

RULES AND REGULATIONS
WYOMING BEEF COUNCIL
CHAPTER 1

Section 1. Authority. Pursuant to the authority vested in the Wyoming Beef Council by virtue of W.S. 11-37-104, the following rules and regulations are hereby promulgated.

Section 2. Definitions. The definitions set out in W.S. 11-37-102 are adopted and incorporated within these rules as well as the following:

(a) The term “funding request form” means the form designed by the Council and distributed to those who apply for Council funds setting out the name of the applicant responsible for the funds and the proposed use of the funds.

(b) The term “annual marketing plan” means the guidelines developed by the Council establishing goals for Council funds for a fiscal year.

(c) The term “applicant” means a legal business entity registered with the Wyoming Secretary of State, or an individual, organization, association or foundation.

(d) The term “research” means studies relative to the effectiveness of market development and promotion efforts, studies relating to the nutritional value of beef and beef products, other related food science research and new product development.

(e) The term “promotion” means any action, including paid advertising, to advance the image and desirability of beef and beef products with the express intent of improving the competitive position and stimulating sales of beef and beef products in the marketplace.

(f) The term “consumer information” means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing and use of beef and beef products.

(g) The term “industry information” means information and programs that will lead to the development of new markets, marketing strategies, increased efficiency, and activities to enhance the image of the cattle industry.

(h) The term “producer organization” means Wyoming farm bureau, farmers union, breed associations, Stockgrowers, Woolgrowers, Wyoming CattleWomen, Western Dairymen, W.I.F.E., Young Farmers, Grange and other organizations as recognized by the Council.

Section 3. Qualifications of an Applicant.

(a) An applicant must submit:

(i) Completed funding request form two (2) weeks prior to a Council meeting; (Projects with statewide or national impact will be given priority.) and

(ii) Any additional information required by the Council.

(b) The Council staff may:

(i) Provide the applicants with information concerning the Council and the application procedure; and

(ii) Use discretion in forwarding applications to the Council.

Section 4. Distribution of Council Funds in Accordance with Annual Marketing Plan.

(a) By July 1 of each new fiscal year as defined in W.S. 11-37-102, the Council may formulate an Annual Marketing Plan.

(i) The Annual Marketing Plan shall set out the goals for Council funds as identified by the Council under the guidelines of W.S. 11-37-101 and 104.

(A) After the Council has approved funding, a signed contract or memorandum of understanding shall include, but is not limited to: accounting and reporting procedures, ownership of products developed with Council funds, an assignment clause, independent contractor clause, sovereign immunity clause, beginning and termination date, before any Council funds are released.

(B) Written amendments to the original contract or memorandum of understanding must have Council approval.

(ii) The Annual Marketing Plan will be available to the public upon written request.

(b) The Council may consider the requirements of the Beef Promotion and Research Act 7 USC 2901 et.seq. and Order (7 CFR 1260) before distributing funds.

(c) The Council shall strive to avoid duplication or conflict with any national or other state promotion effort.

(d) The Council may refer funding requests to the appropriate national organization for an evaluation.

Section 5. Meetings: Conduct.

(a) The Council may meet every other month. The Council shall provide a notice of meeting nine (9) calendar days prior to meeting. Special meetings including telephone conference calls may be called by the chairman by providing timely notice of the meeting to each Council member and to any party requesting notice. Notices shall be sent to other interested parties.

(b) Before convening in executive sessions, the chairman shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. An executive session shall be held in compliance with the Open Meetings Act.

(c) Meetings of the Council are open to the general public.

(d) The chairman and the executive director shall prepare the agenda. Any member of the Council may request an item to be placed on the agenda. Agendas shall include those items requiring Council approval including, but not limited to, the Council's budget and financial statements, personnel action and contracts of the Council. Tentative agenda will be sent no fewer than five (5) calendar days before each Council meeting with support materials.

(e) The Council shall record votes in the following manner:

(i) If there is no dissent to a motion, the action shall be recorded as passed unanimously. A Council member's dissenting or abstaining vote may be recorded by name at his/her request.

(f) The executive director will ensure recording of Council proceedings but may appoint a recording secretary to record the proceedings of the meetings. Minutes become official after approval by the Council and shall be retained as a permanent record of the Council. Minutes shall show:

(i) The date, time and place of the meeting;

(ii) The presiding officer;

(iii) Members and guests in attendance;

(iv) Items discussed and disposition taken during the meeting;

(v) Action taken to recess to executive session with purpose and time stated; and

(vi) Time of adjournment.

(g) Unofficial minutes shall be delivered to Council members in advance of the next regularly scheduled meeting of the Council and shall also be available to other interested parties. Minutes need not be read publicly, provided that the Council members have had an opportunity to review them before adoption.

