

**Town of Yacolt**  
**Council Meeting Agenda**  
**Monday, December 16, 2019**  
**7:00 PM**  
**Town Hall**

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**Call to Order**

**Flag Salute**

**Roll Call**

**Late Changes to the Agenda**

**Minutes of Previous Meeting(s)**

- [1.](#) Approve 12-2-19 meeting minutes

**Citizen Communication**

*Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.*

**Unfinished Business**

- [2.](#) Electronic Device Policy Review
- [3.](#) Draft Ethics Policy review and discussion only
- [4.](#) I-1639 Proclamation draft
5. Hazen Property use - discussion only

**New Business**

6. Water Shed Alliance -Sunrise O'Mahoney
- [7.](#) Council Procedures Ordinance Draft - review and discussion
- [8.](#) Approve Ordinance 579 Amending 2019 budget for actual expenditures and incomes.

**Public Works Department Report**

**Town Clerk's Report**

**Council's Comments**

**Mayor's Comments**

**Attorney's Comments**

**Approve to Pay Bills on Behalf of the Town**

**Executive Session**

**Adjourn**

**Town of Yacolt**  
**Council Meeting Minutes**  
**Monday, December 02, 2019**  
**7:00 PM**  
**Town Hall**

**Call to Order**

Mayor Listek called meeting to order at 7:00 pm.

**Flag Salute**

**Roll Call**

PRESENT

Mayor Katie Listek  
Council Member Amy Boget  
Council Member Michelle Dawson  
Council Member Malita Moseley  
Council Member Herb Noble  
Council Member Marina Viray  
Clerk Dawn Salisbury  
Public Works Director Tom Esteb

**Late Changes to the Agenda**

None

**Minutes of Previous Meeting(s)**

1. Approve 11-18-19 Meeting Minutes

Motion to approve 11-18-19 meeting minutes with changes.

Motion made by Council Member Boget, Seconded by Council Member Noble.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Viray, Council Member Dawson

Voting Abstaining: Council Member Moseley

2. Approve Budget Workshop minutes.

Approve 11-25-19 Budget Workshop minutes.

Motion made by Council Member Boget, Seconded by Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Moseley, Council Member Viray, Council Member Dawson

**Citizen Communication**

Julia Heldman had some great ideas for getting kids involved in picking up litter. Make a litter team, t-shirts, custom bags etc.

**Old Business**

3. Draft Ethics Policy review and discussion only

Great discussion took place. Council members to review and bring ideas and changes to 12-16-19 meeting.

4. Electronic Device Policy Review

Council discussed possible changes and updates to policy. Council members to bring ideas and changes to 12-16-19 meeting.

**New Business**

5. Public Hearing on 2020 Budget Approval

Mayor Listek closed public meeting at 7:43 pm and opened Public Hearing. Mary Rowe had many questions on budget items. Mayor Listek closed public hearing at 8:07 pm and reopened regular council meeting.

6. Approve 2020 Budget Ordinance #578

Motion to approve 2020 Budget Ordinance #578.

Motion made by Council Member Boget, Seconded by Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Moseley, Council Member Viray, Council Member Dawson

7. Ordinance #577. Updating Council and Mayor stipend

Motion to approve Ordinance #577

Motion made by Council Member Noble, Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Moseley, Council Member Viray, Council Member Dawson

8. Confirm 2020 CTRAN representation

Council Member Noble to check with La Center representative to confirm 2020 CTRAN representation.

9. State of Washington Business License Agreement

Motion to approve mayor to sign Business License Service Agreement

Motion made by Council Member Boget, Seconded by Council Member Viray.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Moseley, Council Member Viray, Council Member Dawson

10. Review Road Condition Report by Jackson Civil Engineering

Council reviewed road condition report supplied by Jackson Civil Engineers. Clerk and Public Works director will compare to 6-year transportation plan and update as needed.

**Public Works Department Report**

New Public Works Director is excited to be here and will do his best to be a good servant for the town.

**Town Clerk's Report**

Town website originally set up as .com. Clerk will investigate cost to switch to .org or .gov.

All emails for council members and mayor will return to their names instead of council position.

Reminded council of December 7th Elected officials training.

Jackson Civil Engineering was only company that answered the Engineering RFP.

Business license fees will still be paid to town after state takes over the issuing of business licenses.

Working on end of year and 2019 budget amendment.

One Drive is available with our new email service. Clerk Salisbury will be doing a training for this feature soon.

**Council's Comments**

Council Member Moseley asked for update for the Tree Lighting ceremony and Clerk Salisbury went over the plans for the day. Public Works Director Tom Esteb informed the council that the star on the tree was not working. Going to try to get it fixed before Saturday. Will be making new star for tree next year.

Council Member Boget is working on the changes for the Ethics Policy and working on updating Ordinance 483 with Council Member Viray. Council Member Boget working to secure reindeer for next year's Tree Lighting. Council Member Boget would like to work with staff to create an events file so we know what we need for each event.

Council Member Noble thanked the new council members for putting in the time to represent the town.

Council Member Dawson thanked everyone and asked for their patience as the new council members get up to speed.

**Mayor's Comments**

Mayor Listek informed the audience of the passing of former town employee Kathy Lattig.

Mayor Listek is hoping to move council chambers upstairs and make a community center downstairs. Mayor Listek has already secured the donation of an HVAC system and installation. Will be needing electrical work and asked for help in getting that work donated. Asked for ideas and suggestions for what residents would like to see in a community center.

**Attorney's Comments**

None

**Approve to Pay Bills on Behalf of the Town**

001 General Fund	3,045.60	
101 Streets	15,000.00	
105 REET	30,858.34	
403 Storm Water	<u>4.28</u>	
	48,908.22	Claims Check #17003-17013: 48,908.22

Motion to approve to pay bills on behalf of the town.

Motion made by Council Member Moseley, Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Noble, Council Member Moseley, Council Member Viray, Council Member Dawson

**Executive Session**

None

**Adjourn**

Mayor Listek adjourned meeting at 8:37 pm.

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Katie Listek, Mayor

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Dawn Salisbury, Clerk

## TOWN OF YACOLT

### Town of Yacolt Electronic Device Policy for Elected Officials and Employees

**TITLE: Wireless Internet, email, instant messaging and other communication devices for Town Council members and employees.**

**PURPOSE:** The Town of Yacolt provides a wireless Internet system (“Wi-Fi”) for use in Town Council chambers for the purpose of providing an effective method to communicate, preform research and obtain information that will assist in performing Town Council related tasks.

The purpose of this policy is to provide guidelines on appropriate use, care and requirements of Town-provided wireless Internet and to provide basic information on the appropriate use of Town-issue or personal communication devices on that Wi-Fi system and other Wi-Fi systems.

**POLICY:** It is the policy of the Town of Yacolt to adhere to the Revised Code of Washington (RCW) 42.30 regarding Open Public Meetings and RCW 42.56 regarding public records.

- 1) Council members and employees are expected, and have the obligation, to use good judgement when using the Internet and electronic communication tools while in a Town Council session. It is strongly recommended that council members and employees only use Town provided Wi-Fi in council chambers to access information related to Town business from the Town of Yacolt website.(townofyacolt.com) Should a council member have an issue with access to Wi-Fi services in council chambers, they should notify the Town Clerk.
- 2) All electronic devices connected to the Town’s Wi-Fi system shall be turned off during closed executive sessions. Elected officials, by virtue of their position, are privilege to confidential information that could not otherwise be obtained by the general public. Pursuant to RCW 42.23.070 – Code of Ethics for Municipal Officers, Prohibited Acts – no municipal officer may disclose confidential information gained by reason of the officer’s position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- 3) All records, regardless of format, related to the conduct of Town business reviewed, created, or altered must be retained per the State of Washington Local Government Common Records Retention Schedule, (the CORE manual), pursuant to RCW 42.56 and RCW 40.14, Preservation and Destruction of Public Records.

