



SHERIDAN COUNTY COMMISSION

CHRISTI HASWELL • HOLLY JENNINGS • TOM RINGLEY • NICK SIDDLE • LONNIE WRIGHT

Regular Staff Meeting
Sheridan County Courthouse Addition
224 S. Main Street, Sheridan, WY
Second Floor Board Room, #220
Monday, February 12, 2024
9:00 a.m.

Agenda:

1. Call to Order.
2. PMCH Sheridan County Audit Review with Commissioners.
3. Staff/Elected Reports.
4. IMPACT 307 Update.
5. Consider Memorandum of Understanding between Sheridan County Board of Commissioners and Sheridan County Clerk.
6. Adjourn.

**MEMORANDUM OF UNDERSTANDING
BETWEEN SHERIDAN COUNTY BOARD OF COMMISSIONERS AND
SHERIDAN COUNTY CLERK**

1) **Parties.** This Memorandum of Understanding (hereinafter referred to as MOU) is made and entered into by and between the Board of County Commissioners for Sheridan County, (hereinafter referred to as the "BOCC"), and the Sheridan County Clerk, (hereinafter referred to as "Clerk").

2) **Purpose.** The purpose of this MOU is to provide the BOCC and the Clerk an understanding of each entities' endowed statutory duties and responsibilities and how those duties interplay between the two offices.

3) **Responsibilities of BOCC¹ and Clerk².**

The parties have agreed upon a policy and a set of procedures ("Policy and Procedures") regarding the manner in which the parties will conduct business between the two offices. The initial Policy and Procedures shall be deemed accepted by both parties upon execution and approval of this MOU. After the initial approval, the Policy and Procedures may be changed from time to time when both parties agree and the BOCC votes to approve. This MOU and the Policy and Procedures resolve all pending issues between the parties and upon approval the special counsel for the BOCC and Clerk shall be discharged.

4) **General Provisions.**

a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions, or amendments to this MOU which are mutually agreed upon by the parties to this MOU shall be incorporated by written instrument, executed and signed by all parties to this MOU. Mutually agreed modifications, unless otherwise specifically agreed at the time, shall not be effective until 90 days after agreement is reached.

b. **Applicable Law.** The construction, interpretation, and enforcement of this MOU shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the Fourth Judicial District, Sheridan County, Wyoming.

c. **Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

¹ Wyo. Stat. § 18-2-101(a) and Wyo. Stat. § 18-3-501 et. seq. (Not inclusive of all statutory duties)
² Wyo. Stat. § 18-3-401 et. seq. (Not inclusive of all statutory duties)

- d. Prior Approval. This MOU shall not be binding upon either party unless this MOU has been reduced to writing before performance begins as described under the terms of this MOU, and unless this MOU is approved by the BOCC and Clerk and Attested as prescribed by law.
- e. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.
- f. Sovereign or governmental Immunity. The BOCC and Clerk do not waive their sovereign or governmental immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- g. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of third-party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties, and obligations contained in this MOU shall operate only between the parties to this MOU and shall solely benefit the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU.
- h. Availability of Funds. This MOU does not bind the BOCC or Clerk to incur any cost, accrue any debt, or expend any money which would be in excess of limit prescribed by law.
- i. Signatures. The parties to this MOU through their duly authorized representatives have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein. The effective date of this MOU is the date of the signature last affixed to this page.

SHERIDAN COUNTY BOARD OF COMMISSIONERS

SHERIDAN COUNTY CLERK

By: _____
 Nick Siddle
 Chair, Sheridan County Board of Commissioners

By: _____
 Eda Schunk Thompson
 Sheridan County Clerk

Date: _____

Date: _____

Attest: _____

Attest: _____

Date: _____

Date: _____

Delineation of County Clerk Responsibilities and Board of County Commissioner Responsibilities

Policy and Procedures

Responsibilities of BOCC¹ and Clerk².

A. Licenses and Permits³

- i. Clerk shall serve as the depository and manage liquor licenses, liquor permits, and fireworks permits.⁴
- ii. Public comes to Clerk for the application and pays the associated fees.⁵
- iii. Clerk notifies BOCC to add the application to the agenda.
- iv. Clerk is responsible for all advertising and publications related to licenses and permits.⁶
- v. Clerk communicates with the Wyoming Liquor Division, if applicable. This provision does not prohibit the BOCC from communicating with the Wyoming Liquor Division when necessary.
- vi. Clerk submits all correspondence relating to the application to the BOCC in order to give the BOCC information to make an informed decision.
- vii. Clerk provides any concerns or potential violations to the BOCC if the application is granted.
- viii. BOCC approves or denies the application.⁷
- ix. Clerk serves as a depository for all documents relating to the application.

