finding plan. *(Andrew, Tim, Liz)*

1. Introduce a Way Finding Plan by October 2019.
 - a. Work with state and federal partners to identify funding options.
2. Implement the Way Finding project no later than FY2021 to increase communication touch points to community and guests at major gateways by 75%.

STATUS DECEMBER 2020

The Wayfinding Plan project kicked off in spring 2019 with the formation of a City and community-representative Steering Committee. They identified the goals for the Plan and funding sources. The Plan budget is \$100,000 and is federally-funded through the MPO. An RFP was issued in June 2019, and the consultant (RDG Planning and Design) was hired in late July 2019. A series of on-site meetings and monthly Skype meetings occurred through January 2020. Artwork has been finalized, destinations for the signs have been identified, locations for the signs are now underway, and costs to make and install the signs have been determined. The Plan was completed by March 2020 so that all area municipalities could include the costs to produce and install the wayfinding signs in their respective FY21 capital budgets. The cost per sign was estimated at \$6,500. The Casper City Council asked staff to prepare an RFP with the design standards and installation requirements to be issued to local sign companies to see if a better cost could be identified. The goal is to have installation occur over 2 phases, beginning in 2021, for budgetary purposes. The Platte River Trails Trust has about \$70K set aside for signage on the trail system.

Major gateways into 100% of the municipalities were identified with monument signs in the Wayfinding Plan.

Objective B: Identify and create marketing opportunities. *(Jolene, Rebekah, Dane/Jenn)*

1. Develop a request for proposals for a marketing consultant contract by the end of the FY20 to enhance business and/or relocation inquiries by 15%.
2. Budget for the marketing costs during the FY21 budget process.

STATUS DECEMBER 2020

Possible marketing consultants were identified through a series of meetings on marketing issues within the City and what the scope of services would be. The downturn in Wyoming's economy led to a decision to eliminate the budget for marketing services at this time. However, the issue will continue to be revisited and staff will continue to look for low-cost/no-cost opportunities.

Objective C: Enhance marketing of existing City amenities and programs by 10% to enhance cost recovery methods and reduce subsidy by 5% annually. (Rebekah, Tim)

1. Build business plans around the marketing opportunities identified in 2018.

STATUS DECEMBER 2020

Upon completion of the business plans, it was noted that a common theme for all facilities was the lack of a consistent marketing effort. After meeting with other departments, it was determined the City of Casper suffers from a lack of consistent, managed marketing. It has also been noted that there can be a common confusion about the difference between marketing and communications. The Parks and Recreation Department has setup an internal marketing task force to work as a team to identify marketing issues and solutions to those problems. City staff leadership has explored how to develop a long term, comprehensive solution City-wide but all possible solutions were deemed cost prohibitive for the current economic environment.

Objective D: Create partnerships with other entities to market our community assets on a broader basis, spread marketing costs in key areas across at least two partners, and increase community messaging by 50%. (Rebekah, Jolene, John, Carter, Dane/Jenn)

1. Identify partner agencies by June 2019.
2. Establish Marketing proposal by September 2020.

STATUS DECEMBER 2020

Possible partnerships such as Advance Casper, Natrona County, and VisitCasper have been identified. However, lack of City resources will continue to prevent the City from moving forward.

Focus Area: Marketing

ENDOW						
	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	Building Block
Outputs & Outcomes					Endless Character	State Capabilities
Way Finding Plan completed			Oct 2019	Jan 2020	Endless Character	State Capabilities
		delayed per Council				
Way Finding Plan at gateways	75%				Endless Character	State Capabilities
RFP for marketing consultant released			Jun 2020	No Funding	Endless Character	State Capabilities
Business /relocation inquiries	15%				Endless Character	State Capabilities
Marketing costs budgeted			Mar 2020	No Funding	Endless Character	State Capabilities
City amenities marketing budget increase	10%			No Funding	Undiscovered Quality of Life	State Capabilities
Amenity subsidy reduction	5%				Undiscovered Quality of Life	State Capabilities
Number of partner agencies identified	2	3			Undiscovered Quality of Life	State Capabilities
Marketing proposal established			Sep 2020	No Funding	Undiscovered Quality of Life	State Capabilities
Community messaging increased	50%			No Funding	Undiscovered Quality of Life	State Capabilities

Goal 2

Enhance public safety and the efficiency of police and fire operations.

Focus Area: Sworn Police Staffing Levels

The City will ensure that the police department is staffed appropriately by doing the following:

Objective A: Increase School Resource Officer team by 3 for the beginning of the 2020 school year. *(Chief McPheeters)*

STATUS DECEMBER 2020

For the 2019-20 school year, three (3) additional School Resource Officers were added to the team. During the 2020-2021 school year, one (1) additional SRO was added and the School Resource Officers Program is operating at its full complement with one (1) sergeant and nine (9) officers.

Objective B: Reduce patrol officer vacancy rates by 10% from 2018 levels. *(Chief McPheeters)*

STATUS DECEMBER 2020

In 2018, the Casper Police Department completed the calendar year with 95 sworn police officers (3 vacancies) a 77% decrease in vacancies from 2017's eighty-six (86) sworn officers, (13 vacancies).

In 2019, the Casper Police Department completed the calendar year with 101 sworn police officers (8 vacancies). This increase in vacancies is solely attributable to the addition of 10 new SRO positions and an additional supervisor position.

In 2020, the Casper Police Department completed the calendar year with 98 sworn police officers (6 vacancies) a 25% decrease in vacancies from 2019.

Four (4) lateral Police Officers and two (2) entry level police officers are scheduled for hire in the first 2 months of 2021 (January 18, 2021 (two laterals), February 15, (2 laterals), and at the end of February (2 entry-level).

1. Ensure that each police academy class has no less than 3 officer candidates included.

STATUS DECEMBER 2020

The Casper Police Department exceeded this goal by 47%.

During calendar year 2019, three academy classes were held at the Wyoming Law Enforcement Academy and the Casper Police Department enrolled five (5) officers into the January Academy, four (4) officers into the April Academy, and four (4) Officers into the August Academy. In 2020, the Casper Police Department enrolled four (4) Officers into the January Academy. However, due to COVID restrictions, the Wyoming Law Enforcement Academy shut down operations in March 2020 and the Casper police officer candidates were sent home. The Casper Police Department began their own academy on June 22, 2020 with five (5) candidates enrolled. The Casper Police Department has scheduled another Academy class on April 26, 2021 with a minimum of two candidates enrolled. We anticipate that the Casper Police Department will successfully recruit at least two more qualified candidates for inclusion in this academy class.

