



Town of Yacolt

Council Meeting Agenda

Tuesday, February 18, 2020
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 2-3-2020 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.](#) Setback Variance Follow up
- [3.](#) Cemetery Ord #517 Section 9.1 update
- [4.](#) Draft Ethics Policy Review Changes
5. Spring Clean Up Information
6. Pickle Ball

New Business

- [7.](#) Resolution #592 Street Sweeper Purchase
- [8.](#) Resolution #593 Civil Violation Notice 103 & 105 W Yacolt Rd
- [9.](#) Approve Ordinance #580 Amending the 2020 Budget

10. Approve Mayor to sign Animal Control Agreement

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

Adjourn

Town of Yacolt
Council Meeting Minutes
Monday, February 03, 2020
7:00 PM
Town Hall

Call to Order

Mayor Listek called meeting to order at 7pm.

Flag Salute

Roll Call

PRESENT

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

ABSENT

Council Member Malita Moseley

Motion to excuse Council Member Moseley's absence

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

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

Late Changes to the Agenda

None

Minutes of Previous Meeting(s)

1. Approve 1-21-2020 Meeting Minutes

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

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

Council Member Dawson asked if any information was found out about council members paying into Washington States Paid Family Medical Leave program. Clerk Salisbury has emailed the dept handling that program but has not received a reply. She will reach out again.

Citizen Communication

Kyle Rose, President of North Clark Little League, requested field use from February 8th to July 3rd for their spring season. Field will be available for Town Easter Egg Hunt. NCLL would like to put digital keypad locks on doors and dial locks on containers to alleviate the key issues. The town would be issued their own code for unobstructed access. NCLL would also like to upgrade to LED lighting. Town council is fine with both of these upgrades as long as proper permits are acquired if needed. Kyle will email Public Works Director Tom Esteb on any questions or issues that arise. NCLL annual fundraiser Hat Night will be held March 7th at Yacolt Community Church.

Unfinished Business

2. Electronic Device Policy Review and Draft Ethics Policy Review

Due to end of year and vacations, Clerk Salisbury and Council Member Viray have not had a chance to work on this. Will have updated information for review at 2-18-2020 meeting.

3. Approve Resolution #592 authorizing the transfer of \$25K from General Fund to Street Fund

Resolution was not needed for this item. Public Works Director Esteb made trip to Arizona to physically inspect street sweeper. Sweeper is camo green and can be painted for additional monies. Overwhelming response to keep sweeper camo green. Council approved up to \$27,000 for purchase and transportation via an interfund transfer from general fund to street fund.

Motion for staff to prepare ordinance to approve the transfer of \$27,000 from the general fund to the street fund, a resolution authorizing the purchase of a street sweeper, and said interfund transfer be included in the 2020-year end budget amendment ordinance.

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

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

New Business

4. Setback Variance Application

Rosella Greene presented information on why they are requesting a variance. She fears if shed is placed where setbacks would set it, it could potentially cover part of her septic drain field. Council is unsure if applicant has provided adequate information to meet the approval standards for a variance. As property owner is not sure where her property lines are and is basing all her calculations off of "where she believes the property lines are", Public Works will

go out and assist in locating property pins to identify property lines. The application will be reviewed again once property lines have been found.

5. Cemetery Ord #517 Section 9.1 Discussion only

Discussion took place on how many markers to allow and what type to allow, headstone or flat markers. Concerns are additional headstones will add to the maintenance hours required for cemetery upkeep and more than one headstone may lead to confusion of who is actually buried in the plot. Council to research and bring back thoughts and ideas to the 2-18-2020 meeting.

Public Works Department Report

Library signs have been moved in preparation of awning install which will happen tomorrow 2-4-2020. Installation of ball field fence has started. 1701 linear feet of high quality galvanized black fencing to be installed. Should be complete in a week. Working on filling potholes as weather permits. Installed door for community room. Larch work crews will be working in town 4 days a month. Public Works would like to be notified if any citizen has an issue with any of the work crew members. Public Works has a lot of projects in the works.

Town Clerk's Report

Clerk made it back from Mexico. Working on building dept procedures and will work with Council Member Viray in the coming week on ethics and electronic device policy.

Council's Comments

Council Member Dawson informed Public Works that a patron of the bar ran over or into a power line near there. Public Works to get with bar owner to get information to check on it. She is excited about the towns craft nights and she thanked public works for their hard work. Council Member Noble happy with new and positive direction the council and mayor are taking.

Mayor's Comments

Mayor Listek meeting next week with Sunrise O'Mahoney and Desiree Lorentz to put together plan for storm drain painting. Will attend PTO meeting to work with the schools and community. PTO president Autumn Murdock dropped off shoe donation box. Mayor Listek walked around town with public works to check out the potential pathway. She would like a public hearing to discuss this project with the citizens.

Attorney's Comments

Code enforcement issues have been discussed and Council approved citing Tallman on RV living situation at next meeting. The towns legal issues with the property at Hubbard and Jones is ongoing. Personnel Representative stated residents have been given till February 28th to move out or eviction proceedings will be started. The Yacolt code and gun law information is available on dropbox for any citizen wishing access. Just contact town hall to be added to the list.

Approve to Pay Bills on Behalf of the Town

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

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

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

001 General Fund	16,596.74
101 Streets	13,371.63
103 Cemetery	212.86
105 REET/Real Estate Excise Tax	1,633.27
403 Storm Water	<u>2,838.10</u>
	34,652.60

Check # 17065-17074

Claims: 18,988.69

Payroll: 15,663.91

Adjourn

Mayor Listek adjourned meeting at 8:07 pm.

