

TITLE 12

CITY ADMINISTRATIVE PROVISIONS

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Title 12 was recodified by Ordinance 696, 7-28-80.

12-1-1. Corporate Limits. - An official map showing the corporate limits, zoned areas, and other specially designed areas of the City shall be maintained by the City Engineer and shall be available for public inspection in the office of the City Clerk, together with legal descriptions for all boundary lines thereon.

12-1-2. Wards and Council Members. - The City shall be divided into three wards and two council members shall be elected from each ward. Council members shall be qualified electors of the ward they represent.

12-1-3 Council Meetings. - Regular meetings of the City Council of the City of Lander shall be held on the second and fourth Tuesdays of each month at 7:00 p.m. at the City Hall, or at any other time or place designated by resolution of the City Council. On all other Tuesdays of the month the Lander City Council shall hold a work session at 7:00 p.m. at the Lander City Hall, or at any other time or place designated by resolution of the City Council. *(Section 12-1-3 amended by Ordinance 1112 Effective 12/30/05)*

12-1-4. Special Meetings. - The Mayor and three Council Members may call special meetings by notice at least two hours in advance to each of the members of the council. Actual notice or constructive notice provided in Section 1-1-5 shall constitute sufficient notice under this section. The necessity of any notice may be waived by the presence and consent of every Council Member.

12-1-5. Council Procedures. - Upon the request of any Council Member, Council procedure shall be conducted in accordance with Robert's Rules of Order Revised, 75th Anniversary Edition (1951).

12-2-1. Appointments. - Unless otherwise provided, all appointive officers and subordinate offices shall be filled by the Mayor with the advice and consent of the Council.

12-2-2. Removal of Personnel. - The Mayor may remove or discharge any appointee, or other employee of the City, for incompetency, neglect, or, with the consent of the Council, for other cause.

12-2-3. Appointive Offices – The following appointive offices are created: Chief of Police, City Clerk, City Treasurer, City Attorney, Municipal Court Judge, Superintendent of Public Works, Public Service Coordinator, City Engineer and Fire Chief, the terms for which shall coincide with the regular Mayor’s term; however, all officers shall remain in office until

their replacements have qualified. (*Section 12-2-5 was amended by Ordinance 1126 effective 12/28/06.*)

12-2-4. Subordinate Offices. - Subject to the approval of the Council, the Mayor may create offices subordinate to the appointive offices listed in Section 12-2-3. The Mayor may delegate appointment of subordinate officers to the appointive officers, provided that the subordinate officer shall in any case be approved by the Council.

12-2-5. Compensation of Officers and Employees. -

(a) The Mayor's annual salary is \$9,000.00. This amount shall be increased to \$18,000 beginning January 1, 2003.

(b) Each Council Member shall receive \$35.00 for actual attendance at each regular or special meeting of the City Council and at each meeting of committees that the Council Member shall attend. This amount shall be increased to \$50.00 beginning January 1, 2005. (*Section 12-2-5(a) & (b) was amended by Ordinance 1058 effective 12/10/02.*)

(c) The salaries of all other officers and employees shall be as shown on a step-grade scale as filed with the City Clerk.

(d) Compensation for each Fireman for regular and special meetings each fireman attends shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. (*Amended by Ordinance 1131, effective 6/26/07*)

(e) The yearly salary of each officer of the Lander Volunteer Fire Department shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. (*Section 12-2-5 (e) amended by Ordinance 1131, effective 6/26/07*)

12-2-6. Department Regulations. -

(a) The Mayor, subject to the approval of the Council, may establish regulations and policies concerning all City personnel.

(b) Subject to the approval of the Mayor and Council, each appointive officers may establish regulations for the operation of his office or department, including the procedural requirements, priority schedules, and whatever standards or rules are necessary to the proper and efficient functioning of his office.

(c) All regulations and policies shall be filed with the City Clerk.

12-2-7. Municipal Judge. - The Municipal Judge shall give a bond to the City of Lander in the amount of \$3,000, conditioned on the lawful performance of his duties.

12-2-8. Building Inspector. -

(a) The City may employ a Building Inspector and so many Deputy Building Inspectors as the Governing Body shall deem appropriate.

(b) The Building Inspector, or his Deputies, may, in addition to any other person authorized by law:

- (i) investigate, enforce and sign complaints concerning any violation of Titles 3, 4, 5, 9, 11 and 13 of the Ordinance of the City of Lander;
- (ii) serve any notices, orders or documents, relevant to such enforcement action.