- 4) The Town reserves the right to access, monitor and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of Town business on Town-issued or personal devices that council members and employees use to access the Town Wi-Fi system. Council members and employees should have no expectation of privacy in either sending or receiving electronic messages, or other information on the Internet, Town network or other electronic media.
- 5) All electronic messages, Internet and network activity must be appropriate to the Town's professional environment and consistent with the Town's policies prohibiting discrimination and harassment.
- 6) Per state law, all documents, files, communications and messages created, reviewed or altered that are related to the conduct of Town business, regardless of format, are property of the Town. As a result, these documents, files communications and messages are not private or confidential unless otherwise noted in the Revised Code of Washington.
- 7) Technology resources may be used for incidental personal needs as long as such use does not result in, or subject the Town to, additional costs or liability; interferes with business, productivity, or performance; pose additional risk to security, liability or privacy; cause or tend to cause damage to Town's reputation or credibility. Incidental, personal usage should generally conform to limits typically associated with personal phone calls.

This document does not attempt to address every possible situation that may arise. Professional judgement, etiquette and common sense should be exercised while using Town resources. Anything stored on Town's devices/accounts are not subject to privacy.

- 8) The Town recognizes that public Internet communications technologies are effective tools to promote community and government interaction, and that council members and employees want to participate in public communication. This includes blogging, discussion forums, social networking, message boards, e-mail groups and other media that are now commonplace tools by which people share ideas and information. While all forums are not encouraged, all such information is subject to public records requests. However, since activities on public Internet communication sites are electronically associated with Town network; addresses and accounts that can be easily traced back to the Town of Yacolt, the following rules must be followed for participation on these interactive public Internet communication sites:
  - a. When expressing council member's or employee's view, make it clear that it does not necessarily represent the view of the Town of Yacolt. Opinions or views other than those reflective of Town policy must contain the following disclaimer: "The content of the electronic communication does not necessarily reflect the official views of the elected officials or citizens of the Town of Yacolt."
  - b. Always protect the confidentiality, integrity, and availability of all critical information.
  - c. Council members and employees must not post any material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful, or



- embarrassing to or of any other council member, employee, person, and/or entity.
- d. To protect council member's and employee's privacy and the privacy of others, phone numbers or email addresses must not be included in the content body.
  - e. The Town provides council members and employees access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging systems is not allowed unless it is web based.
- 9) Because electronic messages can be retrieved even after deletion by the author or recipient, and are not confidential, users should treat each electronic message as they would a hard copy that would potentially be distributed to everyone in the Town and subject to discovery in a legal proceeding.
- 10) All council members and employees with access through the Town facilities are responsible for complying with the guidelines contained in this policy. Violations may result in revocation of access privileges. Criminal and/or civil penalties or other legal action against a council member or employee is a possibility depending upon the action.
- 11) The following is a list of prohibited uses:
- a. Transmitting any material or messages in violation of Federal, State, Local law, Ordinance, Regulation or Town policy.
  - b. Taking action via electronic device while in an open public meeting of the governing body. "Action," as defined under RCW 42.30.020, means the transaction of the official business of a public agency by a governing body including, but not limited to, receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.
  - c. Anything that may be construed as harassment or disparagement of other based on race, national origin, sex, sexual orientation, age, disability, or religious beliefs will not be tolerated. This includes, but is not limited to, sending threatening messages, slurs, obscenities, sexually explicit images, cartoons or messages.
  - d. Distributing sensitive or confidential information, per RCW 42.23.070, Code of Ethics for Municipal Officers, Prohibited acts.
  - e. Installing client based software.
  - f. Downloading personal documents or attachments. Video streaming, gambling sites, sports, music videos, personal dating sites, and downloading software for personal use not approved by the Mayor or Town Clerk.
  - g. Distributing unauthorized broadcast messages, soliciting or proselytizing others for commercial ventures, religious or political causes, or other non-job related matters except as provided elsewhere in this policy.
  - h. Accessing or distributing offensive or pornographic materials.
  - i. Using Town-provided Wi-Fi for personal use, to accomplish personal gain, or to manage a personal business.

- j. Downloading or distributing copyrighted materials not owned by the Town including software, photographs, or any other media except when authorized by the Mayor or Town Clerk as it pertains to work related issues.
- k. Developing or distributing programs that are designed to infiltrate computer systems internally or externally (viruses) or intentionally disrupting network traffic or crashing the network and connected systems.
- l. Accessing or downloading any resource for which there is a fee without prior appropriate approval.
- m. Representing yourself as another user or employee, forging electronic mail messages, unauthorized access of others' files with no substantial business, or vandalizing the data of another user.
- n. Attempting to access any system, which a council member or employee is not authorized to access. (hacking)
- o. Giving your user name and password to anyone, except the Town Clerk or designee for any purpose.
- p. Inappropriate use, which is determined by the Town to be a violation of the intended purpose of any electronic media.

12) Users should be attentive to emails that may have unusual or questionable subject lines to mitigate spam, phishing scams and script born viruses that come into the network through email attachments or by clicking on links that lead to hostile web sites. If you suspect phishing scams or script born viruses in email attachments immediately contact the Town Clerk.

13) The ~~Town~~ **Clerk or Assistant Clerk** will assign an initial password for access to the assigned device. Each user is responsible for immediately changing the password(s) for their assigned device. The users will write their password on a 3x5 index card which will then be sealed in an envelope such that it cannot be read from the outside. The envelope will be turned over to the Town Clerks office where it will be placed in the Town safe for emergency use. The use of another user's account or attempt to capture other users' passwords is prohibited. Each user is responsible for restricting unauthorized access to the network by locking their computer or logging out of their computer account when leaving their computer unattended. Council members and employees who discover unauthorized use of their accounts must immediately report it to the Town Clerk.

14) The Town of Yacolt will take the necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the Town financially; put council members and employees at risk; put facilities at risk; or could cause legal liability. Examples of critical data include: employee health information, social security numbers, credit card holder information, banking information, police crime investigation, etc.

- a. Council members and employees with access to critical information are responsible for its protection. Council members and employees must take reasonable steps to ensure the safety of critical information including: avoiding putting critical data on laptops; encrypting data at any time it is electronically transported outside the Town network; not storing, saving, or transmitting

critical data to a home computer or other external computer; ensuring inadvertent viewing of information does not take place; and destroying or rendering the information unreadable when done with it.

- b. Council members and employees should not transport critical data on unencrypted devices such as thumb drives, CD's, or Smartphones.
  - c. The ~~city~~ **Town** will restrict access to critical information only to council members and employees who have a legitimate business need-to-know. Each system owner is responsible for keeping an inventory of critical information and ensuring that access to it is limited.
  - d. Council members and employees will be assigned unique user IDs and passwords for network access. Access to systems and applications containing critical information will only be allowed via unique user IDs. Access will be monitored and actions will be traceable to authorized users.
- 15) The Town also needs to be able to respond to proper requests resulting from legal proceedings that call for electronically-based evidence. Therefore, the Town must, and does, maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems. Because the Town reserves the right to obtain access to all electronic mail messages left on or transmitted over these systems, council members and employees should not assume that such messages are private and confidential or that the Town or its designated representatives will not have a need to access and review this information. Council members and employees that access Town Wi-Fi during a council meeting, whether on a private electronic device or Town-issued business equipment should also have no expectation that any information stored on their computer – whether the information is contained on a computer hard drive, computer disks or in any other manner – will be private.

The Town reserves the right to regularly monitor electronic mail messages, information, and all documents. The Town will inspect the contents of computers or electronic mail in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information that is not more readily available by some other less intrusive means. A council member's or employee's rights while accessing the Internet by use of the Town's property/account does not include the right to privacy. The contents of computers and electronic mail, properly obtained for some legitimate business purpose, may be disclosed by the Town if necessary within or outside of the Town.

- 16) The council member or employee the device is assigned to is liable for all damages incurred (dropping etc.) other than normal wear and tear.
- 17) Council members and employees are required to return devices at the end of term or termination of employment, or he/she will be required to reimburse the town for the cost of the device.
- 18) Legal council may review any request for access to the contents of an individual's electronic device prior to access being made without the individual's consent.
- 19) Any council member or employee who violates this policy for improper uses may be subject to revocation of privileges.

20) All council members and employees are required to work collaboratively with the Town Clerk's Office for access to a personal or Town-issued electronic device when responding to a public records request.