Katie Listek, Mayor

Dawn Salisbury, Clerk

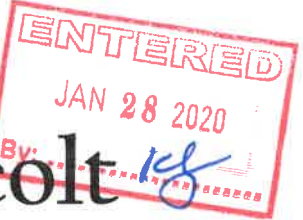


RECEIVED

JAN 28

BY: *[Signature]*

Town of Yacolt



Request for Agenda Placement

Proposed Meeting Date:

2/3/2020

Contact Information:

Requester's Name

Larry Greene : Rozella Wraith-Greene

Group Name, (if applicable)

Address

303 B. Alexander St. Yacolt, WA 98675

Daytime Phone

360/686-3217

Alternate Phone

360/674-5209

E-Mail Address

mrwraith-greene@hotmail.com

Purpose:

Variance Application - requesting a 10 foot setback vs 15 foot setback to keep from encroaching on drain. field.

Summary / Background:

Impacts:

Attachments, (previous ordinance, resolution, proposed ordinance, etc.):

Staff Contact(s):

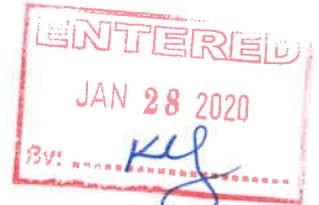
Town of Yacolt
202 W. Cushman ST P. O. Box 160
Yacolt, WA 98675
(360) 686-3922 FAX (360) 686-3853
Townofyacolt.com



RECEIVED

JAN 28

BY: 



Variance Application # Permit
2020,0001.VA0001

First Name(s): Larry Rozella Last Name: Greene
Mailing Address: 303 E. Alexanders City, State, Zip: Yacolt, WA 98675
Phone Number(s): 360/686-3217 Project Address: Same

If the applicant is not the present owner, what is his/her interest?

N/A

Describe Variance Requested:

5 ft. waiver of the required 15 ft. side yard
set back

Location of Property

Same as above

Legal Description (Attach if necessary):

Where difficulties exist rendering compliance with the zoning ordinance, and such compliance would create unnecessary hardship to the owner or the user of land or buildings, the Town Council may grant a variance after investigation, provided the following conditions exist:

Show that the variance will not constitute a grant of special privilege in consistent with the limitations upon uses of other properties in the vicinity and zone in which the property on behalf the application was filed is located.

We currently have a very large area between
the sidewalk & our property line. We do not
intend to change any part of this area
& in fact we intend to improve the property
in public view, with more aesthetically appealing
landscape.

Show that the variance is necessary, because of special circumstances relating to the size, shape, topography, location or surrounding of subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located:

To avoid placement near our drain field.
To not be allowed the variance will limit complete & full & unrestricted access to the storage shed garage door. because the placement would move the unit in front of the back of our house.

Show that the granting of such a variance will not be materially detrimental to the public welfare of injuries to the property of improvements in the vicinity and zone in which the subject property is located:

We do not intend to change any placement of our fence which is on the property line. We intend to use our own property. We intend to remove the trees on our property that currently overhang into the public air space & replace with landscaping that will solely be on our property.

Attach a scale drawing showing property lines, dimensions and location of existing and/or proposed structures:

There is a Non-refundable filing fee of \$500.00 due at time of application.

I DO HEREBY CERTIFY THAT I HAVE PROVIDED ALL THE PLANS AND WRITTEN DATA REQUIRED BY THE TOWN OF YACOLT AND TO THE BEST OF MY KNOWLEDGE SUCH INFORMATION IS AN ACCURATE REPRESENTATION OF THIS APPROVAL.

Kim Wallace-Cheene

Signature of Applicant

1/28/2020

Date

OFFICE USE ONLY

Received By: Katie Younce Date: 1-28-2020

Variance Fee \$500.00 pd Kef Date: 1-28-2020
(non-refundable)

Approval Date: _____

Disapproved for the following reasons:

Clerk

From: Devin Jackson <devin@jacksoncivil.com>
Sent: Wednesday, January 29, 2020 1:59 PM
To: Clerk
Subject: RE: Variance Application

Dawn,

While the Town form generally follows the approval criteria, I think council would need to have section 18.45.020 made available to them for review beforehand and during the meeting. Additionally an overview of the parcel should be provided with a map of drain field, existing structures, property lines, and the proposed shed location. The council needs to decide whether or not the applicant has provided enough evidence to show that all requirements are satisfied and would withstand scrutiny. I have provided a screen shot below with the two criteria highlighted that I believe are the most difficult to prove.

My notes on the application specifically that should be considered:

- Drain fields are not a condition unique to the applicant, all properties inside city limits have to contend with them as a placement consideration.
- Are there locations that the structure can be placed on the parcel that satisfy the code requirements even if they are viewed as less than ideal by the applicant.
- Has the applicant provided a sufficient amount of evidence that the council would be willing to accept as the standard for burden of proof for any applicant requesting a setback variance. The council has to ensure they treat applicants equally.

18.45.020 Approval standards for a variance.

The town council may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of this title. A variance shall be made only when all of the following conditions and facts exist:

A. Unusual circumstances of conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district;

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;

D. That the granting of such variance will not adversely affect the realization of the comprehensive plan. [Ord. 371 § 8(B), 1997.]

If there are any additional questions or concerns I can help with just let me know!

Larry Greene
303 East Alexander St, Yacolt WA



① Existing fence on property line

② Trees to be removed.