12-3-1. Planning Commission. -

(a) A Planning Commission for the City of Lander is established in accordance with Section 15-1-502 (Wyoming Statutes). Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.

(b) The term of the appointive members of the commission shall be six years, except that for members appointed after January 1, 1981, the term shall be four years. Members shall hold office until their successors are appointed and qualified.

12-3-2. Airport Commission. -

(a) The Lander Airport Commission is created in accordance with Section 6-5-202 (Wyoming Statutes).

(b) The Commission shall exercise general supervision of the Lander Airport, subject to the direction of the City Council. The commission shall promulgate and publish rules and regulations to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-3-3. Special Commissions. - The Council may authorize the creation of special commissions by resolution for periods not to exceed one year. Commissioners shall be appointed by the Mayor, with the advice and consent of the Council.

12-4-1. Lander Area Health Commission; Establishment. - The Lander Area Health Commission is hereby established. (*Section 12-4-1 created by Ordinance 782, effective 6-11-85*).

12-4-2. Same; Composition. - Such Commission shall consist of seven persons, each of whom shall be appointed by the Mayor with the consent and approval of the City Council, and

who shall serve without compensation. Two members should be residents of Fremont County but who reside within one mile of the City limits, and five members shall be qualified electors of the City of Lander. A member of the City Council, shall be an ex-official member.

12-4-3. Same; Terms. - The members shall be appointed for a term of three years, except that initially two members shall be appointed for a one year term, two members for two year terms, and three members for three year terms. (*Section 12-4-3 created by Ordinance 782, effective 6-11-85.*)

12-4-4. Same; Duties. - The Commission shall have the following duties upon resolution of the City Council concerning specific issues:

(a) To advise the City Council on ordinances necessary to provide, protect, and maintain a high level of quality of life in Lander area in all its phases.

(b) To report to and advise the City Council of complaints received from citizens of the Lander area concerning acts by individuals or agencies which endanger or impair the quality of life in the Lander area.

(c) To cooperate with other political agencies, federal, state, and regional, in maintaining the best possible quality in all phases of Lander quality of life. (*Section 12-4-4 created by Ordinance 782, effective 6-11-85.*)

12-5-1. Repealed by Ordinance 848, effective 9-11-90.

12-5-2. Repealed by Ordinance 848, effective 9-11-90.

12-5-3. Repealed by Ordinance 848, effective 9-11-90.

12-5-4. Repealed by Ordinance 848, effective 9-11-90.

12-6-1. Economic Development Commission; Established. - Pursuant to the general powers conferred under Wyoming Statutes Section 15-1-103(a)(xli) and other applicable statutory authority, there is hereby created and established a commission, consisting of a minimum of nine and a maximum of 18 commissioners, to assist and report to the governing body in determining and implementing plans for the beneficial diversification of Lander area economy, to be known as the City of Lander Economic Development Commission. (*Section 12-6-1 created by Ordinance 759, effective 4-12-84.*)

12-6-2. Same; Appointment and Term. - Each commissioner shall be appointed by the Mayor upon the advice and consent of the City Council, which appointment shall be for a term of four years. Vacancies shall be filled after appointment by the Mayor with the advice and consent of the governing body for the unexpired term of any member. Members of the Commission may be removed from office by the governing body for cause, upon written charges and after public hearing. (*Section 12-6-2 created by Ordinance 759, effective 4-13-84.*)

12-6-3. Same; Compensation. - No commissioner shall be entitled to receive any pay or supplementary benefit for his or her service of office, either directly or indirectly, provided, however, actual authorized expenses incurred by any commissioner in the performance of his or her duties as such shall be paid by the City of Lander.

12-6-4. Same; Officers and Duties. - Upon appointment and regularly each year thereafter, the commission shall elect its own chairman and one vice-chairman, who shall each serve for a term of one year and shall have the following duties:

(a) The chairman shall be the principal executive officer of the Commission and shall:

- (i) in general supervise and control business of the commission; and
- (ii) when present, preside at all meetings of the commission.

(b) The vice-chairman shall, in the absence of the chairman, perform the duties of the chairman and shall have all the powers of and be subject to all restrictions upon the chairman.