(h) A file of permanent minutes of all Council meetings will be maintained in the office of the Council to be made available for inspection upon the request of any interested parties.

Section 6. Election and Duties of Officers.

(a) The chairman and vice-chairman shall be elected at the first meeting after July 1 and shall take office upon being duly elected.

(b) The chairman, during his/her term of office, is responsible for interpretation of Council policy and general supervision of staff administration. The chairman or his/her designee will preside over meetings of the Council and may attend meetings of other producer organizations in his/her official capacity. The chairman's duties may include, but are not limited to:

- (i) Suggesting agenda items for each meeting;
 - (ii) Representing the Council before other groups;
 - (iii) Communicating to the Council members;
 - (iv) Conferring with the executive director regarding Council matters on a regular basis; and
 - (v) When significant new issues arise, the chairman shall, whenever practical, consult with the other Council members and the executive director before speaking for the Council.
- (c) The vice-chairman, during his/her term of office, may be called upon by the chairman to serve in the chairman's absence, fulfilling the duties of the higher office as delegated by the chairman.
- (d) The secretary-treasurer shall be appointed by the chairman immediately following the chairman's election.
- (e) Members of the Council shall have authority only when acting as a body legally in session or when directed by the Council. A member's duties and obligations are to:
- (i) Become familiar with the general objectives of the Council, and with the policies of the Council;
 - (ii) Vote and act impartially and for the good of the Council;
 - (A) If a conflict of interest arises, the member with the conflict shall refrain from participating in the discussion or voting on the matter.
 - (iii) Identify and represent the concerns and points of view of the beef industry people that they represent and communicate information about the Council to them;
 - (iv) Support Council policies though one may personally disagree at the time of their formulation;
 - (v) Work harmoniously with the other members of the Council, neither dominating nor neglecting one's share of the responsibilities;
 - (vi) Discuss complaints and concerns with the executive director and other Council members; and
 - (vii) Represent the Council at the direction of the Council or the chairman at meetings of other organizations.
 - (A) Each Council member shall attend at least one National Cattlemen's Beef Association meeting annually.

(B) As determined by a vote of the Council, each Council member may attend other national meetings, ie., National Cattlemen’s Beef Association and Meat Export Federation (MEF) as necessary to carry out their responsibilities as Council members.

Section 7. Procedure for Wyoming Beef Council Member Selection.

(a) The executive director will notify all Wyoming producer organizations as defined in Section 2 (h) of upcoming Council vacancies. A nomination form will be included with the notification letter.

(b) The executive director will prepare and distribute a press release regarding upcoming Council vacancies. The press release will state a nomination form can be obtained by contacting the executive director.

(c) The Council annual report will announce upcoming Council vacancies and information on obtaining a nomination form.

(d) All nomination forms are due to the Council Cheyenne office by May 1.

(e) All nomination forms and a cover letter authored by the Council chairman will be sent to the Governor by May 15 for a July 1 appointment. A copy of the cover letter will be sent to all Council members and each nominee listed in the letter.

(i) The cover letter may add comments regarding known facts of any of the candidates which may not be reflected on the respective nomination forms. These facts should be limited to only those which relate to the qualifications of a person to fill that position.

Section 8. Procedure for Appointing National Directors.

(a) Any appointment to a national, commission, association or organization which arises due to the contribution of funds or dues under Council control shall be made upon receipt of letters of nomination from persons actively involved in the livestock industry or producer organizations. The terms of appointment will be for three (3) years. Interested persons may nominate themselves.

(i) The executive director will notify all Wyoming producer organizations as defined in Section 2 (h) of national director vacancies. A nomination form will be included with the notification letter.

(ii) The executive director will prepare and distribute a press release regarding upcoming national director vacancies. The press release will state a nomination form can be obtained by contacting the executive director.

(iii) All nomination forms are due to the Council Cheyenne office by the date specified by the Council.

(iv) On the date specified by the Council nominees will be interviewed by the Council.

The Council will appoint the national director after all interviews are completed.

(b) The Council has authority to remove national directors as necessary.

(c) Procedure for Appointing U.S. Meat Export Federation Directors.

(i) The Council may earmark a dollar-specific amount to the National Cattlemen's Beef Association for foreign market programs.

(ii) The Council may appoint up to two (2) Wyoming MEF Directors. The two (2) directors may attend the U.S. MEF meetings at the Council's expense. A duly appointed director could serve no more than two (2) continuous three-year terms.

(iii) When a Wyoming MEF director has been selected to move through the chairs to become national chairman, the Council may waive the two (2) consecutive three-year term limit and grant an additional three-year term for completion of movement through the chairs.