*In 2019, the Casper Police Department implemented the Senior and Master Police Officer positions program. This program has had a positive impact on recruiting and retention. In 2020, the Casper Police Department was able to recruit and hire seven (7) qualified, lateral police officer candidates. Likewise, voluntary and involuntary departures have declined significantly from thirteen (13) in 2017 and fourteen (14) in 2018, to seven (7) in 2019 and seven (7) in 2020. The vast majority of departures during 2019 and 2020 were overwhelmingly due to new, officers-in-training being unable to successfully complete Field Training or the Probationary Period, rather than through the voluntary departure of veteran officers. This change in the rate of attrition of police officers in 2019 and 2020 represents a 48% decline from the attrition rate which occurred in 2017 and 2018 **and a significant deviation from the Department's preceding 5 years' average of thirteen (13) officer departures per year.***

2. Increase self-initiated activity by 25%.

STATUS DECEMBER 2020

In 2019, the Patrol Division of the Casper Police Department saw a 23.5% increase in drug related arrests, a 17% increase in Felony Arrests, a 17% increase in Misdemeanor Arrests, and a 17% increase in total arrests. During this same time period, juvenile arrests increased by 39%. Traffic stops resulting in an adult arrest were up by 14%, traffic stops resulting in juvenile arrests were up by 56%.

In March of 2020, the advent of COVID-19, forced the Casper Police Department to prioritize enforcement actions to maintain operational capacity by attempting to mitigate the unwanted transmission of the virus in the Police Department and to protect the capacity of the Natrona County Detention Center by intelligently minimizing contacts, detentions, and arrests of populations and groups likely to be at higher risk of COVID-19 transmission. Statistical comparisons of 2020 CPD enforcement efforts are hampered by a variety of COVID-19 anomalies such as the closures of bars and restaurants, public business quarantines, and stay-at-home orders.

In 2020, despite the challenges of COVID-19, the Casper Police Department conducted a 2.2% increase in self-initiated enforcement activities. All other statistical categories of enforcement declined as a direct result of COVID-19 restrictions and recommended enforcement prioritization, with total arrests declining by 19%.

Objective C: Re-establish crime prevention and reduction teams by January 1, 2020. *(Chief McPheeters)*

STATUS DECEMBER 2020

In 2020, despite ongoing staffing shortages, the Casper Police Department made the decision to commit precious personnel resources (1 Sergeant, 4 Police Officers, and 2 K-9 Officers) to the re-establishment of the Problem Oriented Response Team (PORT). In the 3 months since PORT began operations, the team, by themselves, has accounted for 63 felony arrests, 171 misdemeanor arrests, 7 DUI arrests, 469 Traffic Stops, and 296 Felony Investigations. During this same time-period, the team was also tasked with completing various, high-profile, criminal investigations and multiple community outreach assignments.

The Casper Police Department added one (1) additional Officer to the Traffic Unit.

In addition, the Department revitalized the Downtown Parking Enforcement Program, assigned two (2) new Task Force Officers to the DEA, and maintained existing commitments to the DCI and FBI Task Forces. The Department also further developed the strong working relationship with the DEA, resulting in significant grant funding for the department to focus on drug-related crime prevention in 2021.

Lastly, due to the Department's state-leading performance on traffic safety projects, the Department has been awarded an all-time record award of overtime funding for traffic safety projects: approximately double for the year 2021 over that of 2020.

1. Increase proactive exercises by 25% by 2021.

STATUS DECEMBER 2020

Proactive exercises conducted by the Casper Police Department increased over 2018's numbers by 43 exercises (from 19 to 62) through the end of 2020, an increase of 226%.

In 2018, the Casper Police Department conducted twelve (12) Active Shooter trainings in the community, one (1) overall analysis for NCSD, two (2) CPTED analyses, two (2) Health Care Security analyses (Elkhorn and Meadow Wind) and participated in two (2) tabletop and full-scale exercises.

In 2019, Casper Police Department personnel participated in four (4) tabletop scenario exercises, three (3) full-scale scenario exercises, and attended twelve (12) exercise design meetings (950% increase).

In 2019, the Casper Police Department completed twenty-eight (28) active-shooter trainings (133% increase), conducted six (6) CPTED analyses (NCSD and City Facilities: Ice Arena, Events Center, Landfill, and Garage) (100% increase) and two (2) Health Care Security assessments (WMC and WMC East campus) (no increase).

In 2020, the Casper Police Department completed CPTED analyses at an additional seven (7) NCSD schools (16% increase).

Due to COVID-19 restrictions arising in March 2020, additional private business trainings and CPTED analyses were postponed.

Focus Area: Sworn Police Staffing Levels

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
Increase SRO Team members	3	4	Sep 2019	Sep 2020	Undiscovered Quality of Life	Health & Quality of Life
Patrol vacancy rate reduction	10%	25%	May 2020		Undiscovered Quality of Life	Health & Quality of Life
Number in polic academy	3	22		2019	Undiscovered Quality of Life	Health & Quality of Life
Self-initiated increase	25%	*2.2%	May 2020		Undiscovered Quality of Life	Health & Quality of Life
Proactive exercise increase	25%	226%	May 2021		Undiscovered Quality of Life	Health & Quality of Life
*COVID-19 impacted data						

Focus Area: Building Security

The City will enhance the security of City-owned properties and harden itself against cyber-attack for critical infrastructure by doing the following:

Objective A: Develop protocols for securing City properties by April 2020. *(Tracey, SAFE)*

1. Implement Active Shooter Drills for all City facilities.

Objective B: Evaluate/implement SAFE designs for City properties. *(Jolene, Fleur, Dabney/Griswold)*

1. Complete City Hall SAFE projects by 2020.
2. Develop recommendations for building modifications at other properties by April 2020 for potential implementation in 2021.

Objective C: Implement a plan for cyber risk mitigation by April 2020 to reduce the incidence of successful cyber-attacks by 100%. *(Tracey, Michael)*

1. Make Budget recommendations in FY21 for cyber risk mitigation.

STATUS DECEMBER 2020

Buildings and Structures provided a list of City-owned facilities to the Casper Police Department. Utilizing this list, CPD has developed a plan for completing facility security assessments of the locations, beginning with the largest and/or most complex. Any necessary revisions are made and the report is sent to the facility manager. In some cases, such as Solid Waste, facility managers have already submitted BAS requests to either modify or provide estimates to modify facilities based on the recommendations provided by PD. In most cases, however, the team proposed earlier this year will need to come together to help hash out the priorities, solutions, funding, etc. This team analysis has only been done for City Hall. The facilities where security assessments have been completed are:

- *City Hall*
- *Casper Events Center*
- *Recreation Center/Aquatics Center/Ice Arena*
- *Solid Waste Facility*
- *Casper Service Center (report is almost completed)*

Council approved the City Hall remodel, and design work has been completed.