(c) The secretary for the commission shall be appointed from the City professional staff, who shall:

- (i) keep the minutes of the commission in one or more books provided for that purpose;
- (ii) see that all necessary notices are duly given;
- (iii) keep a register of the phone numbers and address of each commissioner; and
- (iv) report at least annually to the governing body of the City of Lander or, upon request, as to matters concerning the commission.

(Section 12-6-4 created by Ordinance 759, effective 4-13-84.)

12-6-5. Same; Jurisdiction. - The commission shall have the following powers and authority:

(a) The commission shall be responsible for the overall investigation and work necessary for the identification of industries and businesses which will serve to diversify the Lander area economy, which will not be prone to cycle fluctuations in national, and state economies and which will be consistent with the areas's size, environment and lifestyle. The commission shall also assist the City of Lander and its professional staff and other organizations recognized by the governing body in efforts to attract such industries and businesses to the Lander area.

(b) To recommend approval of bylaws for its operation to the governing body.

(c) to recommend approval of bequests, gifts and grants for the furtherance of the commission's goals to the governing body. The commission shall oversee the allocation of money and expenditures for commission programs and make an accurate accounting of all such revenues and expenditures to the governing body of the City of Lander.

(d) In the exercise of these powers, the commission shall cooperate with the governing body and operate with its advice and consent and shall exercise such powers by and through the City of Lander professional staff. (*Section 12-6-5 created by Ordinance 759, effective 4-12-84.*)

12-6-6. Severability. - If any section, sentence, phrase, or clause of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable. (*Section 12-6-6 created by Ordinance 759, effective 4-12-84.*)

12-7-1. Vacancies in the Office of Mayor. -

(a) Any vacancy in the office of Mayor shall be filled only from the governing body by a majority vote of all council members. An abstention shall be considered a no vote. (*Created by Ordinance 843, effective 7-10-90.*)

12-7-2. Members - Vacancies - Procedure of Filling. -

(a) Any vacancy on the Lander City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four year term of office occurs after the first day for filing an application for nomination pursuant to W.S. §22-5-209, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. (*Section 12-7-2 (a) amended by Ordinance 933, effective 7-12-94*)

(b) A vacancy in the Council or office of the Mayor shall be deemed to have occurred when a majority of the governing body determines that a councilmember or mayor:

- (1) Is no longer a resident;
- (2) Has been convicted of a felony;
- (3) Has been determined to be insane or mentally incompetent;
- (4) Has become disqualified from holding office for any reason specified by law;

- (5) Has had his or her term expire when no successor has been elected and qualified;
- (6) Has refused to take the oath of office or to give a bond as required by law;
- (7) Has his or her election voided;
- (8) Is convicted of a crime involving moral turpitude or constituting a breach of his or her oath of office;
- (9) Has died; or
- (10) Resigns.
- (11) Is convicted of any crime involving the possession or use of illegal or controlled substances; or
- (12) Is removed from office by the governing body, as set forth in Section 12-7-3.

(c) Except as provided for in Section 12-7-3 the governing body shall determine by a majority vote whether and when a vacancy occurs in the office. An abstention by any voting member of the governing body shall be considered a no vote. Upon the declaration by the governing body that a vacancy exists or will exist, the governing body shall then publicly solicit applications from qualified electors to fill the vacancy. In the sole discretion of a majority of the governing body, the determination as to where and when a vacancy occurs may be treated as "contested case" and employ the practice and procedure enumerated in the CITY OF LANDER, ADMINISTRATIVE PROCEDURES, RULES AND REGULATIONS.

(d) Upon investigation by the council or its designated official, and the receipt of a certified copy of an order of a court of competent jurisdiction, a vacancy shall be deemed to exist with respect to subdivisions 3, 4, or 7 of subsection B of this section.

(e) A councilmember or mayor shall be deemed a nonresident, and a vacancy therefore to exist, when he or she shall have failed to occupy a fixed, permanent and customary place of habitation, within the boundaries of the municipality.

(f) A councilmember or mayor shall be deemed to have been convicted of a felony, a crime involving moral turpitude, or a breach of his or her oath of office upon receipt of a certified copy of an order of a court of competent jurisdiction showing a conviction, plea of guilty or plea of nolo contendere.

(g) The death of a councilmember shall be evidenced by the receipt of a certified copy of a death certificate.

follows: (h) A registration shall be deemed effective and a vacancy to have occurred as

- (1) A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the municipal clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.
- (2) The municipal clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.
- (3) The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.
- (4) The resignation, unless withdrawn as stated in subdivision 3 of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

(i) The refusal of the mayor or a councilmember to take the oath of office, as required by law; at the time and place, and before the person designated, shall constitute a failure to take the oath as required by subdivision B6 of this section and a vacancy shall be deemed to exist at such time.