(d) Procedure for Appointing National Cattlemen's Beef Association (NCBA) Checkoff Division Directors.

(i) The Council may appoint Wyoming NCBA Checkoff Division Directors according to the National Cattlemen's Beef Association Marketing (Checkoff) division Investment Schedule. The directors will attend the NCBA meetings at NCBA expense. A duly appointed director could serve no more than two (2) continuous three-year terms.

(ii) When a Wyoming NCBA Checkoff Division director has been selected to move through the chairs to become national chairman, the Council may waive the two (2) consecutive three-year term limit and grant an additional three-year term for completion of movement through the chairs.

Section 9. Relations with Others.

(a) Every effort shall be made to furnish accurate objective information to producers when requested.

(b) Every effort shall be made to furnish accurate objective information to appropriate state agencies when requested.

(i) The executive director shall provide that the Council's policies and positions are presented whenever issues arise that relate to those policies or positions.

(c) A major focus of the Council is to develop and maintain a positive image for the beef industry and the beef products that are consumed by the public.

(d) The executive director shall issue media releases when he/she considers such information to be of promotional benefit to the industry and of informative value to the industry.

(e) Every effort shall be made to seek cooperation and communication with state-

level producer organizations and other such organizations as deemed necessary.

(f) The Council shall neither endorse nor oppose candidates for political office, either partisan or nonpartisan.

Section 10. Authorization of Expenditures.

(a) The executive director may purchase or provide necessary capital equipment, supplies and services for the Council to a maximum of five hundred dollars (\$500.00) per purchase. Capital purchases in excess of that amount are subject to the approval of the Council.

(b) The executive director shall supply each member of the Council with monthly Council financial statements. The statements shall be mailed monthly.

(c) All fiscal records of the Council will be accounted for within the State of Wyoming Accounting Procedures.

(d) Inventory records shall be maintained on physical property under control of the inventory coordinator of the Wyoming Department of Agriculture. Acquisitions and property that is disposed of as "surplus property" shall be recorded on the Wyoming Department of Agriculture's perpetual inventory records.

(e) The Council shall establish a headquarters for the conduct of operations.

Section 11. Research.

(a) The Council may assist in the funding of research projects that will significantly contribute to regaining and sustaining profitability in the industry.

Agriculture, Dept. of

Beef Council

Chapter 2: Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records

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Chapter 2

Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records

Section 1. Authority. These rules are promulgated by the Wyoming Beef Council pursuant to Wyoming Statute § 16-3-103(j).

Section 2. Purpose. The Wyoming Beef Council hereby establishes uniform procedures, fees, costs, and charges for inspection, copies, and production of public records.

Section 3. Definitions.

- (a) “Applicant” is the person that is making the public records request.
- (b) “Clerical/support staff” are employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.
- (c) “Electronic public record” is a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.
- (d) “Information technology staff” are employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.
- (e) “Professional staff” are employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.
- (f) “Supervise copying” as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or

photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

Section 4. Electronic Public Records.

(a) **Production and Construction Costs.** Under W.S. 16-4-202(d)(i), a custodian shall charge an applicant the reasonable costs of producing and constructing a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services.

(b) **Minimum Requirement to Charge Costs.** Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) **Production and Construction Costs.** Production and construction costs for electronic public records shall be as follows:

- (i) \$15.50/hour for clerical staff time.
- (ii) \$30.00/hour for information technology staff time.
- (iii) \$40.00/hour for professional staff time.
- (iv) Actual cost of programming and computer services.

(d) **Payment.** The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b), (d), and (e) apply to electronic public records.

Section 5. Non-Electronic Public Records.

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

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| (i) | Standard (8.5 by 11 inch) - Black and White Copy. | \$0.10/page |
| (ii) | Standard (8.5 by 11 inch) - Colored Copy. | \$0.60/page |
| (iii) | Legal (8.5 by 14 inch) - Black and White Copy. | \$0.25/page |
| (iv) | Legal (8.5 by 14 inch) - Colored Copy. | \$1.00/page |
| (v) | Other sheet size. | Actual Cost |
| (vi) | Photograph. | Actual Cost |
| (vii) | Utilization of an outside vendor for copying. | Actual Cost |
| (viii) | Custodian's fee to supervise copying. | See section 4(c)(i) through (iii) |
| (ix) | Special instances, i.e. film. | Actual Cost |

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

- (i) Scanning non-electronic public records. \$0.10/page
- (ii) Electronic Media (disk, thumb drive, etc.). Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

- (i) Mailing, including cost of the shipping container. Actual Cost
- (ii) Facsimile. Actual Cost