Active shooter training will be mandatory for all employees and drills will be incorporated into the training. Risk Management will work with PD and facility managers to ensure that each facility develops a specific emergency response plan for active shooter (and other emergency situations). This goal was not achieved in 2020 due to priority on focusing on pandemic response. This will continue to be worked on in 2021.

Information Security policy approved March 2019.

FY20 Capital Projects included:

- **Security Awareness/Email Phishing Training** - Online software designed to further educate staff regarding proper cybersecurity practices. Several of the major product components include email phishing campaigns, training videos, and an alert button to notify IT of suspicious messages. The organization's average failure for phishing simulations is 5.1%, and the City remains well below the industry standard of Phish-Proneness of 15%.
- **Product Implementation COMPLETE. Two training campaigns have taken place.**
- **Web Application Firewall** - A hosted service that filters internet traffic destined for City resources. Instead of Internet users directly accessing web-based applications provided by the City (i.e., GeoSMART, Employee Self Service Portal, etc.), traffic is directed through this service as an additional level of protection. **Installation COMPLETE**

In FY21, budget recommendations were made to mitigate any cyber risk. A cyber incident could be catastrophic from the data perspective. In 2018, the City experienced a cyber incident. It was investigated by an outside forensics team. Their findings came back that no information was compromised. The City will continue to put processes in place to have zero cyber incidents. Network Security Assessment budgeted for FY21 did not receive grant funding in FY21. It will be re-submitted as a capital request for FY22.

Focus Area: Building Security

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
Facility Active Shooter Drills	4 per year	0		planned for 2021 beginning in April	Undiscovered Quality of Life	Health & Quality of Life
City Hall Safe Projects Completed	23	1	Apr 2021	No budget	Undiscovered Quality of Life	Health & Quality of Life
Building modifications Recommended	29	2	Apr 2020		Undiscovered Quality of Life	Health & Quality of Life
Cyber risk mitigation			Apr 2020	Jan 2020	Enhanced Connectivity	Infrastructure
Successful Cyber Attacks	0	0			Enhanced Connectivity	Infrastructure

Focus Area: Public Safety Training

The City will lead a **robust training program for Casper's public safety personnel** and the community by doing the following:

Objective A: Continue Crisis Intervention Training (CIT). *(Chief Solberg, Chief McPheeters)*

1. Increase patrol officers trained by 20% by end of FY20.
2. Send 6 fire department employees to International Assoc. of Firefighters Peer Support program in May 2019

STATUS DECEMBER 2020

At the end of 2019 a total of 53 Police Officers are CIT trained. This is a 36% increase over 2018. Due to COVID, the November 2020 scheduled class was cancelled. In 2019, 6 fire department employees were sent to the International Association of Firefighters Peer Support program. The fire department is actively using the program effectively for internal call issues.

Objective B: Expand Active Shooter community training. *(Chief McPheeters)*

1. Increase trainings by 20% from 2018 levels.

STATUS DECEMBER 2020

In 2019, 35 active shooter response, de-escalation techniques and environmental security assessments were completed at businesses, churches, schools, medical facilities and other public buildings. This is a 106% increase over 2018.

Objective C: Complete downtown building mapping by the end of FY20. *(Chief Solberg, CRR)*

1. Complete the aerial drone survey and create electronic versions for tactical operation use during incidents.

STATUS DECEMBER 2020

The aerial drone survey was completed, as approximately 50 downtown buildings have been completed with fly over photographs using drone technology and are being matched with street level images to be formatted as hard copies and digital images.

Objective D: Acquire licensing and trainer status for Critical Incident Management. *(Chief McPheeters)*

1. Evaluate the training program most applicable to Casper.
2. Identify funding source – *Grant Submitted*
 - a. 80K to Homeland Security

STATUS DECEMBER 2020

BowMac Critical Incident training involved the Casper Police Department, PSCC, Natrona County Emergency Management, and Casper Fire Department who all participated in a three (3) day training course. This program included a train the trainer for future Officer/Tele-communicator training. Funding for this project came from the unspent personnel costs (salary savings) from FY19. The system is installed at the PSCC and ongoing training has been occurring and will continue on a regular basis.

Focus Area: Public Safety Training

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
CIT trainers trained	12	53			Undiscovered Quality of Life	Health & Quality of Life
FDE Peer Support Trained	6	6				
Active Shooter Trainings increase	20%	106%			Undiscovered Quality of Life	Health & Quality of Life
Ariel Drone survey completed			Jun 2020	June 2020	Undiscovered Quality of Life	Health & Quality of Life
CIM licensing funding source identified	funding		Apr 2020		Undiscovered Quality of Life	Health & Quality of Life
CIM trainer status acquired	license		Apr 2020		Undiscovered Quality of Life	Health & Quality of Life

Focus Area: Public safety service demands and quality
The City will maintain the highest level of public safety response possible by doing the following:

Objective A: Decrease response time variances for fire and medical incidents by 25%. *(Chief Solberg)*

1. Identify factors for response time variances by September 2019.
2. Identify factors for delayed medical transports by November 2019.
 - a. Establish recommendations regarding potential delays to Council by spring 2020.

STATUS DECEMBER 2020

The annual number of incidents has increased to over 7,180. The factors that have been identified are overlapping incidents that require "out of district" response and creates a longer response time. During 2018, Casper Fire-EMS experienced overlapping incidents 50% of the time.

The primary factor for delayed medical transport is the number of available ambulances and multiple calls including non-emergency medical transfers. Casper fire department relies on Wyoming Medical Center and outside agencies to transport. Wyoming Medical Center has a limited number of staffed ambulances for both emergency and non-emergency incidents. During 2019, ambulances from Mills and Evansville were used 108 times to respond for transport into the City of Casper. The distances for Mills and Evansville may create a delay in transport.

Objective B: Develop an action plan to address increased service demands. *(Chief Solberg)*

1. Conduct and complete an analysis of increased service demands with outside consultant by December 2019.
2. Establish baseline data on contributing factors by November 2019.
3. Propose an action plan for FY21 to meet 100% of service demands with appropriate staffing 2022.

STATUS DECEMBER 2020

The analysis of increased service demands is being delayed until additional information is obtained to determine the scope.

Baseline data has been collected and will continue to be compared with future data. The baseline data includes total number of incidents, number of times overlapping calls occurred, average response times, time of medical transport, number of times outside ambulance is utilized for transport. (status-ongoing)

The proposed action plan to meet current service demands includes an Alternative Response Vehicle. The Alternative Response Vehicle would be available on a roving assignment during high service demand to maintain appropriate response times. Additionally, the alternative response would be "Transport Capable" to prevent any delay of definitive medical care at the receiving hospital.