(j) The term "qualified elector" includes every citizen of the United States who is a bona fide resident of the city, who has registered to vote and who is at least eighteen year of age. No person is a qualified elector who is a mentally incompetent person, or who has been convicted of a felony and whose civil rights have not been restored or who is otherwise barred from holding office by reason of state or federal law.

(k) The city council shall cause public notice to be given of its intention to solicit applications to fill any vacancy on the city council. The notice shall be published in a local newspaper of general circulation on two consecutive weeks. The application shall be submitted on a form approved by the city council which form shall require that the applicant submit information establishing applicant's legal qualifications to hold office.

(l) The council shall specify a time period for submitting applications and the council shall then review applications received and may conduct any further review of candidates deemed necessary and, by a majority vote of all council members, shall appoint a temporary successor. (*Section 12-7-2 created by Ordinance 843, effective 7-10-90.*)

12-7-3. Attendance and Removal. -

(a) The attendance of the Mayor and council members at regular and special meeting is required.

(b) Absence by the mayor and/or council members, without reasonable cause, for six (6) consecutive regular meetings shall be grounds for removal.

(1) Removal from office requires an affirmative vote of at least five (5) members of the governing body. An abstention by any voting member of the governing body shall be construed a no vote. The person alleged to have been absent shall not be entitled to vote on his or her removal.

(2) Reasonable cause shall be determined by the governing body. The person alleged to have been absent and subject to possible removal by the governing body shall be given an opportunity to present evidence and argument to the governing body before a vote on his or her removal is taken. (*Section 12-7-3 created by Ordinance 843, effective 7-10-90.*)

12-8-1 **Creation and Establishment of a City Urban Forest** – There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council.

12-8-2 **Duties and Responsibilities** –

- (a) It shall be the responsibility of the Urban Forest Council to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.
- (b) Such a plan shall be presented annually to the governing body, and upon their acceptance and approval shall constitute the official comprehensive City tree plan for Lander, Wyoming.
- (c) The Urban Forest Council shall develop and maintain a list of desirable trees for planting as street trees with suggested spacing and planting distances from curbs, sidewalks, and foundations. List of trees not suitable for planting as street trees will also be created and maintained by the Urban Forest Council.
- (d) The Urban Forest Council, on its own initiative, or when requested, by the governing body, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

12-8-3 Operations – The **Urban Forest Council** shall choose its own officers, make its own rules and regulation and keep a journal of its proceeding. A majority of the members shall be a quorum for the transaction of business.

12-8-4 Review by Governing Body – The governing body of the City of Lander shall have the right to review the conduct, acts and decision of the Urban Forest Council. Any person may appeal from any ruling or order of the Urban Forest Council to the governing body who may hear the matter and make the final decision. *(Sections 12-8-1 – 12-8-4 amended by Ordinance 1015, effective 6/6/99)*

12-8-5. Same; Conflict with Other Ordinances. - In the event anything contained in this Ordinance 842 is at variance or conflicts with any other City ordinance in effect at the time of the passage of this ordinance, and particularly the City's zoning ordinances, then this ordinance shall be deemed subservient thereto and the other ordinance or ordinances shall control.

12-9-1. - The following policy shall be strictly enforced to protect the City of Lander's status as a responsible source for the award of Federal contracts and grants:

- a) Effective immediately, any location at which City business is conducted, whether at this or any other site, is declared to be a drug-free workplace. This means all employees are absolutely prohibited from unlawfully manufacturing, distributing, possession, or using controlled substances in the workplace. The following is a partial list of controlled substances and are presented by way of example and not limitation. City personnel can provide a complete list and explanation of controlled substances.

Narcotics (heroin, morphine, etc.)
Cannabis (marijuana, hashish)
Stimulants (cocaine, etc.)
Depressants
Hallucinogens (PCP, LSD, "designer drugs")
Controlled substances as set forth in W.S. 35-7-1001 et. seq.,

b) Any employee violating the above policy will be severely disciplined, up to and including termination for the first offense.