③ Proposed building without foundation 14x28' - 10' off property (fence line) 10' Behind House

Map Sites Find Parcel Search Locate Address Find Lat/Long Print Map Disclaimer Help



Show / Hide

Layers Search Info

Map Layers

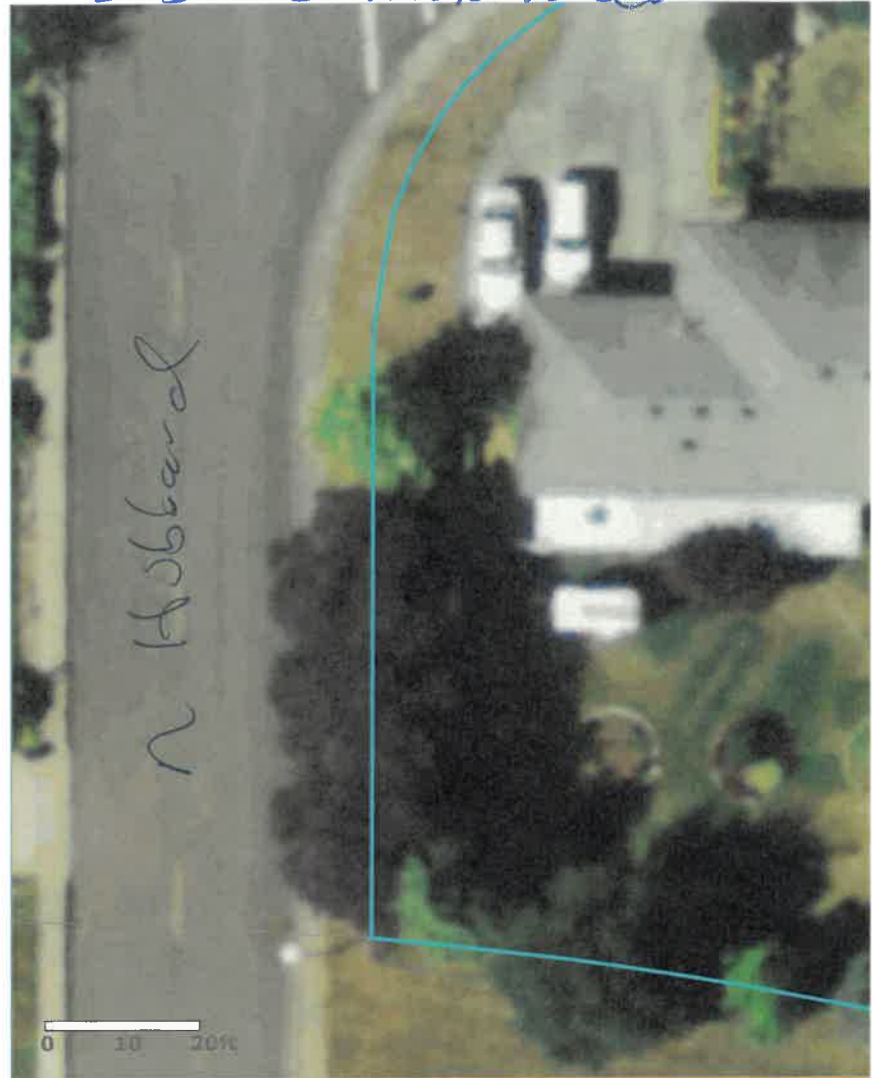
Land Records

- ☒ Land Records
 - ☐ Building Footprints
 - ☒ Taxlots
 - ☐ Taxlot History Lines
 - ☒ Recent Property Sales
 - ☒ Encumbrances Group
 - ☐ Annexations
 - ☐ District Annexations
 - ☐ Subdivisions
 - ☐ Public Land Survey System
 - ☒ Township
 - ☐ Sections
 - ☐ 1/4 Section
 - ☐ Donation Land Claim
- ☒ Transportation
 - ☐ Railroad Group
 - ☐ Roads
 - ☐ Roads for Imagery

Imagery

- ☐ 2018
- ☐ 2016
- ☐ 2016 Infrared
- ☐ 2014
- ☐ 2013 (1 Meter Res.)
- ☐ 2012
- ☐ 2011 (1 Meter Res.)
- ☐ 2009 Infrared (Vancouver)
- ☐ 2009 Infrared
- ☐ 2009
- ☐ 2007 Infrared
- ☒ 2007
- ☐ 2005
- ☐ 2004 (Vancouver-LaCenter)
- ☐ 2002 Infrared (June)
- ☐ 2002 Infrared (April)

303 E Alexander



Environmental Health Division
Southwest Washington Health District

(A MULTI-JURISDICTIONAL HEALTH DISTRICT ENCOMPASSING
CLARK, KLIKITAT AND SKAMANIA COUNTIES)

RECORD OF SEWAGE DISPOSAL SYSTEM
(To Be Completed by Installer)

Health Dept. Use Only	
<input type="checkbox"/> New	<input type="checkbox"/> Repair
<input type="checkbox"/> 1 for 1	<input type="checkbox"/> Temporary

PROPERTY ADDRESS/LOCATION: South of Alexander St. Lot #1 No. Co. Estates PERMIT DATE: 3-26-92
PERMIT ISSUED TO: BRUCE/TERESA TREWEGE
INSTALLER'S NAME: LOS CONTRACTORS ADDRESS: 525 E. JONES ST. TACOMA PHONE #: 626-3827
BUILDING INFO.: MOBILE HOME ☐ HOUSE ☒ # BEDROOMS 3 OTHER ☐ GARBAGE DISPOSAL YES ☐ NO ☒
TYPE OF SYSTEM: CONV. ☒ CAP ☐ OTHER INFILTRATOR