# **TOWN OF YACOLT**

## **ETHICS PROGRAM**

## TABLE OF CONTENTS

ARTICLE I - INTRODUCTION, PURPOSE, AND ADMINISTRATION OF PROGRAM	3	
A. Preamble	3	
B. Core Values	3	
C. Ethics Principles	4	
D. Ethics Program	5	
ARTICLE II - CODE OF ETHICS	6	
A. Gifts and Compensation	6	
B. Use of Town Property by Elected Officials	7	7
C. Confidentiality	7	
D. Conflict of Interest – General	7	
E. Conflict of Interest–After Leaving Elected City Office	8	
F. Conflict of Interest – Family Members of Elected Officials	9	
G. Conflict of Interest – Contractors	9	
I. Conduct of Public Meetings	9	
ARTICLE III - ENFORCEMENT OF THE ETHICS PROGRAM	10	
A. Responsibilities of the Ethics Board	10	
B. Submission of Ethics Complaints	10	
C. Review of Complaints Concerning City Employees	10	
D. Review of Complaints by Ethics Committee	11	
F. Advisory Opinions	13	
G. Waivers	13	
H. Effect of Advisory Opinion or Waiver	13	
I. Reporting	13	
ARTICLE IV - FOLLOW-UP TO ETHICS COMPLAINTS	14	
A. Town Council Review of Complaints	14	
B. Action by City Council upon Presentation of Findings and Conclusion	15	
ARTICLE V - ETHICS BOARD	16	
A. Purpose of the Ethics Board	16	
B. Training	17	
C. Annual Report	17	
D. Creation, Terms, and Appointments	17	
ARTICLE VI - DEFINITIONS	19	

# TOWN OF YACOLT ETHICS PROGRAM

## ARTICLE I -

### INTRODUCTION, PURPOSE, AND ADMINISTRATION OF PROGRAM

#### A. Preamble

The Town of Yacolt has adopted the following Core Values and Ethics Principles to promote and maintain the highest standards of personal and professional conduct among all the people who comprise the Town's government. The optimal operation of democratic government requires that all of its decision-makers be fair and accountable to the people they serve.

All elected and appointed officials, volunteers, members of Commissions and Committees, and all others who participate in the Town's government are expected to adhere to these Core Values and Ethics Principles, apply them to their specific responsibilities, and make them a common aspect of their work.

#### B. Core Values

##### 1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Yacolt and to each other that is courteous, cost effective and continuously improving.

##### 2. Integrity

We will treat one another and the citizens of Yacolt with honesty and integrity, recognizing that the trust that results is hard won and easily lost. We pledge to promote balanced, consistent, lawful policies and directives, in keeping with that integrity and the highest standards of this community.

Council Members shall maintain decorum and set an example for conduct when representing the Town and endeavor not to disgrace or embarrass the Town while acting in an official capacity.

Council Members shall represent that opinions stated are the Member's own and do not necessarily represent those of the Council unless the Council has voted and passed an ordinance, resolution or motion that so states the expressed policy.

Council Members shall not make knowingly and intentionally false statements on which the Council, Town staff or other agencies rely to establish policy or make important decisions.

##### 3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

##### 4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for the exemplary work.

**C. Ethics Principles**

**1. Obligations to the Public**

Following the highest standards of public service, all those associated with the government of the Town of Yacolt will act to promote the public good and preserve the public's trust. In practice, this principle looks like:

- a. Public meetings and other proceedings conducted in accordance with the Best Practices.
- b. Transparency and honesty in all public statements and written communications.

**2. Obligations to Others**

In order to sustain a culture of ethical integrity, all those associated with the government of the Town of Yacolt will treat each other and the public with respect and be guided by applicable codes of ethics, labor agreements, and professional codes. In practice, this principle looks like:

- a. Elected and appointed officials, and members of citizen Committees and Commissions, shall familiarize themselves with the ethical rules governing them (including, but not limited to, Washington State statutes RCW 42.23, 42.20, 42.30, 42.41, 42.56, Council Member Handbook, and this Code of Ethics) and obtain annual education regarding such rules.
- b. All those associated with the government of the Town of Yacolt shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

**3. Obligations Regarding the Use of Public Resources**

In recognition of the importance of stewardship, all those associated with the government of the Town of Yacolt will use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

- a. Elected and appointed officials, and members of citizen Committees and Commissions for the Town of Yacolt shall, to the extent possible, seek advice regarding the use of public resources from staff in order to ensure that public resources are used and conserved for the public good.
- b. Elected and appointed officials, and members of citizen Committees and Commissions for the Town of Yacolt, shall ensure that paid experts and consultants who provide advice regarding the use of public resources shall be impartial and free of conflicts of interest.
- c. Elected and appointed officials, and members of citizen Committees and Commissions for the town of Yacolt, shall ensure that their actions do not incur



additional fees, fines, or legal expenses and acknowledge that such expenses may be subject to collection per the ***Collecting Fines and Penalties*** section of the Town of Yacolt's Financial Policy.

**D. Ethics Program**

**1. Purpose of the Ethics Program**

All those associated with Town government, including elected officials, members of Town Committees and Commissions, seek to earn and maintain confidence in the Town's services and the public's trust in its decision-makers. Our decisions and our work must meet the most rigorous ethical standards and demonstrate the highest levels of achievement in following the Core Values and Ethics Principles. It is therefore the purpose of this program to:

- a. Articulate the Core Values and Ethics Principles that will guide the conduct of Town affairs and of all people associated with Town government;
- b. Establish standards of ethical conduct in a Code of Ethics for elected officials and members of Town Committees and Commissions;
- c. Provide training and clarification concerning the Core Values, Ethics Principles, and the Code of Ethics;
- d. Establish a system that enables all citizens, including members of Town government, to seek advice and assistance regarding possible ethical violations;
- e. Provide a process to review possible violations of the Code of Ethics by elected officials and members of Town Committees and Commissions;
- f. Maintain an Ethics Committee to assist with the administration of the program;
- g. Provide a comprehensive Ethics Program for the Town, ensuring that the ethics standards and the procedures for enforcing them that apply to Town employees, including policies and collective bargaining agreements, are consistent with the Core Values and Ethics Principles which apply to all persons associated with Town government; and
- h. Provide an equitable program to The Town of Yacolt's Personnel Policy.

**2. Administration of the Ethics Program**

The Core Values and Ethics Principles apply to all persons associated with Town government. However, there are two sets of rule-based standards, which are separately enforced. The Code of Ethics (Article II of this document) applies to elected and appointed officials, and members of Town Committees and Commissions.

The Code of Ethics is enforced by the Town Council (as detailed in Article III of this document). A set of guidelines and ethical standards included in the Town of Yacolt Personnel Policy applies to all Town employees and is enforced by Town administration.

Violations of the Open Public Meetings Act and the Public Records Act shall be considered especially egregious in nature.

## ARTICLE II - CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to elected officials, and citizens serving on Town Committees and Commissions.

### A. Gifts and Compensation

#### 1. Limitations on Town-Related Gifts and Outside Compensation

Except as permitted under subsections (2) and (3) below, no elected official or member of a Town Committee or Commission, or any member of their immediate families shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to his or her services or duties with the Town of Yacolt or accept any non-Town compensation for the performance or non-performance of those services or duties.

#### 2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to subsection (1) above:

- a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of twenty dollars (\$20.00) or less, such as promotional tee shirts, pens, calendars, books, or other similar items.
- b. Gifts from other Town officers, officials, or employees, or their family members on appropriate occasions.
- c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays and ground-breaking ceremonies.
- d. Campaign contributions as permitted and reported in accordance with law.
- e. Awards that are publicly presented by a non-profit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.
- f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the Town.
- g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the elected official, provided that

any payment of substantial travel or lodging expenses by any person or entity regulated by the Town or doing or seeking to do business with the Town must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Mayor Pro Tem.

**3. Immediate Family Gift Exception**

It shall not be a violation of this section for a member of an official's immediate family to accept a gift which arises from an independent relationship, if the official does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the official in the performance of his or her duties.

**B. Use of Town Property by Elected Officials**

1. Except for limited incidental personal use or emergency circumstances, no elected official shall request, permit, or use Town vehicles, equipment, materials, or property for personal use, personal convenience or profit.

2. From the time that an elected official declares or publicly states that he or she intends to run for re-election until the conclusion of the respective general election, that elected official shall not request or direct that Town funds be used to purchase any media (including newspaper, radio, television or bulk mailing) that contains the name or image of that elected official unless the names or images of all Town elected officials appear in the media being purchased.