Objective C: Develop operational deployment options to reduce fleet cost replacement by 15% and improve response by 25%. *(Chief Solberg)*

1. Evaluate various fire apparatus types to include a Quint and/or Alternative Response Vehicle.
 - a. Identify cost benefit advantages.
 - b. Incorporate into fleet replacement strategy by 2022. **(status- ongoing)**

STATUS DECEMBER 2020

The evaluation process of staffing a Quint and incorporating into the fleet replacement strategy is ongoing at this time.

Focus Area: Public Safety Service Demands

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
		time not decreased - overlapping calls interfering				
Response time decrease	25%				Undiscovered Quality of Life	Health & Quality of Life
Response time variance factors identified			Sep 2019	Sep 2019	Undiscovered Quality of Life	Health & Quality of Life
Factors for delayed medical transport Identified			Nov 2019	Nov 2019	Undiscovered Quality of Life	Health & Quality of Life
Action Plan submitted to Council			Jul 1905		Undiscovered Quality of Life	Health & Quality of Life
Fleet cost replacement reduced	15%	continues to be evaluated			Undiscovered Quality of Life	Health & Quality of Life
Fleet replacement strategy			Feb 2022		Undiscovered Quality of Life	Health & Quality of Life

Goal 3

Provide the highest quality services to citizens.

Focus Area: Capital City Facility Projects & City Staffing

The City of Casper will provide the highest level of services to its citizens with its facilities and staffing by doing the following:

Objective A: Coordinate City Capital Projects to ensure the most productive facilities for future growth.

1. Police station & Fire Station 1 (*Chief Solberg, Chief McPheeters*)
 - a. Complete needs assessment by August 2019.
 - b. Develop a funding plan and proposal no later than April 2020.
 - c. Complete the refurbishment of the public safety facilities by 2023.

STATUS DECEMBER 2020

The needs assessment was completed by the Police Facility Design Group in June 2019 and presented to Council during a work session in September 2019. Discussion is under way on funding for this project. In January 2020 a town hall meeting was held to present the police building project to the public. The Casper Police Department staff continues to raise awareness of the need for the police station.

2. Rec Center Entryway (*Tim*)
 - a. Begin analysis August 2020
 - b. Complete design for entryway by October 2020.
 - c. Propose a budget for entryway construction by November 2020.
 - d. Construct entryway in FY22, pending Council direction.

STATUS DECEMBER 2020

The rough design for what is needed for the Rec Center entryway is complete. Based on the engineer's estimate, the budget for design work was submitted in the FY21 budget proposal. However, it was cut from the FY21 budget. It will be re-proposed for the FY22 budget.

3. Fort Caspar Expansion (*Tim*)
 - a. Determine what is needed September 2019
 - b. Complete initial design and determine fundraising target
 - c. Follow-up with the fundraising effort quarterly.

- d. Start construction of the expansion in FY22 if funding allows.

STATUS DECEMBER 2020

The Fort Caspar Museum Association along with the Tripeny/Shickich Family joined with the Fort Caspar staff to determine what is ideally needed for an expansion. The initial design was completed and it was determined that \$1.2M would need to be raised for the formal design and construction. In December of 2019, Council passed a resolution in support of the fundraising effort. As of December 1, 2020, over \$350K has been received or pledged to the effort. Various grants are also in the application process.

- 4. Metro Animal Shelter (*Liz*)
 - a. Begin a needs analysis in Spring 2020.

STATUS DECEMBER 2020

Metro Animal Shelter replaced its entire HVAC system, ceiling tiles, and filtration system in the spring of 2020. During that process, it was determined that the boiler would need to be replaced next. That work is being bid, and after it is completed, the Shelter facility should be in good shape.

Objective B: Attract and retain the highest caliber city employees.

- 1. **Establish the organization's pay philosophy** (*Carter, Tracey*)
 - a. Complete a Class and Compensation Study by February 2020
 - b. Develop a plan for implementation and budget impacts for Council by May 2020.
- 2. Establish sustainability with the health fund to achieve financial goals by 2023. (*Tom Pitlick, Carter*)
 - a. Start annual performance review with Council in FY20.
- 3. Promote opportunities for talent development in all departments. (*Carter, Tracey, et. al.*)
 - a. Develop and implement a talent development plan where appropriate by April 2020.
 - b. Develop some level of advancement opportunities post-wage cap to budget in FY21.
- 4. Identify service gaps
 - a. Secure adequate staffing in a trend following economic behaviors locally. (*All*)
 - i. Complete a Citizen Service Survey complete by FY20. (*Fleur*)
 - ii. Develop a proposal toward staffing recovery for FY21 to fully recover service losses by FY22. (*Tracey, et. al.*)

STATUS DECEMBER 2020

Graves Consulting reviewed results of the comprehensive compensation and classification study it performed for the City of Casper in May 2020. Overall, City employees are being paid at, or above market. Only a few positions, most were non-full time, were shown to be paid below market. Graves recommended a

completely revised pay structure for general employees that is an open range versus a step-based system to provide the City much greater flexibility to provide pay increases based on market data. A timeline for implementation over the next few years was accepted by City Council.

*The City stopped having a self-funded health plan in January 2020. The health fund will still need to pay premium costs to the State of Wyoming. Additionally, budgeting for the City department head life insurance premiums, and fire department (Union) life insurance premiums, Long-term disability premium, Three Trails Employee Assistance Program premium, NBS flex spending (run out), 2019 claims run-out with Cigna, Cigna administrative fees, and additional part-time employee **enrollment, wellness programs such as NERD wellness and "Way to Wellness" will need to be considered on how to fund going forward.***

A new Talent Development Program (SOAR) for City employees began in August 2020 with employees who entered the program.

The Citizen Service Survey was not budgeted in FY21 due to financial constraints. It will be considered for the FY22 budget. Staffing recovery will continue to be evaluated as more becomes known in our uncertain economy.