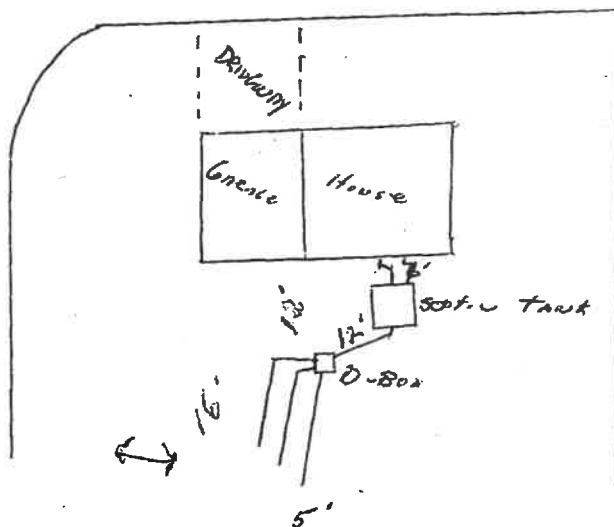
SEPTIC TANK INFO.	Total liquid capacity <u>1250</u> gallons Tank Manufacturer <u>DOT CONCRETE</u>
DRAINFIELD INFO	Linear Feet <u>111</u> # of Lines <u>3</u> Trench Width <u>3'</u> Distance O.C. <u>8'</u> Rock under Pipe <input type="checkbox"/>
SETBACKS	Septic tank/pump chamber to water source <u>Public</u> to surface water <u>7'</u> to foundation (tank) <u>7'</u> Drainfield to water source <u>Public</u> to surface water <u>7'</u>

SKETCH OF ACTUAL SYSTEM AS CONSTRUCTED

Please prepare an accurate, detailed drawing of the subsurface sewage system that includes the following required information:

1. Location of roads/driveways, buildings, wells, springs, surface water.
2. Specific description of the installed system (tanks, drainlines, cleanout pipe, etc.), including all dimensions with distances from water sources, streams, buildings, property lines, potable water line, etc.
3. Specific location of septic tank lids. (For future pumping)

(Please use permanent/stationary landmarks as reference points for distances.)



I certify that the information and sketch above are true and accurate and that the on-site sewage disposal system was installed according to permit requirements and MAC 248.

INSTALLER'S SIGNATURE Mike Nain DATE 5-11-92

COMMENTS: _____

AS-BUILT SKETCH TO BE AT SITE DURING INSPECTION

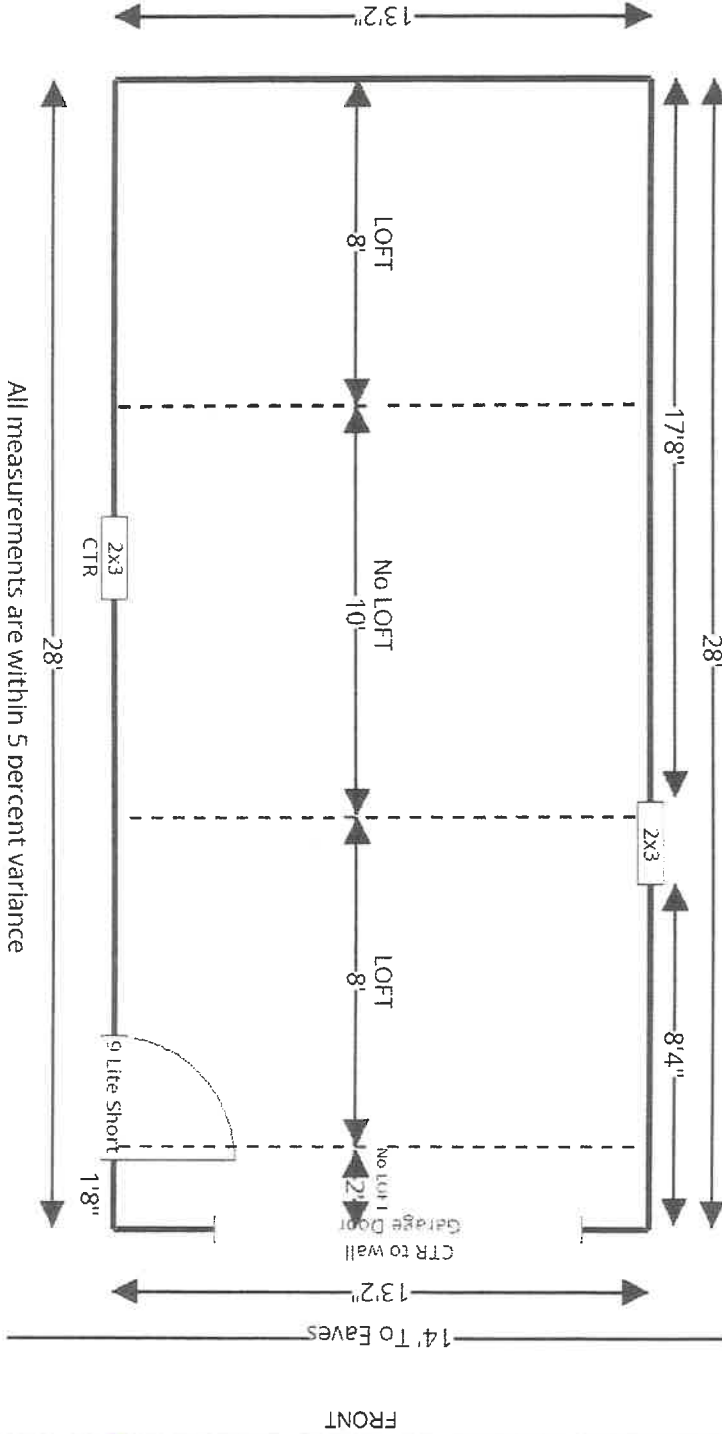
HEALTH DISTRICT USE ONLY BELOW

INSPECTION APPROVAL DATE(S) _____

SIGNED _____
Sanitarian

Old Hickory Sheds, LLC - DRAWING SHEET
Please send along with work order and order sheet on all custom orders - Order Number: 199050