**C. Confidentiality**

Except as required by law, an elected official, former elected official, or current or former member of a Town Committee or Commission shall not disclose or use privileged, confidential or proprietary information obtained in executive session or otherwise in the course of their duties as a result of their position.

**D. Conflict of Interest – General**

**1. Applications of Conflict of Interest**

Except as permitted in subsection (2) below, an elected official or member of a Town Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the Town if he or she, or a member of the immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Committee of Directors for any organization); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

- d. Has been found to have committed any ethics violations against any Town officers, officials or employees in their current election cycle or 24 months, whichever is longer, provided that the official action directly affects the Town officer, official or employee.

**2. Conflict of Interest Exceptions for Elected Officials**

Subsection (1) above shall not apply when the elected official:

- a. Is required to take or participate in an action based upon the rule of necessity;
- b. Decides to represent himself or herself before the Town Council, Hearing Examiner or any other Town Committee, commission or agency, provided that the individual does not also participate in any way in that Committee's deliberations or decision in an official capacity;
- c. Acquires an interest in bonds or other evidences of indebtedness issued by the Town if acquired and held on the same terms available to the general public;
- d. Officially participates in the appointment of applicants to open Council Seats where a relative has applied provided that the individual is transparent with their affiliation and their reasoning for their selection;
- e. Officially participates in the development and adoption of the Town's budget; or establishes the pay or benefit plan of Town officers, officials, or employees providing that it is for all employees;
- f. Makes decisions on any other legislative or regulatory action of general applicability, unless these actions directly affect, or appear to affect the official's or immediate family member's employment.

**3. Conflict of Interest Exceptions for Members of Town Committees and Commissions**

Subsection (1) above shall not apply to a member of a Town Committee or Commission provided that the member fully discloses the financial interest on the public record of the Town Committee or Commission and the Committee or Commission votes to allow the person to participate in discussion or the vote.

**4. Disclosure for Elected Officials**

All elected officials are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all elected officials shall publicly disclose their financial interest in any matter that comes before them. All elected officials shall annually complete a conflict of interest statement to be submitted to the Town Clerk by April 15th.

**E. Conflict of Interest—After Leaving Elected Town Office**

1. For two (2) years after leaving elected Town office, no former elected official shall obtain employment in which he or she will take direct or indirect advantage of matters on which he or she took direct official action during his or her service with the Town. This includes contractual negotiations or solicitation of business unavailable to others.
2. For two (2) years after leaving elected Town office, no former elected official shall engage in any action or litigation in which the Town is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected Town office.

**F. Conflict of Interest – Family Members of Elected Officials**

**1. Appointment of Family Members**

Unless he or she obtains a waiver from the Council, no elected official shall appoint or hire a member of his or her immediate family for any type of employment with the Town.

This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

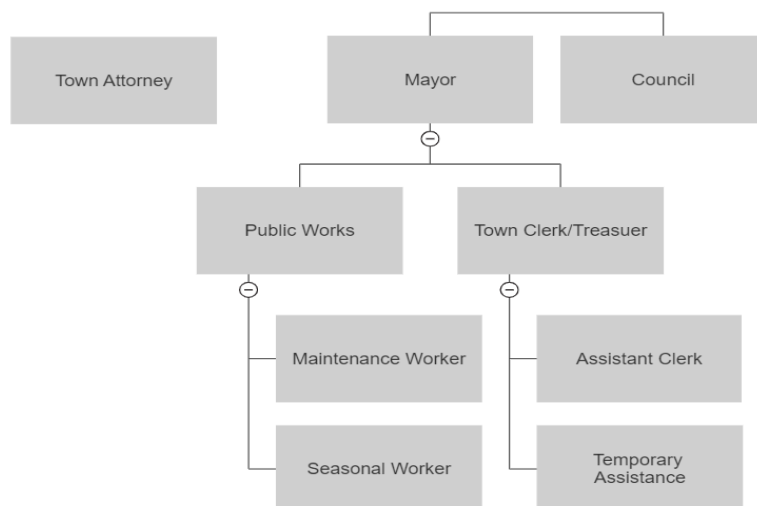
**2. Supervision of Family Members**

No elected official shall supervise or be in a direct line of supervision over a member of his or her immediate family. If an elected official is placed in a direct line of supervision of a member of his or her immediate family, he or she shall have three (3) months to come into compliance or to obtain a waiver pursuant to section (3) below.

**3. Waivers**

Waivers from this section may be sought from the Council to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III, Section G (Waivers).

**4. Organizational Hierarchy**



**G. Conflict of Interest – Contractors**

Every major contractor submitting bids to the Town shall include a statement affirming that he or she has read the Code of Ethics and agrees to abide by its guiding principles and rules. Further, the contractor affirms that neither the contractor nor any agent of the contractor has made any prohibited gift to an elected official who is involved in direct official action on the bid or has a relationship to such an official that would create a conflict of interest for that official.

**H. Conflict of Interest - Citizens serving on Town Committees and Commissions**

Citizens serving on Town Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

**I. Conduct of Public Meetings**

1. Meetings involving elected officials or Town Committees and Commissions should be conducted in a manner that maximizes transparency of relationships among individuals or groups that could affect decision-making.
2. Elected officials or Town Committees and Commissions shall notify the Ethics Committee as soon as a potential conflict of interest on an agenda item is identified.

**ARTICLE III - ENFORCEMENT OF THE ETHICS PROGRAM**

**A. Responsibilities of the Ethics Committee**

1. In considering any matter brought to its attention for action, the Ethics Committee shall interpret and apply the Code of Ethics in favor of promoting the Town’s Core Values and Ethics Principles, protecting the public’s interest in full disclosure of conflicts of interest, and promoting ethical behavior.
2. The Ethics Committee shall handle the following matters:
  - a. Complaints involving alleged violations of the Code of Ethics, Article II, by elected officials, members of Town Committees and Commissions, and persons who contract with the Town;
  - b. Advisory opinions concerning the application of the Core Values and Ethics Principles, Town policies and practices, or the applicability of the Code of Ethics to the requestor’s own behavior; and
  - c. Waivers of certain restrictions, as provided in the Code of Ethics.

**B. Submission of Ethics Complaints**

Any person may submit complaints concerning an elected official, a member of a Town Committee or Commission, or a major contractor to the Town Clerk. Such complaints will be referred to the Ethics Committee.

Complaints concerning the conduct of Town staff will be referred to the Mayor. The Ethics Committee may on its own initiative identify a possible violation and initiate its own complaint.

Complaints must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the Ethics Committee (available through the Town Clerk's office.)

**C. Review of Complaints Concerning Town Employees**

1. The Mayor will review any ethics complaint forwarded by the Town Clerk and authorize such investigations as may be necessary to determine whether a violation has occurred, consistent with relevant policies and procedures.
2. The Mayor may request advice from the Ethics Committee.
3. If the Mayor determines that no violation has occurred, a written response will be made to the complainant.
4. If a violation of ethics rules has occurred, the Mayor or other appropriate Town officer will take action as guided by state law, and relevant policies and procedures.
5. In the event of a violation, the Mayor will provide a response to the complainant and to the Ethics Committee outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, Town policy, and collective bargaining agreements.
6. Apparent violations of law will be reported to the appropriate authorities.

**D. Review of Complaints by Ethics Committee**

1. The Ethics Committee will review any complaint forwarded to it by the Town Clerk or Mayor.
2. In the course of reviewing a complaint, the Ethics Committee may request clarification of the complaint or other additional information from the complainant.
3. After reviewing a complaint, the Ethics Committee may take any of the following actions and inform the complainant, the respondent, and the Town Clerk:
  - a. Determine that the complaint lacks reasonable credibility;
  - b. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics;
  - c. Determine that facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any potential violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics;
  - d. Issue an advisory opinion if the subject of the complaint is more appropriate for such action;

- e. Hold the complaint for action at a future time if the matter is the subject of litigation; or
  - f. Make a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted.
4. If the Ethics Committee makes a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted, the Committee will inform the respondent of its preliminary determination and provide the respondent with a reasonable period of time to submit a written response in which the respondent may provide a statement of facts, supported by a declaration in compliance with RCW 9A.72.085, in opposition to the complaint and any further explanation of the respondent's position on the complaint.
5. After receiving the written response from the respondent, the Ethics Committee may take any of the following actions and inform the complainant, the respondent, and the Town Clerk:
- a. Determine that the complaint lacks reasonable credibility;
  - b. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics;
  - c. Determine that facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics;
  - d. Issue an advisory opinion if subject of the complaint is more appropriate for such action;
  - e. Hold the complaint for action at a future time if the matter is the subject of litigation; or
  - f. Determine that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complaint or as stated by the respondent.
6. If the Committee determines either: (1) that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complaint or as stated by the respondent, or (2) that a material violation of the Code of Ethics has likely occurred, the Committee will forward its determination, along with the complaint, response and relevant supporting materials, to the complainant and respondent. The Committee may also, on its own initiative, forward such a determination to the Town Council for its review.
7. Regardless of whether a particular violation of the Code of Ethics has occurred, the Ethics Committee may find that Town processes or policies could better reflect ethical shared values and principles and may publish an advisory opinion to this effect.