Focus Area: Capital City Facility Projects

	Planned	Actual	Date Due	Date Completed	Generation Casper Theme	ENDOW Building Block
Outputs & Outcomes						
Police Station needs assessment complete			Aug 2019	Jun 2019	Undiscovered Quality of Life	Health & Quality of Life
Fire Station 1 needs assessment complete			Aug 2019	Jun 2019	Undiscovered Quality of Life	Health & Quality of Life
Public safety funding plan and proposal submitted			Apr 2020	no decision made	Undiscovered Quality of Life	Health & Quality of Life
Public safety facility completed			Dec 2023		Undiscovered Quality of Life	Health & Quality of Life
Rec Center entry way design submitted			Oct 2019	Oct 2019	Undiscovered Quality of Life	Health & Quality of Life
Rec Center entry way budget proposed			Nov 2019	Jan 2020	Undiscovered Quality of Life	Health & Quality of Life
				Delayed due to budget constraints		
Rec Center entry way construction completed			Jun 2021		Undiscovered Quality of Life	Health & Quality of Life
Metro Animal Shelter needs analysis completed			Aug 2020	May 2020	Undiscovered Quality of Life	Health & Quality of Life
Class & Compensation Study completed			Feb 2020	May 2020	Distinctive Regional Hub	Workforce & Education
Class & Comp. plan and budget submitted to Council			May 2020	No Funding	Distinctive Regional Hub	Workforce & Education
Health Fund annual review completed			Mar 2020	State Plan	Distinctive Regional Hub	Workforce & Education
				Delayed due to budget constraints		
Post wage cap advancement plan developed			Apr 2020		Distinctive Regional Hub	Workforce & Education
Complete Citizen Service Survey			Jun 2020	No Funding	Distinctive Regional Hub	State Capabilities
Citywide vacant positions			Mar 2020	No Funding	Distinctive Regional Hub	Workforce & Education

January 15, 2021

TO: His Honor, the Mayor, and Members of Casper City Council

FROM: Renee Penton-Jones and Karin East – Proud to Host the Best Committee
Brook Kaufman – CEO, Visit Casper

SUBJECT: Wyoming High School Activities Association 2022 – 2026 Tournament Bid

Recommendation:

The Proud to Host the Best Committee is requesting that Casper City Council consider an annual contribution of \$50,000 cash (beginning in 2022 through 2026) to offset the cost of hosting State Volleyball, Wrestling, 1A/2A Basketball, Cheer, Band and Track.

Summary:

Casper, Wyoming, has had the privilege of hosting many of the State High School Tournaments for well over a decade. A small committee of 15+/- volunteers have raised hundreds of thousands of dollars over the years to ensure the tournaments stay in central Wyoming. On average, the Committee secures 1000+ hours of volunteer time and \$30k in in-kind sponsorships each year and is responsible for the bid package presented to the Wyoming High School Activities Association every four years.

Here is the breakdown of the economic impact for each state tournament:


Wrestling: \$2.M
1A/2A Basketball: \$2.97M
3A/4A Basketball: \$3.39M
Volleyball: \$2.5M
Track: \$2.25M
Spirit: \$467k
Marching Band: \$238,032


Total Economic Impact of WHSAA Culminating Events: \$13.97M

Of the \$180,000 - \$200,000 raised annually, nearly \$150,000 is paid to the Ford Wyoming Center to cover meals, and operations. The rest is allocated to other outside event expenses. None of the volunteers receive compensation and there are no staff positions.

The Committee's hope is to secure funding from multiple sources to ensure the tournaments stay in Casper in perpetuity. To date, Visit Casper and the Economic Development Joint Powers Board have both agreed to increase their annual contribution to \$50,000. Having stable, long-term funding will allow Proud to Host the Best focus on developing other sponsorships and well as recruiting volunteers to make sure the tournaments are supported financially and operationally.

January 21, 2021

MEMO TO: His Honor the Mayor and Members of the City Council
J. Carter Napier, City Manager 

FROM: John Henley, City Attorney 

SUBJECT: An Ordinance Repealing Ordinance No. 54-00 as Codified by Article IV, Chapter 9.40 of the Casper Municipal Code and Creating a New Article IV of Chapter 9.40 of the Casper Municipal Code Titled "Sale of Nicotine Products"

Meeting Type & Date

Work Session
January 26, 2021

Action type

Information and direction requested.

Recommendation

That Council review the draft ordinance and prepare follow-up questions and provide direction. The Public Hearing and First Reading of the proposed ordinance is scheduled for February 2, 2021.

Summary

On July 1, 2020, Wyoming State Statutes §14-3-301 *et. seq.*, went into effect; these Statutes, which were passed by the Legislature and are the controlling law, prohibit the sale of nicotine products to persons under the age of twenty-one (21) years old, as well as the purchase, possession and use of nicotine products by persons under the age of twenty-one (21) years old.

At the January 12, 2021, Council Meeting, Council established the Public Hearing and First Reading on February 2, 2021, for a proposed ordinance to repeal and replace the current Ordinance. The current Ordinance is extremely outdated; it was adopted over twenty years ago, and does not address new types of vaping products, and similar products, that have since become available.

The proposed ordinance incorporates significantly the State Statutes, which recently became effective.

The proposed ordinance incorporates fines that are consistent with the fines passed by the State Legislature in 2020. As shown on page 2, the fine increases would affect businesses who violate the ordinance in terms of certain notices required to be posted by businesses, as well as employees who sell or deliver nicotine products to individuals under twenty-one years of age.

Fines for prohibited purchase, possession, and use by individuals under twenty-one years of age, would decrease significantly if the proposed ordinance is adopted. Additionally, if adopted, the proposed ordinance would provide individuals under twenty-one who are convicted or plead guilty to unlawful possession, purchase or use of nicotine products, a potential option to

participate in community service to work off their fine at a rate of ten dollars (\$10.00) per hour of community service work performed (the current ordinance allows for credit of five dollars per hour of community service work performed). The proposed ordinance would also allow for credit of ten dollars (\$10.00) per class hour attended, for persons who attend a nicotine cessation program.

Fine Changes:

Under the current Ordinance a fine for a second or third violation can be imposed if a subsequent violation occurred within one year. The proposed ordinance would set the time period two years from the subsequent violation.

▪ Possession or use by persons under 21

	Current	Proposed
1 st offense, not <\$100.00		\$25.00 per occurrence
2 nd offense	\$200.00	
3 rd offense	\$500.00	

▪ Purchase by persons under 21

	Current	Proposed
1 st offense not < \$100.00		\$25.00 per occurrence
2 nd offense	\$200.00	
3 rd offense	\$500.00	

▪ Prohibited sales and delivery:

	Current	Proposed
1 st offense, not < \$100.00		\$250.00
2 nd offense	\$200.00	\$500.00
3 rd offense	\$500.00	\$750.00

▪ Posted Notice Required, Location of Vending Machines: (Each day of continued violation can be deemed a separate offense)

	Current	Proposed
1 st offense	\$100.00	\$250.00
	per occurrence	
2 nd offense		\$500.00
3 rd offense		\$750.00

The current Ordinance includes affirmative defense provisions regarding parents or guardians who allow persons under eighteen years old to possess and use tobacco in the privacy of their own home, and under parent or guardian supervision. This provision is not included in the proposed ordinance.

The proposed ordinance introduces a new expungement provision (consistent with the State Statute) for persons under twenty-one years of age who plead guilty to, or are convicted of underage purchase, use, or possession of nicotine products; upon satisfaction of fines there is an automatic expungement of convictions from the court record after six months of entry of conviction.

A full copy of the proposed ordinance is attached to this Memo. The current Casper Code is published online by MuniCode and can be accessed by the public.