Sales Lot	Pacific Northwest Sheds	Date	01/25/2020
Customer Name	Larry Green	Bldg Type/Size	Lotted Barn (7' Walls) 14x28
11 ft Tall			



BACK
Roof ridge runs from FRONT to BACK

Customer Signature: _____
Customer agrees that diagram is accurate; changes will be subject to fee.

PAINTED



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:

clerk@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Discuss updating Ordinance 517 to allow 2 headstones per grave.

Proposed Meeting Date: 2/3/2020

Action Requested of Council: discussion only

Proposed Motion: none

Summary/ Background: Section 9.1 of Ordinance 517 only allows 1 headstone per grave. Residents would like the ability to add additional headstone as memorial to other family members. Other cemetery districts allow 2 headstones with one cemetery district allowing up to 4 headstones.

Staff Contact(s): Dawn Salisbury

ORDINANCE #517

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE YACOLT TOWN CEMETERY; REGULATING THE SALE OF CEMETERY PLOTS; SETTING PRICES FOR THE SALE OF CEMETERY PLOTS AND SERVICES; AND REPEALING ORDINANCE NUMBERS 60, 207 AND 217.

Whereas, the Town of Yacolt, (hereafter "Town" or "Yacolt"), has the authority under RCW 35.27.370(2) and other laws to own real estate for cemetery purposes and to operate, improve and maintain the same as a cemetery;

Whereas, the Town currently owns and operates the Yacolt Town Cemetery, ("Cemetery"), according to the plan thereof duly recorded in the Office of the County Auditor of Clark County, Washington, in Book 6 of Surveys, Page 34, February 22, 1977; the property for which was conveyed by Warranty Deed dated June 28, 1909, and executed June 29, 1909, by Grantors J.M. McCutchen and Mary McCutchen, to the Town of Yacolt, described as follows:

Real estate situated in the County of Clarke, State of Washington, to wit:
Starting at a point on the East and West center line of Sec. 2, T.4.N, R.3.E, 2907.5 feet East of the quarter post between Sec. 3 and Sec. 2; thence 293.0 feet in Southeasterly direction along the right of way of the Northern Pacific Railway; thence East 267.0 feet; thence North 265.3 feet; thence West 391.5 feet to starting point; the same containing two acres

and further identified as Clark County Tax Account Parcel number 229621000;
(Abbreviated Legal Description: #21 SEC 2 T4NR3EWM 2A);

Whereas, the Town has previously adopted Ordinances regulating the use and sale of Plots in the Yacolt Town Cemetery, but those ordinances have become outdated and inconsistent with the Town's practices and procedures for operation of the Cemetery;

Whereas, the Town Council wishes to reduce the number of active ordinances on the subject by repealing previously adopted Ordinances relating to the operation of the Yacolt Town Cemetery and adopting a single new ordinance to govern the use, maintenance, operation and improvement of the Cemetery; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 19th day of May, 2014, and 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 Yacolt, Washington:

Section 1 - Cemetery Established. There is established the Yacolt Town Cemetery. The Cemetery shall be used solely and exclusively for cemetery purposes. The Cemetery may include such other property or properties as may be hereafter acquired by the Town.

Section 2 - Purpose. The purpose of this Ordinance #517 is to establish rules and guidelines for the use and operation of the Yacolt Town Cemetery.

Section 3 - Definitions. As used in this Ordinance, unless a different meaning is plainly required:

- 3.1. "Authorized Person" means a funeral director, member of the immediate family, or other party showing authorization from a Plot owner or Next of Kin to permit an activity to occur on a particular Gravesite.
- 3.2. "Burial" or "Internment" means the placement of human remains in a Grave.
- 3.3. "Next of Kin" means one of the following in the order named:
 - a). The surviving spouse;
 - b). The surviving children of the decedent;
 - c). The surviving parents of the decedent;
 - d). The surviving brothers or sisters of the decedent;
 - e). A guardian of the person of the decedent at the time of death; or
 - f). Any other person authorized or under obligation to dispose of the body.
- 3.4. "Plot", "Grave", or "Gravesite" means that land or space allocated for placement of human remains and for which burial rights have been allocated in the Yacolt Town Cemetery.

Section 4 - Endowment Care. The policy of the Town Council is to maintain the Yacolt Town Cemetery as a public burial ground with perpetual endowment care consisting of normal maintenance. The Town's endowment care does not cover repair or replacement of Grave markers, monuments, structures, borders, or flower vases, and shall be limited to those activities that available and budgeted funds of the Town will allow.