8. In the course of reviewing any complaint, the Committee shall report any apparent violation of law to the appropriate authorities and cooperate with any subsequent investigation.

**E. Review of Complaints Affecting One or More Members of the Ethics Committee**

1. Any Complaint directed towards a member of the Ethics Committee, or immediate family, shall be reviewed by the remaining Ethics Committee members independent of the effected committee member.

2. The Town Attorney shall be considered the 5<sup>th</sup> member should a recusal be necessary.

**F. Advisory Opinions**

1. Any person may request an opinion from the Ethics Committee as to whether their own behavior has violated or might in the future violate the Code of Ethics or shared values and principles.

2. The Mayor or Town Council or any citizen may request an advisory opinion from the Ethics Committee regarding Town policies or practices in relation to the Code of Ethics.

3. Citizen Committees and Commissions may request an advisory opinion from the Ethics Committee regarding operating rules or practices in relation to the Code of Ethics.

4. Any person may request an advisory opinion from the Ethics Committee regarding operating policies of the Town Council or Citizen Committees and Commissions in relation to the Code of Ethics.

5. The Ethics Committee, on its own initiative may prepare and publish its own advisory opinion.

6. The Ethics Committee will inform the requestor and publish its advisory opinions.

**G. Waivers**

Elected officials and members of Town Committees and Commissions may apply to the Ethics Committee for a waiver from provisions of the Code of Ethics. The Committee will publish both the request and its response.

**H. Effect of Advisory Opinion or Waiver**

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated the Code if the individual acts in a manner consistent with that advisory opinion or waiver.

**I. Reporting**

1. The Mayor will meet with the Ethics Committee annually to discuss the function of the Ethics Program as it applies to Town employees.

2. The Ethics Committee will report annually on the function of the Ethics Program.

**ARTICLE IV -  
FOLLOW-UP TO ETHICS COMPLAINTS**

**A. Town Council Review of Complaints**

1. If, after reviewing a complaint, the Ethics Committee has determined: (1) that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complaint or as stated by the respondent, or (2) that a material violation of the Code of Ethics has likely occurred, either the complainant or the Committee may submit the determination to the Town Council so that the Council may decide whether further action is warranted. The Town Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of any Town Council meeting at which the complaint will be discussed.
2. The Council shall initially review the complaint, response, and relevant supporting materials in executive session to determine whether there appears to be a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence; provided, however, and consistent with RCW 42.30.110(1)(f), upon request of the respondent, the review shall be open to the public. The respondent shall have an opportunity to respond to the complaint. If Council determines that the complaint and attachments do not provide a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence, the Council shall dismiss the complaint, and the complainant and the respondent shall be so informed. The action to dismiss the complaint shall be done by a majority vote of the Council in open public session; provided, that the respondent shall not participate in such a vote.
3. If the Council finds that the complaint and attachments appear to provide a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence, the respondent shall be so informed. Such a finding shall be done by a majority vote of the Council present in open public session; provided, that the respondent shall not participate in such a vote. At that point, the respondent may:
  - a. Admit the one or more of the Code of Ethics violations alleged in the complaint.
  - b. Remain silent.
4. If the respondent admits the Code of Ethics violations or remains silent, the Town Council shall schedule and hold an executive session to hear from the respondent, and deliberate upon the appropriate level of civil sanctions to be imposed, except to the extent that the respondent requests that he or she be heard in open public session. The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent shall not participate in such a vote. A copy of the findings, conclusions and sanctions shall be forwarded by registered mail to the complainant and to the respondent at addresses as given by both persons to the Town Clerk.

**B. Sanctions**

If the Town Council concludes that a Code of Ethics violation(s) has occurred, the Council may impose any of the following sanctions:

1. Admonition: An admonition shall be a verbal non-public statement made by the Mayor or Mayor Pro Tem to the official who has violated the Policy.
2. Reprimand: A reprimand shall be a letter prepared by the Town Council, signed by the Mayor or Mayor Pro Tem, and directed to the official who has violated the Code. The reprimand shall be presented during an open public meeting. A declaratory statement shall be made and only include general terms of the violation.
3. Censure: A censure shall be a written statement administered personally by the Mayor, or Mayor Pro Tem, to the official who has committed the violation. The individual shall appear at a time and place directed by the Town Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether the member appears as required or not. The statement may be as detailed or vague as the Mayor sees fit.
4. Removal from Committees or Boards: The offending Councilmember may be removed from serving on any boards and internal committees of which the Councilmember represents the Town of Yacolt. Including Advisory Boards, Hiring Committees, Finance Committees, Mayor Pro Tem, etc. The removal may be in addition to any other sanction and shall be a minimum of 6 months to the remainder of their term.
5. Requests to Resign: A formal resignation request by the Mayor or Town Council may accompany a Censure but no other sanction. Details as to the violation shall be presented during an open public meeting. There is no RCW to force a resignation, but a formal request may be made via motion to be voted on by the council.
6. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction or remedy which may be imposed or sought according to law or equity.

**ARTICLE V - ETHICS COMMITTEE**

**A. Purpose of the Ethics Committee**

Maintaining an Ethics Committee will help to ensure that Town government adheres to the highest standards of public service. The Committee is responsible for:

1. Training all elected officials, and members of Town Committees and Commissions covered by the Code of Ethics.

2. Working with Town Administration so that major contractors and employees (even though they are not covered by this document) read and are familiar with the Code of Ethics in this document and other applicable Town documents regarding ethical behavior.
3. Providing responses to complaints, advisory opinions and requests for waivers regarding the Code of Ethics.

The Ethics Committee shall promote an understanding of ethical standards for Town officials, officers, and contractors working with the Town, and the general public. Respect for all citizens, including elected officials, will be one of the highest priorities of the Ethics Committee. The Committee's responsibilities are described below, along with a description of the membership of the Ethics Committee.

#### **B. Training**

The Ethics Committee shall perform the following training related duties:

1. At least biannually, the Ethics Committee shall prepare and distribute a pamphlet describing this Code of Ethics to all covered persons, after obtaining the Town Attorney's review.
2. The Ethics Committee shall disseminate any change in policy that results from a finding of the Committee.
3. The Ethics Committee shall ensure that all new elected officials and members of Town Committees and Commissions receives a pamphlet on this Code of Ethics.
4. The Ethics Committee shall develop and present a training course on the Code of Ethics to be presented to all elected officials and members of Town Committees and Commissions on an annual basis.

#### **C. Annual Report**

By February 15 of each year, the Ethics Committee shall submit an annual report to the Mayor and the Town Council summarizing its activities during the previous calendar year. The report shall include any recommendations for modifying the Code of Ethics.

#### **D. Creation, Terms, and Appointments**

##### **1. Membership of Ethics Committee**

a. The Ethics Committee consists of five members appointed in accordance with Section D and shall be sourced from:

1. Public Works: One member
2. Clerk's Office: One member
3. Mayor
4. One Council Member
5. Nonpartisan Community Member

A. Nominated Community members shall be Nonpartisan and have a history of being fair and balanced.

B. Selected Community members will be required to sign a confidentiality agreement.

b. The Town Attorney shall not be required to attend any fact finding or research meetings but must be consulted to give his legal opinion on any Code of Ethics violation the Committee deems is persuuable.

**2. Qualifications of Committee Members**

a. Members of the Committee shall represent a diverse set of backgrounds and interests.

b. When possible at least one member of the Ethics Committee shall be a former judicial officer or have expertise in ethics acquired through education or experience.