Financial Considerations

Minimal fine differences as set out above.

Oversight/Project Responsibility

Casper Police Department
City Attorney's Office

Attachments

Proposed Ordinance
§14-3-301 *et. seq.*
Ordinance 54-00, basis for the current Code

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE NO. 54-00 AS CODIFIED BY ARTICLE IV, CHAPTER 9.40 OF THE CASPER MUNICIPAL CODE AND CREATING A NEW ARTICLE IV – OF CHAPTER 9.40 OF THE CASPER MUNICIPAL CODE TITLED “SALE OF NICOTINE PRODUCTS”.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statute §15-1-103(a)(xiii) and (xli) to adopt ordinances and resolutions necessary to protect the health, safety and welfare of the City and of its citizens; and,

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the City necessary to the exercise of its corporate powers; and,

WHEREAS, effective July 1, 2020, Wyoming Statutes §§ 14-3-301 *et. seq.*, prohibit the sale of nicotine and tobacco products to persons under twenty-one years old and the purchase, possession and use of and nicotine and tobacco products by persons under twenty-one years of age; and

WHEREAS, the Casper Municipal Code needs updated and modified from time to time; and,

WHEREAS, the governing body of the City of Casper desires to repeal Ordinance No. 54-00 as codified by Article IV, Chapter 9.40 of the Casper Municipal Code, and Create a new Article IV of Chapter 9.40 of the Casper Municipal Code titled “Sale of Nicotine Products” for the purpose of consistency between the Wyoming State Statutes and the Casper Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1: Chapter 9.40 Offenses by or Against Minors – Article IV – Sale of Tobacco (Sections 9.40.150 through 9.40.190), is repealed and to be replaced by Section 2 of this Ordinance.

Section 2: Chapter 9.40 Offenses by or Against Minors – Article IV titled “Sale of Nicotine Products” (Sections 9.40.150 through 9.40.190) is hereby created and shall be codified as follows:

9.40.150 - Definitions.

A. As used in this article:

1. "Tobacco products" means any substance containing tobacco leaf or any product made or derived from tobacco that contains nicotine including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
2. "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses nicotine products;
3. "Retailer" means a business of any kind at a specific location that sells nicotine products to a user or consumer;
4. "Self service display" means any display of nicotine products that is located in an area where customers are permitted and where the nicotine products are readily accessible to a customer without the assistance of a salesperson;
5. "Electronic cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;
6. "Nicotine products" means tobacco products and electronic cigarettes;
7. "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.

9.40.160 – Prohibited sales or delivery

- A. No individual shall sell, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- B. Any individual violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of not more than:
 1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;
 3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed.
- C. No retailer shall sell, permit the sale, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- D. Any person violating subsection C. of this section is guilty of a misdemeanor punishable by a fine of not more than:
1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;
 2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;
 3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty- four (24) month period.
- E. Nothing in this Municipal Code Chapter shall modify or limit the provisions for injunctive relief pursuant to Wyoming Statutes §14-3-302 (e).
- F. It is an affirmative defense to a prosecution under subsections A. and C. of this section that, in the case of a sale, the person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over twenty-one (21) years of age.
- G. Notwithstanding the provisions of subsection D. of this section, no fine for a violation of subsection C. of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:
1. Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years;
 2. Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years;

3. Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and
4. Established and imposed disciplinary sanctions for noncompliance.

9.40.170 Posted notice required; location of vending machines

A. Any person who sells nicotine products shall post signs informing the public of the age restrictions provided by this article at or near every display of nicotine products and on or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of nicotine products to persons under twenty-one (21) years of age is prohibited by law. Any person who owns, operates or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:

1. "Within the line of sight" means visible to a cashier or other employee while at the sales counter; and
2. "Under control" means protected by security, surveillance or detection methods.

B. No person shall sell or offer nicotine products:

1. Through a vending machine unless the vending machine is located in:
 - a. Businesses, factories, offices or other places not open to the general public;
 - b. Places to which persons under the age of twenty-one (21) years of age are not permitted access; or
 - c. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under twenty-one (21) years of age is prohibited.
2. Through a self service display except in:
 - a. A vending machine as permitted in paragraph 1. of this subsection; or
 - b. A business where entry by persons under twenty-one (21) years of age is prohibited.

- C. Any person violating subsection A. or B. of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - 1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;
 - 2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;
 - 3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.
- D. For purposes of subsection A. of this section, each day of continued violation under subsection A. or B. of this section shall be deemed a separate offense.
- E. Nothing in this Municipal Code Chapter shall modify or limit the provisions for injunctive relief pursuant to Wyoming Statute §14-3-303(e).

9.40.180 Purchase by person under twenty-one years of age prohibited.

- A. No person under the age of twenty-one (21) years shall purchase or attempt to purchase nicotine products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection B. of this section.
- B. Any person violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).
- C. In lieu of the fine under subsection B. of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.
- D. No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection B. of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6)

months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

9.40.190 Possession or use by person under twenty-one years of age prohibited.

- A. It is unlawful for any person under the age of twenty-one (21) years to possess or use any nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection B. of this section.
- B. Any person violating subsection A. of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).
- C. In lieu of the fine under subsection B. of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.
- D. No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection B. of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

PASSED on 1st reading the ____ day of _____, 2021

PASSED on 2nd reading the ____ day of _____, 2021

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2021.

APPROVED AS TO FORM:

ATTEST:

Fleur Tremel
City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Steven K. Freel
Mayor



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-301

§ 14-3-301. Definitions

Effective: July 1, 2020

Currentness

(a) As used in this article:

(i) "Tobacco products" means any substance containing tobacco leaf or any product made or derived from tobacco that contains nicotine including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;

(ii) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses nicotine products;

(iii) "Retailer" means a business of any kind at a specific location that sells nicotine products to a user or consumer;

(iv) "Self service display" means any display of nicotine products that is located in an area where customers are permitted and where the nicotine products are readily accessible to a customer without the assistance of a salesperson;

(v) "Electronic cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

(vi) "Nicotine products" means tobacco products and electronic cigarettes;

(vii) "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.

Credits

Laws 1991, ch. 76, § 1; Laws 2000, ch. 93, § 2, eff. July 1, 2000; Laws 2007, ch. 93, § 1, eff. July 1, 2007; Laws 2013, ch. 144, § 1, eff. March 13, 2013; Laws 2020, ch. 53, § 1, eff. July 1, 2020; Laws 2020, ch. 83, § 1, eff. July 1, 2020; Laws 2020, ch. 86, § 2, eff. July 1, 2020.