Section 5 - Cemetery Fund. The Town shall create and maintain a fund designated "Cemetery Fund." All monies to be used in the care and maintenance of the Yacolt Town Cemetery shall be placed in the Cemetery Fund. Monies received from the sale of burial Plots or from other cemetery purposes will be paid to the Town Clerk / Treasurer who will deposit the monies into the Cemetery Fund and keep a record thereof. Public donations and other funds received by the Town for the purpose of the Cemetery shall be deposited in the Cemetery Fund. No money shall be expended from the Cemetery Fund except for Cemetery purposes. It shall be the duty of the Town Council to provide sufficient funds from taxation or otherwise to provide for the care and maintenance of the Cemetery.

Section 6 - Additional Duties of the Town Clerk / Treasurer. The Town Clerk / Treasurer shall:

- 6.1. Keep and maintain books and records of Plots sold and for the proper identity of burial locations;

- 6.2. Keep and maintain books and records of burial permits issued by the Clark County Health Department or other appropriate authority; and,
- 6.3. Submit annually to the Town Council an estimate of funds needed to carry on the Cemetery prior to the time fixed by statute for the filing of the preliminary budget;

Section 7 - Internment. No interment of two or more bodies shall be made in one burial Plot in the Yacolt Town Cemetery except in the case of a parent and infant buried in one casket, or two infants buried in one casket. A concrete liner, steel or concrete vault will be required as a receptacle for a casket. No more than three cremains may be buried on top of a casket, and no more than four cremains may be buried without a casket in any one burial Plot. Cremains to be buried prior to a casket burial shall be buried at the top of the Grave where the headstone is to be located. In the case where the headstone has been set, the cremains shall not be buried until after the casket burial. The Town shall not be responsible for holding cremains.

Yacolt Town Cemetery burial Plots are intended as burial places for the families of purchasers, including the purchaser's heirs at law or Next of Kin. A purchaser may permit the interment in a Plot of a non-member of the family, but an heir cannot permit the interment of a non-family member.

Section 8 - Authorization for Burial. The Town shall be notified by an Authorized Person a minimum of 24 hours in advance of all interments. The Town requires an appropriate burial permit prepared by the Clark County Health Department or other authorized agency prior to all interments. The Town will not be responsible in any manner for securing a burial permit or any related permit.

Section 9 - Rules and Regulations. The Town Council may fix by resolution requirements for the use, operation and maintenance of the Yacolt Town Cemetery. The Mayor (or his designee) is also authorized to issue other rules and regulations for the use, operation and maintenance of the Yacolt Town Cemetery not inconsistent with the provisions of this Ordinance or the rules of the Town Council. Such additional rules and regulations shall be maintained and available to the public through the office of the Town Clerk.

- 9.1. Markers and Headstones. No more than one headstone may be placed on any Grave or Plot in the Yacolt Town Cemetery. Headstones or monuments are required to have a concrete base or footing at grade, extending at least 6" from the perimeter of the headstone, to allow mowing and maintenance of the turf around the monument.
- 9.2. Decorations. Cut flowers and bouquets are allowed year round. Wilted flowers may be removed at the discretion of Town staff. Non-breakable, non-glass pots and planters are allowed to be placed at the base or side of a memorial. The Town is not responsible for maintenance of any pot or planter. If the pot or planter is not maintained or interferes with maintenance tasks, the Town may remove and dispose of the pot or planter. Glass or other breakable containers and objects are not allowed on the Gravesites and may be removed and disposed of immediately. Decorations other than cut flowers, including artificial flowers, may be allowed if

they do not violate rules and regulations promulgated by the Mayor or his designee pursuant to this Ordinance.

Plot owners and visitors should refrain from defining any Plot, Grave or lot by a fence, railing, coping hedge, or by any unauthorized memorial. Graves should not be decorated with trees, shrubs or plants. The Town reserves the right to remove any item of any sort, at any time, if the Town or its designated agent deems the materials to be unsightly, dangerous, detrimental, diseased, or when they do not conform to then-current rules and regulations for the Cemetery. Any items placed improperly or without the permission of the Town may be removed at the Plot owner's expense. The Town is not liable for items removed pursuant to its rules and regulations. Further, the Town shall not be responsible for Grave decorations or memorials that may be damaged, broken or stolen by any cause.

- 9.3 The Town designates the Yacolt Town Cemetery as a Dog-On-Leash Area. All dogs must be on a leash at all times in the Yacolt Town Cemetery. Pet owners must clean up any and all fecal matter deposited by dogs. Any person or pet disturbing the sanctity of the Cemetery by improper or boisterous behavior will be expelled and may be trespassed from the Cemetery.
- 9.4. Alcoholic beverages are prohibited in the Yacolt Town Cemetery, except for recognized ceremonial purposes.
- 9.5. The Mayor, Public Works Director, or other designee of the Mayor shall have the authority of a police officer for the purpose of maintaining order, enforcing the rules and regulations of the Cemetery, the laws of the State, and the Ordinances of the Town within the Cemetery grounds and within such radius as may be necessary to protect the Cemetery property, as set forth in RCW 68.56.060.

Section 10 - Sales of Burial Plots. All Plots in the Yacolt Town Cemetery are conveyed to purchasers by Deed following payment in full, but the rights of the purchaser are subject to such rules and regulations as may be adopted from time to time by the Town Council or its authorized representatives under this Ordinance. These rules and regulations may be changed or amended at any time, and will be so changed and amended when any rule is found to be detrimental to the best interests of the Grave owners as a whole or when new conditions require the adoption of other or further regulations. Purchase of a Plot or lot or the issuance of a Deed does not transfer ownership of Cemetery property, but conveys the right of burial of human remains on that land subject to this Ordinance and such rules and regulations as may be adopted by the Town.