**3. Method of Appointment**

a. The Mayor shall nominate Committee members for confirmation by the Town Council. Members shall be nominated individually, not in groups of two or more persons. Confirmation of each member shall require a unanimous vote of the Town Council.

b. The Mayor and Town Council shall work cooperatively to ensure that any person who is nominated enjoys the required support of the Town Council. Nominations shall be presented at meetings of the Town Council where all five Councilmembers are present.

**4. Terms of Appointment**

a. Committee members shall be appointed to terms of two years; however, the first two members nominated by the Mayor and confirmed by the Town Council shall initially serve one-year terms to achieve staggered ending dates.

b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

**5. Removal of Committee Members**

a. The absence of any member of the Committee from three (3) official consecutive meetings, unless the Committee has excused the absence for good and sufficient reasons as determined by the Committee, shall constitute a resignation from the Committee.

b. The appointing authority may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the appointing

authority shall specify the cause for removal and shall give the member the opportunity to make a personal explanation. Before removing the member, who is jointly appointed, either the Mayor or the Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

## **6. Compensation**

Members of the Ethics Committee shall be compensated as follows:

- a. Staff: Paid their hourly wage for monthly meetings
- b. Councilmember: Paid their meeting stipend
- c. Mayor: Covered under monthly stipend
- d. Citizen: Paid a meeting stipend

## **7. Rules**

The Town Council shall approve all rules, which have been adopted by the Ethics Committee, by resolution.

## **8. Consultation with Legal Counsel**

The Ethics Committee may consult with any special counsel appointed by the Town Attorney regarding legal issues which may arise in connection with the Committee's duties and functions under this Ethics Program.

The Ethics Committee may consult with MRSC and RMSA independent of the Town Attorney.

## **ARTICLE VI – DEFINITIONS**

For purposes of the Ethics Program, the following definitions shall apply.

**"Confidential Information"** means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

**"Direct official action"** means any action which involves:

1. Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the Town is a party. With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision-making;
2. Enforcing laws or regulations or issuing, enforcing, or regulating permits;
3. Selecting or recommending vendors, concessionaires, or other types of entities to do business with the Town;
4. Appointing and terminating employees, temporary workers, and independent contractors.

5. Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of 1 through 4 above.

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). With regard to the approval of contracts, direct official action does not include the signing by the Mayor as required by law, unless the official initiated the contract or is involved in selecting the contractor or negotiating or administering the contract. A person who abstains from a vote is not exercising direct official action.

**“Direct line of supervision”** means the supervisor of an employee and the supervisor of an employee's supervisor.

**“Elected Official”** means the members of the Town Council; elected or appointed.

**“Gift”** means any favor, reward, or gratuity and any money, good, service, travel, event ticket lodging, dispensation, or other thing of value that is given, sold, rented or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

**“Immediate family”** means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner and spouse of the above. The term includes any minor children for whom the person, or his or her domestic partner, provides day- to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

**“Major Contractor”** means any person, corporation, company, firm, business or other entity doing business over \$5,000 with the Town under one contract or annually.

**“Rule of Necessity”** shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

# THE TOWN OF YACOLT



## *Proclamation against I-1639*

**WHEREAS**, the 2<sup>nd</sup> Amendment to the United States Constitution guarantees, “.. The right of the people to keep and bear Arms, shall not be infringed.”; and

**WHEREAS**, Article I, Section 2, of the Washington State Constitution declares “the Constitution of the United States is the supreme law of the land”; and

**WHEREAS**, the United States Supreme Court has declared “.. a law repugnant to the constitution is void..” (Marbury v. Madison); and

**WHEREAS**, the Initiative was not deliberated by the duly elected Legislature to allow testimony for and against which is essential in laws which are in direct conflict with our State and Federal Constitutions; and

**WHEREAS**, the Town Council of The Town of Yacolt recognizes that residents within the Town rejected the Initiative 379 votes to 109 votes; and

**WHEREAS**, the Initiative was rejected by 66% of Washington Counties, showing the disconnect between urban and rural voters in their firearms use and understanding the far-reaching implications of the initiative; and



**WHEREAS**, the Initiative violates the “Vagueness Doctrine” by praying on emotional fears and declined to address logistics, identify specific definitions, and give a clear working process for balancing Constitutional Rights, Personal Safety, and the desire to protect victims of violence; and

**NOW THEREFORE**, we, the Town Council of the Town of Yacolt, do hereby proclaim our rejection of Initiative I-1639 and urge all people living in our state to join us in demanding that I-1639 be repealed so that due process may prevail in the implementation of Laws and Regulations affecting the great Citizens of the State of Washington.

Signed this 16<sup>th</sup> day of December, 2019

\_\_\_\_\_  
Councilmember Amy Boget

\_\_\_\_\_  
Councilmember Michelle Dawson

\_\_\_\_\_  
Councilmember Malita Moseley

\_\_\_\_\_  
Councilmember Herb Noble

\_\_\_\_\_  
Councilmember Marina Viray

\_\_\_\_\_  
Mayor Katie Listek

**ORDINANCE # \_\_\_\_\_**

**RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS.**

WHEREAS, the Town of Yacolt, Washington, (hereafter the "Town"), desires that all Council meetings be open and responsive to the public;

WHEREAS, Council and public participation in such meetings should be carried out with efficiency and uniformity;

WHEREAS, written rules of procedures best assure an atmosphere conducive to said efficiency and uniformity, and no member of the Council or public should be embarrassed in the exercise of his/her right of free expression;

WHEREAS, the Town Council of the Town is in regular session this \_\_\_ day of \_\_\_\_\_, 20\_\_; and,

WHEREAS, all members of the Town Council have had notice of the time, place, and purpose of said meeting:

**NOW THEREFORE, be it ordained by the Town Council of the Town of Yacolt, Washington:**

**Section 1 - General Principles:**

- a). **Purpose.** It is the purpose of the Town Council of the Town of Yacolt in adopting these rules to provide a **consistent** method for the conduct of its affairs.
- b). **Duty of Mutual Respect.** It is the constant duty of each Council member to maintain respect for each other, the Town staff and the public. Likewise, the Council shall require corresponding respectful behavior from all persons who attend a meeting.
- c). **Duty of Ethical Conduct.** Every Council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and Ordinances of the Town. No Council member may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her public

duties. No Council member in his or her official capacity may participate in a transaction involving the Town with a party in which the Council member, or a family member, owns a beneficial interest.

## **Section 2 - Place and Time of Meetings:**

The regular meetings of the Town Council are at 7:00 p.m. on the first and third Mondays of each month in the Council Chambers, located at 202 W. Cushman, Yacolt, Washington. If a regular meeting day falls on a legal holiday as designated in RCW 1.16.050, such regular meeting shall be held on the next business day at the same hour.

## **Section 3 - Agenda:**

The Mayor, **Council**, departments and the public may add items to the proposed/draft agenda. The deadline is the Monday prior to the regular scheduled meeting. In the event items are received after the deadline, they shall be added to the agenda for the following meeting. On Tuesday the proposed/draft agenda shall be emailed to all council members with email. Others may request at a regular meeting to receive a ~~proposed~~ **an** agenda. They may with the approval of the Council be added to receive a proposed agenda as provided for in a resolution. Members of the Council may add items to the proposed/draft agenda. All Council changes to the proposed/draft agenda must be to the Clerk by noon on Wednesday prior to the meeting.

The Town Council may approve any other changes, deletions or additions to the agenda by motion at the beginning of the meeting.

## **Section 4 - Robert's Rules of Order:**

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert's Rules of Order, Newly Revised.

## **Section 5 - Distribution of Agenda and Packet:**

The Town Clerk is responsible for distributing the packets to Council members. The packets shall be delivered digitally to all Council members **by noon** on the Thursday prior to the meeting. The packets shall include agenda items with subject, who is speaking, and all supporting documentation. **Physical packets will be available by 1:30 pm on the same day.**

To notify the public of the preliminary agenda for a public meeting, the agenda shall be posted on the Town's website, and on or near the front door of Town Hall by noon on the Friday before the scheduled meeting. Copies of the preliminary agenda shall be available to the public during normal business hours at Town Hall after noon on the Friday before the scheduled meeting, and during the day of the scheduled meeting.