Employees have the right to know the dangers of drug abuse in the workplace, the City's policy about them and what help is available to combat drug problems. This document spells out the City's policy. The City will institute an education program for all employees on the dangers of drug abuse in the workplace. The following help may be available for combating drug abuse problems:

Medical benefits for substance-abuse treatment

Information on community resources for assessment and treatment

Counseling program

Employee assistance program

While the city will assist the employee in locating sources of help, any expense associated with the help shall be at the sole expense of the employee.

c) The City will provide supervisory training to assist in identifying and addressing illegal drug use by employees.

Any employee convicted of violating a criminal drug statute in the workplace must inform the City of such conviction (including pleas of guilty or nolo contendere) within five days of the conviction occurring. Failure to so inform the City will result in severe disciplinary action, up to and including termination for the first offense. By law, the city will notify the federal contracting officer within 10 days of receiving notification from an employee or otherwise receiving notice of such conviction.

The City reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline, with the employee being required to pay for and participate satisfactorily as a condition of continued employment.

d) It is the City's position that these resources are best used voluntarily before workplace problems occur. If an employee has failed to avail him or herself of

such help and such problems do occur, the city will have little choice but to act severely against such abusers in the interests of protecting all its employees.

e) All employees are to acknowledge that they have been informed of the above policy and agree to abide by it in all respects. By law, such acknowledgement and agreement shall be required of the City's employees as a condition of continued employment. (*Section 12-9-1 created by Ordinance 871, effective 11-26-91.*)

12-9-2 - City Committee for Americans with Disabilities. -

(a) The City Committee for Americans with Disabilities is hereby created.

(b) The committee shall consist of six persons, each of whom shall be appointed by the Mayor with the consent and approval of the city council and who shall serve without compensation.

(c) The members shall be appointed for a term of three (3) years, except that initially two members shall be appointed for a one (1) year term, two members for a two (2) year term and two members for a three (3) year term.

(d) The committee shall assist and advise the city and its departments as to the requirements of the Americans with Disabilities Act. The committee shall also perform additional functions as the same shall be set forth in the committee by-laws, which shall be approved by the Mayor and city council.

12-9-3 - City Committee for Americans with Disabilities to Act as Appeals Board - The city committee for Americans with Disabilities shall act as the Appeals Board for all protests or appeals by persons who are aggrieved by action in contravention of the Americans with Disabilities Act.

12-9-4 - Americans with Disabilities Coordinator

(a) The city shall appoint an employee as an Americans with Disabilities Coordinator and any Deputy Americans with Disabilities Coordinator as deemed appropriate.

(b) The duties of the Americans with Disabilities Coordinator or his deputies, shall be as follows:

- (1) To evaluate all city property to ensure compliance with the Americana with Disabilities Act;
- (2) To recommend modification of existing city facilities to comply with the requirements of the Americans with Disabilities Act;

- (3) To review and approve the construction of new city facilities as to compliance with the Americans with Disabilities Act;
- (4) To receive and attempt to informally resolve complaints of violations of the Americans with Disabilities Act;
- (5) To perform such other functions as are deemed necessary to comply with the Americans with Disabilities Act.

12-9-5 - Procedure for Review of Complaints by Aggrieved Parties - Any person who is aggrieved by violation of the Americans with Disabilities Act shall follow the following procedure for redress of the violation:

- (a) The aggrieved party shall file a written statement of the perceived violation with the Americans with Disabilities Act Coordinator;
- (b) Upon receipt of the written statement, the Americans with Disabilities Coordinator shall meet with all involved parties and attempt to informally resolve the alleged violation.
- (c) Within 30 days of receipt of the written statement, the Americans with Disabilities Coordinator shall issue written findings and recommendations for resolution of the alleged violation;
- (d) Should any party be aggrieved by the recommendation of the Americans with Disabilities Coordinator, they shall file a written notice of appeal with the City Committee for Americans with Disabilities Act, within 10 days of issuance of the written recommendation of the Americans with Disabilities Act Coordinator;
- (e) The Committee shall set a reasonable time and place to hear the appeal of the aggrieved parties. Said hearing shall take place within 30 days of the receipt of the notice of appeal.
- (f) Any interested party may appear and testify before the committee at the appeals hearing.
- (g) Within twenty (20) days of the appeals hearing the committee shall issue a written findings as to resolution of the alleged violation.
- (h) If any party to the appeal contests the recommendation of the committee they shall have the right to file a grievance with the appropriate state or federal agency. (*Section 12-9-2 - 12-9-5 created by Ordinance 873, effective 1-14-92.*)