B. Road Vacation⁸

- i. Clerk to serve as the depository and management of road vacations.⁹
- ii. Public comes to Clerk for the application and pays the associated fees.¹⁰
- iii. BOCC is responsible for the final determination regarding all county roads.¹¹
- iv. Clerk notifies the BOCC to add the application, Appointment of Viewer, Notice, etc. to the agenda.
- v. Clerk is responsible for all advertising and publications.
- vi. Clerk provides all correspondence relating to the application to the BOCC in order to give the BOCC information to make an informed decision.
- vii. Clerk provides any concerns or potential violations to the BOCC if the application is

¹ Wyo. Stat. § 18-2-101(a) and Wyo. Stat. § 18-3-501 et. seq. (Not inclusive of all statutory duties)

² Wyo. Stat. § 18-3-401 et. seq. (Not inclusive of all statutory duties)

³ Wyo. Stat. § 12-4-102 et seq.

⁴ Wyo. Stat. § 12-4-102

⁵ Wyo. Stat. § 12-4-102

⁶ Wyo. Stat. § 12-4-104

⁷ Wyo. Stat. § 12-4-101

⁸ Wyo. Stat. § 24-3-101 et seq.

⁹ Wyo. Stat. § 24-3-101

¹⁰ Wyo. Stat. § 24-3-102

¹¹ Wyo. Stat. § 18-3-504(a)(vi)

- granted.
- viii. BOCC approves or denies the application.¹²
- ix. Clerk records the Resolution when applicable.
- x. Clerk serves as a depository for all documents relating to the application.

C. Bonds¹³

- i. All bonds shall be approved by the BOCC before being presented to the voters.¹⁴
- ii. Clerk to receive and manage bonds that come before the BOCC.
- iii. Clerk delivers the bond to the County Attorney for review and to the BOCC for approval.
- iv. Clerk serves as depository of all Bonds except for the County Clerk bond, which is housed with the County Treasurer.

D. Grants -- BOCC and their staff continue to manage all grants. Clerk will have access to run reports on grants.¹⁵

E. Fixed Assets¹⁶ -- BOCC and their staff continue to manage fixed assets.

F. Board of Equalization Clerk¹⁷ – The BOCC sits as the County Board of Equalization.¹⁸ Clerk shall serve as clerk to the Board of Equalization, assist in the building of agendas, work with BOCC and the Assessor, etc.¹⁹

G. Mail, Correspondence, and Board files.

- i. Clerk is the depository for all records, papers, mail, and correspondence of the Commissioners.²⁰
- ii. Any BOCC files (with the exception of grants and fixed assets documents) that remain in the BOCC office shall be delivered to the Clerk for maintenance or be made available to the Clerk. The BOCC is also permitted to keep copies of all of its files. This includes BOCC financial documents related to Accounts Payable, Payroll, and Budget.
- iii. Clerk will scan all mail, correspondence, and board files into a “shared folder” that Board, Board employees, Clerk, and Clerk employees have access to, and daily mail will be sent to the BOCC members and staff as assigned by the BOCC.
- iv. Clerk will manage the electronic storage of such documents with the assistance of BOCC staff and IT.

¹² Wyo. Stat. § 24-3-101

¹³ Wyo. Stat. § 18-4-301 (et seq.)

¹⁴ Wyo. Stat. § 18-4-301 (et seq.)

¹⁵ Wyo. Stat. § 18-3-504(a)(ii)

¹⁶ Wyo. Stat. § 18-3-504

¹⁷ Wyo. Stat. § 39-13-102 et. seq.

¹⁸ Wyo. Stat. § 39-13-102(c)

¹⁹ Wyo. Stat. § 39-13-102(c)

²⁰ Wyo. Stat. § 18-3-402(a)(i)(B)

- v. Clerk will keep all hard copies and files.
- vi. BOCC/employees can access hard files as needed.
- vii. Clerk sorts the mail for the County. Scans the mail into the BOCC server for access. This includes all mail and correspondence, including junk mail, invitations, etc. The Clerk is not permitted to limit access to any mail or correspondence of the BOCC.

H. BOCC Board Meetings Generally

- i. BOCC Agenda
 - a. BOCC creates initial agenda.
 - b. Clerk has an opportunity to review the agenda prior to finalization to make any necessary additions based upon statutory duties.
 - c. BOCC will provide the agenda in advance of the BOCC meeting.
 - d. Clerk will publish the agenda.
- ii. BOCC Resolutions
 - a. Clerk to manage and maintain resolutions²¹
 - b. Elected officials send proposed resolutions to the Clerk and BOCC, if a department is under the BOCC, the BOCC will provide a copy of the resolution to the Clerk.
 - c. Clerk maintains a cataloguing/numbering system for all resolutions.
 - d. Clerk to serve as depository for all considered resolutions and archive the resolutions.
- iii. BOCC Meetings and Minutes
 - a. Clerk, or deputy clerk, shall attend all BOCC meetings.²²
 - b. Clerk shall keep a record of all BOCC meetings – record the meeting and draft the minutes.²³
 - c. Clerk shall publish minutes per statute following approval by BOCC.
 - d. Clerk shall email the approved minutes to the IT Department to upload to website.
 - e. Clerk serves as a depository for all BOCC meeting minutes and archive.