The Town Clerk is authorized to develop a 'Request for Council Action' form for approval by the Town Council which should include relevant information such as the requestor's name, meeting date, title, governing legislation, summary and background, expected budget impacts, and staff contacts. The Town Clerk shall provide the 'Request for Council Action' form as a cover page with all requests for Council action.

~~Prior to or during the meeting,~~ The Town Clerk/Treasurer shall provide to the Council a copy of the check register for bills to be approved at the meeting at 6:30 P.M. preceding the meeting.

#### **Section 6 – Order of Business:**

- (1) Call to Order. The Mayor calls the meeting to order**
- (2) Flag Salute. The Mayor leads the Flag Salute**
- (3) Roll Call. The Town Clerk calls the roll of the council. Councilmembers may make a motion to excuse absent members.**
- (4) Late Chances to the Agenda. Items not on the agenda may be added with council consent.**
- (5) Minutes of Previous meetings. The council will approve the minutes as written or as amended should there be needed changes. Changes shall be made by passage of a motion.**
- (6) Citizen Communication. Town Residents wishing to address the council on items not on the agenda may come forward to speak. Comments limited to 3 minutes.**
- (7) Old Business. Updates and continued deliberation on items already discussed by the Town Council.**
- (8) New Business. Items new to council deliberation.**
- (9) Citizen Communication. Town Residents wishing to address the council on items discussed on the agenda may come forward to speak. Comments limited to 3 minutes.**
- (10) Public Works Director Report**
- (11) Town Clerk's Report**
- (12) Attorney's Comments**
- (13) Council's Comments**
- (14) Mayor's Comments**

- (15) Approving the Bills on behalf of the town
- (16) Executive Session. If needed.
- (17) Adjournment

**Section 7 - Rules of Decorum:**

At any meeting of the Town Council, the following rules of decorum shall be observed:

- a). **General Rules of Decorum.** All remarks shall be addressed to the Council as a whole unless responding to a question from a Council member. Persons addressing the Council shall not make personal, impertinent, unduly repetitive, slanderous, or profane remarks to the Council, Staff, or general public, nor use loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts or otherwise impedes the orderly conduct of any Council meeting. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.
  
- b). **Enforcement of Decorum.** At the discretion of the presiding officer or upon a majority vote of the Council, the presiding officer may order the removal of any person committing any of the following acts of disruptive conduct with respect to a regular meeting, adjourned regular meeting, special meeting or workshop of the Town Council:
  - 1). Disorderly, contemptuous or insolent behavior toward the Council or any member thereof, tending to interrupt the due and orderly course of said meeting;
  
  - 2). A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
  
  - 3). Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Council; and,
  
  - 4). Any other unlawful interference with the due and orderly course of said meeting.

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Council.

### **Section 8 - Conduct of Meetings:**

All discussions shall be conducted in a respectful manner. ~~The Mayor or Mayor Pro-Tem shall give permission to speak.~~ If the Mayor or Mayor Pro-Tem calls a speaker out-of-order, that speaker has no permission to speak. If the speaker continues to speak, he/she may be asked to leave the meeting.

### **Section 9 - Public Testimony Regarding Legislative Agenda Items - Time Limits:**

The Town Council shall invite public testimony on proposed ordinances and other items of new or old business. ~~Members of the public~~ **Residents of the Town** shall indicate their desire to address the Council by signing up prior to the meeting and providing the speaker's name, address, and the agenda item(s) about which the speaker would like to comment. **The Council may allow non-residents to address the council on an individual basis by a motion and 2/3 majority.** Public testimony shall be limited to three minutes per speaker unless, at the Mayor's discretion, he/she determines that because of the number of speakers signed up to testify, less time will need to be allocated per speaker in order to accommodate all of the speakers. The Mayor may allow additional time if a speaker is asked to respond to questions from the Council. No one may speak without first being recognized for that purpose by the Mayor. Each speaker shall verbally identify ~~himself/herself~~ **themselves** by name and address.

### **Section 10 - Proposed Ordinances and Resolutions:**

Proposed ordinances and resolutions shall be filed with the Town Clerk by the advance agenda deadline and copies included in the Council's packet for the meeting in which the ordinance or resolution is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Town Clerk prior to the meeting in which it is an agenda item. No ordinance or resolution, except emergency measures, shall be passed unless it has been filed with the Town Clerk prior to the meeting.

All proposed Ordinances and Resolutions, except emergency measures, shall be placed on the agenda for discussion prior to any final draft being completed. All council members will be allowed to present their input. Then a motion is to be made for the clerk to draft the proposed

ordinance or resolution, ~~request~~ **send for** legal review if necessary or desired, and bring the ordinance back before council at the next meeting for a further discussion and vote.

The Town Clerk shall read the title and give a brief description. The Town Clerk/Treasurer may not make any other comments about the proposed ordinance or resolution unless it is to answer questions.

All proposed ordinances shall include appropriate signature lines, prior attorney approval for form and content, a summary for publication in the local newspaper, and the effective date. ~~After passage, Council members shall receive a copy of the final approved ordinance or resolution in their next packets.~~

### **Section 11- Citizens Communication:**

Prior to the start of a meeting, residents may sign up to address the Council by providing their name, address, and the subject they wish to address. The citizen's communication must be related to Town business and shall not be used to make personal comment or verbal insults about any individual. There will be no disruptive behavior, (including hand clapping or yelling), by anyone.

**Directly following the completion of New Business, residents may address the Council regarding any of the discussed agenda items. The speaker must provide their name and address. If the speaker did not sign up to speak prior, they must add their name and address to the sign-up sheet.**

### **Section 12 -Special Meetings:**

The Mayor or any three Council members may call a special meeting pursuant to RCW 35.27.270 and RCW 42.30.080. The Council may call a special meeting by motion during any meeting or at any other time as deemed necessary by the Council. A special meeting is to be called by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice. Written notice may be dispensed with as provided in RCW 42.30.080. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such

meetings by the governing body. No resolution or order for the payment of money shall be passed at any other than a regular meeting.

### **Section 13 - Workshops:**

The Council may schedule workshops for the purpose of discussing any Town business. Such meetings are informal. The Clerk shall take minutes and distribute the minutes with the Council's next packet. **Public input may be allowed and must be indicated in the motion and pass with a 2/3 majority.**

A quorum of the Council is not necessary in order to proceed with a study session. The audience shall not be permitted to speak during a workshop **unless granted prior permission of the council.**

### **Section 14 – Continued Sessions:**

**Regular and Special Meetings may be continued to consecutive days. In an effort to respect the time of all involved, continued sessions shall be an exception passed by a 2/3 majority as a motion and only in the event of the meeting approaching a total time of 3 hours or more.**

**When a session is continued, notification shall be placed on the town reader-boards, Website, Facebook Page, and the front door at town hall.**

### **Section 15 – Members of the Press:**

**The Town Government shall not restrict access to Town Meetings, Workshops or any Special Meeting where the public is invited to attend. Members of the Press shall pick up a badge identifying themselves as Press and their respective Publication or Broadcast if they wish to seek official comment on any issue.**

### **Section 16 - Quorum:**

A quorum of the Council consists of three or more Council members present. If a quorum is not present at a meeting, the meeting may be cancelled until the next regularly scheduled meeting.

### **Section 17 – Excused Absences:**



Members of the Council may be excused from a meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the Town Clerk who shall convey the message to the Mayor. The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of the members present, the absent member shall be considered excused and the appropriate notation shall be made in the minutes. If the motion is not passed, the minutes will reflect the absence as unexcused.

### **Section 18 - Voting:**

Any motion shall pass if approved by a majority vote of a quorum of the Council at the meeting. **If a Council Member chooses to abstain, reason for abstention must be announced.** If a Council member is not present at the meeting, he/she shall not be allowed to vote. The Mayor shall have a vote only in the case of a tie in the votes of the Council members **except where restricted in RCW 35.27.270 and 35.27.330**

### **Section 19 - Clerk Duties at Meetings:**

The Town Clerk shall provide two sign-up sheets for the members of the public who wish to speak during the meeting. The sign-up sheets shall include a place for the speaker's name, address, and subject to be discussed. One sign-up sheet will be for items not on the agenda to be discussed during Citizen Communication. The other sign-up sheet will be for items on the agenda under new business that the person wishes to speak on.