- 10.1 Location and Number. Purchasers of Gravesites may purchase one to four Plots from any of the unsold Plots remaining in the Yacolt Town Cemetery, provided that no whole lot shall be sold in part so long as any partial-lot remains unsold, and provided further that whenever any single Grave shall have been sold out of any lot, no other single Graves shall be sold out of any other lot until all four of the single Graves in said lot have been sold. The Town's Mayor and Town Clerk, however, are hereby granted the authority to vary the aforesaid restrictions on the number of

Plots that may be purchased and the location of individual Plots available for purchase where the purchaser demonstrates sufficient basis or reason for the variance.

- 10.2 Sales Price for Burial Plots. Plots in the Town of Yacolt Cemetery shall be sold for \$500.00 per Plot. The Town Council may periodically change the price for burial Plots by resolution or ordinance to accommodate increased costs for Cemetery maintenance or for any other cemetery purpose.
- 10.3 Plots Reserved for Town Residents. Hereafter, Cemetery Plots shall only be sold to residents or taxpayers of the Town. No sale shall be made to funeral directors for the internment of any person other than as described herein. The Town's Mayor and Town Clerk, however, are hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Yacolt Town Cemetery through previous residence in the Town or relationship to persons interred therein.
- 10.4 Joint Ownership of Plot(s). When a Plot is purchased by more than one person other than a husband and wife, each person's interest shall be joint with a right of survivorship. The ownership of burial rights to any Plot in the Yacolt Town Cemetery passes to the joint survivor or, if none, to the heirs of the last surviving owner as stated on the Deed. It is the responsibility of the surviving heir to notify the Town Clerk of said transfer and address change so that the Town Clerk may update the appropriate Cemetery records.
- 10.5 Address Changes. It is the duty of the Deed holder to notify the Town Clerk's office of any change to his or her mailing address.

Section 11 - Transfer / Repurchase of Plots. The resale of purchased Cemetery Plots back to the Town is allowed at the original purchase price and must be accompanied by the originally issued Deed and a notarized letter from the burial Plot owner stating their intent. The resale of purchased Plots to any other person(s) is not allowed and shall be void. Burial Plots are exempt from taxation and cannot be mortgaged or sold for debt.

Section 12 - Limitation of Liability. The Town's responsibilities and liability with respect to use of the Yacolt Town Cemetery is limited, (without limitation), as follows:

- 12.1. The Town provides no services for internment, dis-internment, monuments, setting of monuments, or other services of any kind not specifically described herein. The Town does not open or prepare Graves, or provide shoring services for open Graves, or assess the safety and structural integrity of open Graves;
- 12.2. The Town provides no services to ensure safe access to any Gravesite. The Town does not remove anything that could be dangerous to mourners or install secure platforms around the edge of an open Grave;

- 12.3. The Town does not place, move or maintain flowers, tributes, memorials or headstones;
- 12.4. The Town will not undertake to enforce any agreement made between joint owners of a Plot regarding the right of burial;
- 12.5. Funeral directors or Authorized Persons who sign on behalf of a deceased's family are accepting all responsibility and liability for any decisions or actions taken under their direction. The Town shall not be responsible for activities authorized by persons falsely representing themselves as Next of Kin or other Authorized Person; and,
- 12.6. The Town disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from damage caused by the elements, Acts of God, thieves, vandals, malicious mischief, explosions, riots or order of any military or civil authority, whether the damage is direct or collateral.

Section 13 - Repeal of Ordinance #60, Ordinance #207 and Ordinance #217.

- 13.1. Ordinance #60 of the Town of Yacolt, adopted August 3, 1915, entitled "An Ordinance Providing for the Regulation of the Sale of Lots in Yacolt City Cemetery and for the Care Thereof Providing for the Appointment of a Sexton for the Said Cemetery and Prescribing His Duties", is hereby repealed.
- 13.2. Ordinance #207 of the Town of Yacolt, adopted June 3, 1980, entitled "An Ordinance Pertaining to the Raising of the Price of Burial Lots in the Town of Yacolt Cemetery" is hereby repealed.
- 13.3. Ordinance #217 of the Town of Yacolt, adopted December 16, 1980, entitled "An Ordinance Pertaining to the Raising of the Price of Burial Lots in the Town of Yacolt Cemetery" is hereby repealed.

Section 14 - Savings Clause. All terms of Ordinance #60, Ordinance #207 and Ordinance #217, as each may have been amended, shall remain in full force and effect until the effective date of this Ordinance #517.

Section 15 - 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, or its application to any person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

Section 16 - 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 #517.

The Town Council of the Town of Yacolt adopted Ordinance #517 at its regularly scheduled Town Council meeting held on May 19, 2014. The content of the Ordinance is summarized in its title as follows:

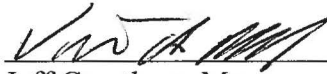
AN ORDINANCE PROVIDING FOR THE REGULATION OF THE YACOLT TOWN CEMETERY; REGULATING THE SALE OF CEMETERY PLOTS; SETTING PRICES FOR THE SALE OF CEMETERY PLOTS AND SERVICES; AND REPEALING ORDINANCE NUMBERS 60, 207 AND 217.

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 28th day of May, 2014.
Cindy Marbut, Town Clerk/Treasurer

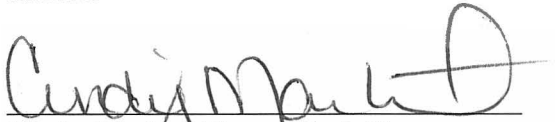
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19th day of May, 2014.