W. S. 1977 § 14-3-301, WY ST § 14-3-301

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-302

§ 14-3-302. Prohibited sales or delivery

Effective: July 1, 2020

Currentness

- (a) No individual shall sell, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- (b) Any individual violating W.S. 14-3-309 or subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:
- (i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;
 - (ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;
 - (iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty- four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.
- (c) No retailer shall sell, permit the sale, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years.
- (d) Any person violating subsection (c) of this section is guilty of a misdemeanor punishable by a fine of not more than:
- (i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;
 - (ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty- four (24) month period.

(e) In addition to the penalties under paragraph (d)(iii) of this section, any person violating subsection (c) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department of revenue or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of nicotine products in the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (c) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling nicotine products in the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of nicotine products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

(f) It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over twenty-one (21) years of age.

(g) Notwithstanding the provisions of subsection (d) of this section, no fine for a violation of subsection (c) of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:

(i) Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years;

(ii) Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years;

(iii) Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and

(iv) Established and imposed disciplinary sanctions for noncompliance.

Credits

Laws 1991, ch. 76, § 1; Laws 2000, ch. 93, § 2, eff. July 1, 2000; Laws 2020, ch. 83, § 1, eff. July 1, 2020; Laws 2020, ch. 86, § 2, eff. July 1, 2020.

W. S. 1977 § 14-3-302, WY ST § 14-3-302

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-303

§ 14-3-303. Posted notice required; location of vending machines

Effective: July 1, 2020

Currentness

(a) Any person who sells nicotine products shall post signs informing the public of the age restrictions provided by this article at or near every display of nicotine products and on or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of nicotine products to persons under twenty-one (21) years of age is prohibited by law. Any person who owns, operates or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:

(i) "Within the line of sight" means visible to a cashier or other employee while at the sales counter; and

(ii) "Under control" means protected by security, surveillance or detection methods.

(b) No person shall sell or offer nicotine products:

(i) Through a vending machine unless the vending machine is located in:

(A) Businesses, factories, offices or other places not open to the general public;

(B) Places to which persons under the age of twenty-one (21) years of age are not permitted access; or

(C) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under twenty-one (21) years of age is prohibited.

(ii) Through a self service display except in:

(A) A vending machine as permitted in paragraph (i) of this subsection; or

(B) A business where entry by persons under twenty-one (21) years of age is prohibited.

(c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not more than:

(i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period;

(ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period;

(iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period.

(d) For purposes of subsection (c) of this section, each day of continued violation under subsection (a) or (b) of this section shall be deemed a separate offense.

(e) In addition to the penalties under paragraph (c)(iii) of this section, any person violating subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period may be subject to an injunction. The department or the district attorney of the county in which the offense occurred, may petition the district court for an injunction to prohibit the sale of nicotine products from the vending machines or the establishment where the violation occurred. If the court finds that the respondent in the action has violated the provisions of subsection (a) or (b) of this section for a third or subsequent time within a two (2) year period and may continue to violate such provisions, it may grant an injunction prohibiting the respondent from selling nicotine products from vending machines or from the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments or vending machines, the injunction shall apply only to the establishment where the violation occurred and to the vending machines resulting in the violation. The injunction shall prohibit all sales of nicotine products from the vending machines or the establishment involved in the violation, regardless of any change in ownership or management of the vending machines or the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

Credits

Laws 1991, ch. 76, § 1; Laws 2000, ch. 93, § 2, eff. July 1, 2000; Laws 2007, ch. 93, § 1, eff. July 1, 2007; Laws 2020, ch. 83, § 1, eff. July 1, 2020.

W. S. 1977 § 14-3-303, WY ST § 14-3-303

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-304

§ 14-3-304. Purchase by person under twenty-one years of age prohibited

Effective: July 1, 2020

Currentness

(a) No person under the age of twenty-one (21) years shall purchase or attempt to purchase nicotine products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).

(i) to (iii) Repealed by Laws 2020, ch. 83, § 2, eff. July 1, 2020.

(c) In lieu of the fine under subsection (b) of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.

(d) No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

Credits

Laws 1991, ch. 76, § 1; Laws 2000, ch. 93, § 2, eff. July 1, 2000; Laws 2020, ch. 83, §§ 1, 2, eff. July 1, 2020.

W. S. 1977 § 14-3-304, WY ST § 14-3-304

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-305

§ 14-3-305. Possession or use by person under twenty-one years of age prohibited

Effective: July 1, 2020

Currentness

(a) It is unlawful for any person under the age of twenty-one (21) years to possess or use any nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of twenty-five dollars (\$25.00).

(i) to (iii) Repealed by Laws 2020, ch. 83, § 2, eff. July 1, 2020.

(c) Repealed by Laws 2000, ch. 93, § 4.

(d) In lieu of the fine under subsection (b) of this section, the court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.

(e) No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

Credits

Laws 1991, ch. 76, § 1; Laws 2000, ch. 93, §§ 2, 4, eff. July 1, 2000; Laws 2020, ch. 83, §§ 1, 2, eff. July 1, 2020.

W. S. 1977 § 14-3-305, WY ST § 14-3-305

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Tobacco

W.S.1977 § 14-3-306

§ 14-3-306. Teen court jurisdiction

Currentness

The teen court program authorized under W.S. 7-13-1203 may have jurisdiction over any offense committed by a minor under this article.

Credits

Laws 2000, ch. 93, § 1, eff. July 1, 2000.

W. S. 1977 § 14-3-306, WY ST § 14-3-306

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-307

§ 14-3-307. Compliance inspections

Effective: July 1, 2020

Currentness

- (a) The department of health, working with local law enforcement agencies and other local individuals and organizations at the discretion of the department, shall be the lead agency to ensure compliance with this article.
- (b) The department of health shall develop strategies to coordinate and support local law enforcement efforts to enforce all state statutes relating to the prohibition of the sale of nicotine products to persons under twenty-one (21) years of age.
- (c) The department shall have discretion to:
- (i) Work with each local law enforcement agency; and
 - (ii) Coordinate local enforcement efforts that appropriately reflect the needs of the community.
- (d) To coordinate the enforcement of state statutes relating to the prohibition of the sale of nicotine products to persons under twenty-one (21) years of age and to comply with applicable federal law, the department of health shall have authority to contract with or provide grants to local law enforcement agencies or other local individuals or entities having the appropriate level of enforcement authority on the local level to conduct random, unannounced inspections at retail locations where nicotine products are sold. The local law enforcement agencies or other local individuals or entities authorized to conduct inspections shall be permitted to use minors and persons under twenty-one (21) years of age subject to the following:
- (i) Prior to the inspection, the local law enforcement agency or other authorized individual or entity shall obtain the written consent of the person being used in the inspection or if using a minor, the written consent of the minor's parents or guardian shall be obtained prior to the minor participating in an inspection. The written consent required under this paragraph shall include a notification that testimony in a subsequent court proceeding may be required;
 - (ii) Any person under twenty-one (21) years of age participating in an inspection shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;
 - (iii) The appearance of a person under twenty-one (21) years of age shall not be altered to make him appear to be twenty-one (21) years of age or older;