I. County Finances

- a. Budget
 - i. The Clerk is the Budget Officer of the County.²⁴
 - ii. The BOCC has the ultimate responsibility of examining and settling all accounts of receipts and expenses of the County.²⁵
 - iii. Clerk shall also perform all duties or general accounting required to

²¹ Wyo. Stat. § 18-3-402(a)(i)(D)

²² Wyo. Stat. § 18-3-402(a)(i)(A)

²³ Wyo. Stat. § 18-3-402(a)(i)(C)

²⁴ Wyo. Stat. § 16-4-102(a)(iv)

²⁵ Wyo. Stat. § 18-3-504(a)(ii)

implement the Uniform Municipal Fiscal Procedures Act²⁶ that do not invade the duties of the BOCC.²⁷

- iv. All elected officials shall submit budget requests to the Clerk, and copy the BOCC, on or before May 1st.²⁸
- v. Clerk shall prepare a requested budget for each fund and file the requested budget with the BOCC by May 15th.²⁹
- vi. BOCC may amend requested budget and the amended budget shall be the budget proposed for adoption.³⁰
- vii. Clerk shall prepare the proposed final budget for adoption to the BOCC³¹
- viii. Clerk will provide interim reports, review for any errors in the budget, or highlight any concerns for the BOCC considerations³²
- ix. Clerk will be provided any request to amend budget through the fiscal year and present such amendment to BOCC for approval at BOCC meeting.
- x. Clerk will notify BOCC of any required amendments due to line-item adjustments.

b. Payroll

- i. BOCC determines job descriptions, pay grade, and salary. BOCC shall deal with advertising, hiring, and termination.
- ii. BOCC may mandate the Clerk on how payroll is carried out; clerk ultimately responsible for issuing warrants for payroll.³³
- iii. BOCC employee inputs payroll data.
- iv. Clerk will review payroll and all relevant documents pertaining to payroll.
- v. Clerk will report any identified discrepancies to the BOCC based upon information provided.
- vi. Clerk issues the warrants and/or direct deposits upon approval of the BOCC.

c. Accounts Payable³⁴

- i. BOCC employee inputs AP data.
- ii. Clerk receives report the Wednesday before BOCC meeting for review for discrepancies.
- iii. Clerk has access and may review all documents associated with a payroll or AP including original invoices which are held in the BOCC office and available to Clerk to retrieve and maintain in the Clerk's office.
- iv. Clerk and BOCC meet Monday before meeting to review warrants, Clerk to provide report and notes any identified discrepancies by 5 p.m. the Friday before the meeting.

²⁶ Wyo. Stat. § 18-3-402(a)(xxiii)

²⁷ Wyo. Stat. § 18-3-504 (not inclusive)

²⁸ Wyo. Stat. § 16-4-104(a)

²⁹ Wyo. Stat. § 16-4-104(a)

³⁰ Wyo. Stat. § 16-4-104(a)

³¹ Wyo. Stat. § 16-4-104(b)

³² Wyo. Stat. § 16-4-119; Wyo. Stat. § 16-4-108

³³ Wyo. Stat. § 18-4-102(b); Wyo. Stat. § 18-4-102(a); Wyo. Stat. § 18-3-402(a)(i)(E); Wyo. Stat. § 18-3-402(a)(iii)

³⁴ Wyo. Stat. § 18-4-504(a)(ii)

- v. Clerk notes any discrepancies (including those noted by the Treasurer) and submits all accounts payable for BOCC approval.
- vi. BOCC approves or denies the accounts payable at the BOCC meeting.
- vii. Clerk issues warrants upon BOCC approval.
- viii. For immediate issuance of warrants without formal BOCC approval, the BOCC will send the request to the Clerk with original or copy of invoice for approval by the BOCC. The Clerk will review and report any discrepancies prior to issuance.

SHERIDAN COUNTY BOARD OF COMMISSIONERS

SHERIDAN COUNTY CLERK

By: _____
 Nick Siddle
 Chair, Sheridan County Board of Commissioners

By: _____
 Eda Schunk Thompson
 Sheridan County Clerk

Date: _____

Date: _____