~~If an item under new and old business has not been available for public discussion the Council shall accept public discussion.~~

The Town Clerk shall **audio record and** take minutes at regular meetings, special meetings and workshops. ~~No Town official or member of the Town's staff shall make any video recording during a meeting without prior authorization by vote of the Council.~~ **The Council may designate an individual to stream and or video record regular and special meetings for the purpose of public accessibility.**

### **Section 20- Seating at Meetings:**

Mayor or Mayor Pro-Tem at the Mayor table. Council table: Council shall be seated in order of council position number. Staff table: Attorney, (if present) adjacent to the Mayor, then Town Clerk, and then Public Works Director. No notes shall be passed between staff, or staff and attorney-center dais. Town Clerk or Attorney shall be to the Mayor's Left. Councilmembers shall be seated in order of council position numbers from Left (from audience perspective) to Right. Staff table: Attorney or Town Clerk and Public Works Director.

Seating may be changed for 6 months, without amending the ordinance, by passing a motion outlining the specified change, and necessity, by a 2/3 majority.

In keeping with the OPMA and PRA, Staff, Councilmembers and Mayor shall limit side conversations and not pass notes during meetings.

### **Section 21 - Finance Committee:**

Two Council members shall serve for a six-month period, rotating every three months. They will verify checks against invoices and initial each invoice. Any invoices and checks that the finance committee does not approve shall be pulled for verification. At the next regular Council meeting, the Council may approve payment of the bills. The council has the right to pull any bill for verification. After the bills have been verified and approved by the Council, they shall be paid by the Town Clerk/Treasurer.

### **Section 22- Mayor or Council Position Vacancy:**

A council position shall become vacant if the councilmember misses 3 consecutive meetings without being excused by the council. RCW 35.27.140

A vacancy in the position of Mayor or Council member shall be filled in accordance with RCW 35.27.140, 42.12.070 and 42.30.110. The Council shall set the procedure and may advertise, develop an application, develop interview questions, and the manner in which each candidate may be called for an interview. The Council may convene in executive session to discuss the qualifications of the candidates. Any vacant position may not be filled without public notification by advertising on the Town website, the Community Board, and The Reflector, if feasible. The procedure shall be decided by motion and vote of the Council prior to any action by the Council. The voting shall be in a public meeting.

### **Section 23 - Handbook:**

The Town Clerk is authorized to prepare a handbook of the rules and procedures set forth in this Ordinance for the use and convenience of the Council, staff and public, including the forms.

**Section 24 - Severability:**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

**Section 25 - Effective Date:**

This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

“Town of Yacolt- Summary of Ordinance # \_\_\_\_\_

The Town Council of the Town of Yacolt adopted Ordinance #483 at its regularly scheduled Town Council meeting held on June 20, 2011. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE AMENDING ORDINANCE # 483: RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS.

The effective date of the Ordinance is \_\_\_\_\_, 20\_\_.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Dawn Salisbury, Clerk”

**PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this \_\_\_ day of \_\_\_\_\_, 20\_\_.**

Town of Yacolt

Katie Listek, Mayor

Attest

\_\_\_\_\_  
Dawn Salisbury, Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

DRAFT

**TOWN CLERK'S CERTIFICATION**

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # \_\_\_ of the Town of Yacolt, Washington, entitled " AN ORDINANCE AMENDING ORDINANCE # 483: RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS," as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

\_\_\_\_\_  
Dawn Salisbury, Clerk

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

DRAFT



## Town of Yacolt Request for Council Action

### CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Dawn Salisbury

Group Name:

Address:

Phone:

Email Address:

Alt. Phone:

### ITEM INFORMATION:

**Item Title:** Approve Ordinance 579 Amending 2019 budget for actual expenditures and incomes.

**Proposed Meeting Date:** December 16<sup>th</sup>, 2019

**Action Requested of Council:** Approve Ordinance 579 Amending 2019 budget for actual expenditures and incomes.

**Proposed Motion:** I Make a motion to approve Ordinance 579 Amending 2019 budget for actual expenditures and incomes.

**Summary/ Background:** I have estimated the remaining income and expenditures for 2019 and have updated the figures accordingly. There might be some change in the language after legal review. If so, we can pass with changes.

**Staff Contact(s):** Dawn Salisbury

## 2019 BUDGET POSITION TOTALS

Town Of Yacolt  
MCAG #: 0254

Time: 08:32:17 Date: 12/16/2019

Page: 1

Fund	Revenue Budgeted	Received		Expense Budgeted	Spent	
001 General Fund	565,422.85	670,075.91	118.5%	613,635.00	509,526.36	83%
002 General Fund Reserves	0.00	0.00	0.0%	0.00	0.00	0%
101 Streets	366,622.00	248,619.05	67.8%	421,563.95	216,087.74	51%
103 Cemetery	8,000.00	7,863.64	98.3%	4,050.00	-2,272.62	56%
105 REET/Real Estate Excise Tax	26,273.31	49,377.75	187.9%	28,800.00	36,216.15	126%
114 Park Impact Fees	2,300.00	11,500.00	500.0%	0.00	0.00	0%
115 Transportation Impact Fees	2,750.00	13,500.00	490.9%	0.00	0.00	0%
403 Storm Water	50,000.00	40,796.00	81.6%	41,126.00	36,705.36	89%
	1,021,368.16	1,041,732.35	102.0%	1,109,174.95	796,262.99	71.8%

ORDINANCE # 579

AN ORDINANCE OF THE TOWN OF YACOLT AMENDING IT'S 2019 ANNUAL BUDGET AS ORIGINALLY SET FORTH IN ORDINANCE #572; AMENDED BY ORDINANCE 575; THE ANNUAL BUDGET OF THE TOWN OF YACOLT, WASHINGTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019

WHEREAS, The Town Council of Yacolt, Washington, is in regular session this 16<sup>th</sup> day of December 2019; and

WHEREAS, all members of the Town Council have had notice of time, place, and purpose of said meeting; and

WHEREAS, the annual budget of the Town of Yacolt for the year 2019 was fixed and determined by Ordinance # 572 which was duly adopted by the Town Council of Yacolt at a regular meeting thereof on December 17<sup>th</sup>, 2018; and

WHEREAS, the said annual budget for the year 2019 set forth a total of \$ 1,016,038 the amount being based upon anticipated expenditures and revenues which would be available to the Town during the calendar year; and

WHEREAS, beginning and ending balances; changes to expenditures and revenues were adjusted under the direction of the governing body in order to accurately report revenues and expenses in accordance with regulations; and

WHEREAS, The Town of Yacolt additionally utilized REET funds in the amount of \$30,268 for street improvements; and

WHEREAS, it is the desire and intention of the Town of Yacolt to amend the annual budget for the year 2019 to reflect actual total expenditures of \$920,086 revenues of \$1,145,172 in accordance with the authority given to the Town of Yacolt under RCW 35.A.33.120(4);

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON DOES ORDAIN AS FOLLOWS:

<u>FUND NO.</u>	<u>FUND NAME</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
001	Current Expense	\$670,000	\$546,160
002	Current Expense Reserve	\$123,022	0
101	City Street	\$249,000	\$230,000
103	Cemetery	\$ 7,800	\$ 4,050
105	REET	\$ 49,300	\$ 98,876



114	Park Impact	\$ 2,300	0
115	Traffic Impact	\$ 2,750	0
403	Storm Water	<u>\$ 41,000</u>	<u>\$ 41,000</u>
	Total	\$1,145,172	\$ 920,086

The Ordinance shall take effect immediately upon adoption and publication according to law.  
 Passed by the Town Council of the Town of Yacolt, Washington on this 16<sup>th</sup> day of December,  
 2019.

Published on \_\_\_\_\_, 2019.

Town of Yacolt

\_\_\_\_\_  
 Katie Listek, Mayor

Attest:

\_\_\_\_\_  
 Dawn Salisbury, Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # 579 of the Town of Yacolt, Washington, entitled AN ORDINANCE OF THE TOWN OF YACOLT AMENDING IT'S 2019 ANNUAL BUDGET AS ORIGINALLY SET FORTH IN ORDINANCE #572; AMENDED BY ORDINANCE 575; THE ANNUAL BUDGET OF THE TOWN OF YACOLT, WASHINGTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019, as approved according to the law by the Town Council on the date therein mentioned.

The Ordinance has been published or posted according to law.

Attest:

\_\_\_\_\_  
Dawn Salisbury, Clerk

Published: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_