- (iv) Neither a minor nor his parents or guardians shall be coerced into participating in such inspections;
 - (v) The person conducting the inspection shall photograph the participant immediately before the inspection and any photographs taken of the participant shall be retained by the person conducting the inspection;
 - (vi) Any participant in an inspection under this section shall be granted immunity from prosecution under W.S. 14-3-304 or 14-3-305.
- (e) The person conducting an inspection under this section shall:
- (i) Remain within sight or sound of the participant attempting to make the purchase;
 - (ii) Immediately inform in writing a representative or agent of the business establishment that an inspection has been performed and the results of the inspection;
 - (iii) Within two (2) days, prepare a report of the inspection containing:
 - (A) The name of the person who supervised the inspection;
 - (B) The age and date of birth of the participant who assisted in the inspection;
 - (C) The name and position of the person from whom the participant attempted to purchase nicotine products;
 - (D) The name and address of the establishment inspected;
 - (E) The date and time of the inspection; and
 - (F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, nicotine products to a person under twenty-one (21) years of age.
 - (iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was inspected;
 - (v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing nicotine products to persons under twenty-one (21) years of age during the inspection.

Credits

Laws 2000, ch. 93, § 1, eff. July 1, 2000; Laws 2020, ch. 83, § 1, eff. July 1, 2020.

W. S. 1977 § 14-3-307, WY ST § 14-3-307

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-308

§ 14-3-308. Further regulation by local ordinance

Effective: July 1, 2020

Currentness

(a) Except as specified under subsection (b) of this section, this article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of nicotine products to any person under twenty-one (21) years of age, but the governmental entity shall not permit or authorize the sale, use or possession of nicotine products to any person under twenty-one (21) years of age in violation of this article.

(b) No governmental entity shall enact any law or ordinance which changes the standards provided by W.S. 14-3-302(a) and (c), 14-3-303(a), 14-3-304(a) and 14-3-305(a).

(c) The governmental entity may require that sellers of nicotine products obtain a license to sell nicotine products and may deny or revoke the license in the case of reported violations of W.S. 14-3-302 or similar local ordinance.

Credits

Laws 1991, ch. 76, § 1. Renumbered from § 14-3-306 by Laws 2000, ch. 93, § 3, eff. July 1, 2000; Laws 2004, ch. 130, § 1, eff. March 19, 2004; Laws 2020, ch. 83, § 1, eff. July 1, 2020.

W. S. 1977 § 14-3-308, WY ST § 14-3-308

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Wyoming Statutes Annotated
Title 14. Children (Refs & Annos)
Chapter 3. Protection (Refs & Annos)
Article 3. Sale of Nicotine Products

W.S.1977 § 14-3-309

§ 14-3-309. Regulation of mail order and internet
purchases and sales; proof of age; penalties

Effective: July 1, 2020
Currentness

(a) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller performs an age verification on the purchaser through an independent third party age verification service. The age verification service utilized shall compare information available from public records to the personal information entered by the purchaser during the ordering process to establish that the purchaser is twenty-one (21) years of age or older.

(b) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller uses a method of mailing or shipping that, upon delivery, requires the signature of a person at least twenty-one (21) years of age before the nicotine product will be released for delivery.

(c) The provisions of subsections (a) and (b) of this section shall not apply if the seller employs one (1) of the following protections to ensure age verification:

(i) The purchaser is required to create an online profile or account with personal information verifying that the purchaser is at least twenty-one (21) years of age including, but not limited to, the purchaser's name, address and a valid phone number, if that personal information is verified by the seller through publicly available records and delivery is made to the same name and address; or

(ii) The purchaser is required to upload a copy of the purchaser's government issued identification and a current photograph of the purchaser verifying that the purchaser is at least twenty-one (21) years of age and delivery is made to the same name on the identification provided.

(d) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable as provided in W.S. 14-3-302(b).

Credits

Laws 2020, ch. 86, § 1, eff. July 1, 2020.

W. S. 1977 § 14-3-309, WY ST § 14-3-309

Current through the 2020 Budget Session of the Wyoming Legislature. Current through Chapters 1-3 of the 2020 Special Session of the Wyoming Legislature.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

ORDINANCE NO. 54-00

AN ORDINANCE CREATING ARTICLE IV OF
CHAPTER 9.40 OF THE CASPER MUNICIPAL CODE,
PERTAINING TO OFFENSES BY OR AGAINST
MINORS.

SECTION 1:

Article IV of Chapter 9.40 of the Casper Municipal Code is hereby created to read as follows:

Article IV
Sale of Tobacco

9.40.150 Definitions.

- A. "Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- B. "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

9.40.160 Prohibited sales or delivery.

- A. No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years. Tobacco products shall be, to the extent possible, kept behind a counter or otherwise made inaccessible to purchasers of the tobacco product, and control and access to the tobacco product in the business establishment shall be maintained by the retailer, his agent or employee.
- B. Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense in any twelve (12) month period; and, five hundred dollars (\$500) for third and subsequent offenses in any twelve (12) month period.
- C. It is an affirmative defense to a prosecution under subsection (a) of this section that:
 - 1. In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen (18) years of age; or
 - 2. The tobacco product was given or delivered to the person under eighteen (18) years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

9.40.170 Posted notice required; location of vending machines.

- A. Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen (18) years of age is prohibited by law.
- B. No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
 - 1. Businesses, factories, offices or other places not open to the general public;

- 2. Places to which persons under the age of eighteen (18) years of age are not permitted access; or
 - 3. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen (18) years of age is prohibited.
- C. Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100). Each day of continued violation shall be deemed a separate offense.

9.40.180 Purchase by minors prohibited.

- A. No person under the age of eighteen (18) years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.
- B. Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense in any twelve (12) month period; and, five hundred dollars (\$500) for third and subsequent offenses in any twelve (12) month period. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

9.40.190 Possession or use by minors prohibited.

- A. It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products.
- B. Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense in any twelve (12) month period; and, five hundred dollars (\$500) for third and subsequent offenses in any twelve (12) month period. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.
- C. It is an affirmative defense to a prosecution under subsection (a) of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, a parent or guardian.

SECTION 2:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED on first reading the 21st day of November, 2000.


PASSED on second reading the 4th day of December, 2000.

PASSED, APPROVED, AND ADOPTED on third and final reading the 19th day of December, 2000.

ATTEST:


 V. H. McDonald
 City Clerk

CITY OF CASPER, WYOMING
 A Municipal Corporation


 Dr. Tom Walsh
 Mayor