TOWN OF YACOLT




Jeff Carothers, Mayor
Vince Myers Mayor pro tem

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:



David W. Ridenour, Town Attorney

Ayes: Hancock, Karl, Gerhardt, Myers
Nays: Ø
Absent: Urias
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #517 of the Town of Yacolt, Washington, entitled "AN ORDINANCE PROVIDING FOR THE REGULATION OF THE YACOLT TOWN CEMETERY; REGULATING THE SALE OF CEMETERY PLOTS; SETTING PRICES FOR THE SALE OF CEMETERY PLOTS AND SERVICES; AND REPEALING ORDINANCE NUMBERS 60, 207 AND 217", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: _____

Effective Date: _____

Ordinance Number: _____

5/28/14
5/28/14
517

TOWN OF YACOLT

ETHICS PROGRAM ~~PROGRAM~~ POLICY

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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, town staff, 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—I think most of this is covered by RCW'S (Chapter 42.23 RCW).

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 [\(RCW 42.52.150\)](#)

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~~

(Need to double-check to see if this is covered under the RCW—perhaps this at the discretion of the council and will need to be kept).

~~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 propriety 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~~ (Has this been notified to council?)

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 ??? do we need this section??

Great question—This perhaps sounds like it was something strictly created by the Town Office/Council, not anything stated by RCW's. I had this notated when we first reviewed, as it was a bit confusing, and had a few more questions pertaining to both 1.) and 2.) if they were necessary. I haven't come across any other policy examples, where something like this was stipulated. Perhaps we can discuss further with the team on their thoughts. We need to define the term 'action'--

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~~—I believe this is covered by RCW'S. State law does not address nepotism, except to the extent that three labor-related statutes prohibit discrimination based upon marital status. See RCW 49.60.180, 49.60.190, and 49.60.200. From what I see, it is determined by the Municipalities discretion. See Olympia's Anti-Nepotism policy: <https://www.codepublishing.com/WA/Olympia/policies/OlympiaPolicies01.html>. If council does decide to come to the agreement to continue appoint family members, we will need to define 'relative'.

~~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~~

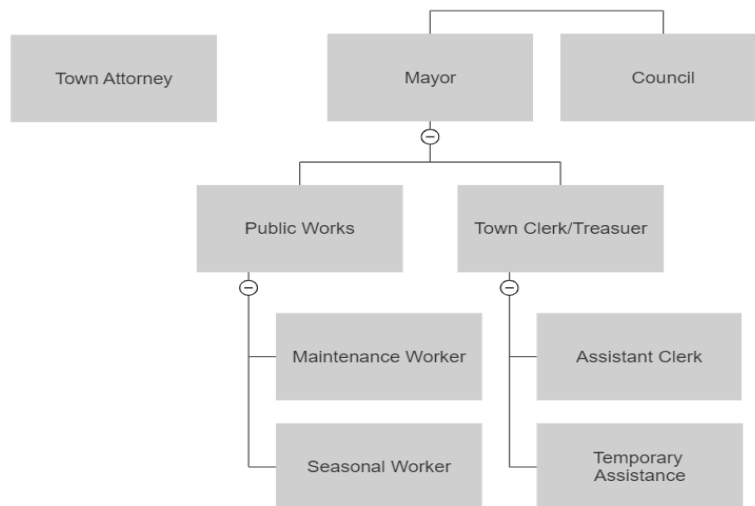
of his or her immediate family, he or she shall have three (3) months to come into compliance or to obtain a waiver pursuant to section (3) below.

~~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 Keep this???

Let's inquire with Mayor Listek on her opinion. I would wager it could be removed.



~~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 Mayor or **(Should this just be remitted to the Mayor?)** 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.)~~ **Town Clerk.**

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~~ **Town Council or Town Attorney.**

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 5th 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 – I think we might need this section with the correct changes. (Agreed).

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 I think we need to keep this section with changes. (Agreed).

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 pursuable.~~

~~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.



Town of Yacolt

Request for Council Action

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

Names:	Town Clerk Dawn Salisbury; Public Works Dir. Tom Esteb; Town Attorney David W. Ridenour.	Group Name:	Staff
Address:	P.O. Box 160 Yacolt, WA 98675	Phone:	360-686-3922
Email Address:	clerk@townofyacolt.com	Alt. Phone:	---

ITEM INFORMATION:

Item Title:	Purchase of Used Street Sweeper
Proposed Meeting Date:	Tuesday, February 18, 2020
Action Requested of Council:	Staff asks the Council to approve a Resolution authorizing the purchase of a used 1996 Tymco Model 600 Street Sweeper from the United States Air Force.
Proposed Motion:	"I move that the Council adopt Resolution #592 as presented."
Summary/ Background:	The Council has considered the purchase of this used Street Sweeper over several Council Meetings, and recently authorized negotiations to buy the unit for up to \$27,000, subject to the Council's final approval of an appropriate Resolution and Ordinance to be presented by staff at this meeting. The Public Works Director has negotiated a purchase price of \$24,000, with the Seller to contribute \$1,300 toward the cost of transporting the Street Sweeper to Yacolt. Staff estimates that the total cost of transport will be \$2,600+/- . The attached Resolution provides for the waiver of a competitive bidding process for this purchase. The waiver is authorized by RCW 39.04.280 due to the special market conditions surrounding this unique opportunity.
Staff Contact(s):	Dawn Salisbury, Town Clerk; Tom Esteb, Public Works Director; David Ridenour, Town Attorney.
Attachments:	Resolution #592, (proposed).

Resolution #592

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, APPROVING THE PURCHASE OF A USED 1996 TYMCO MODEL 600 STREET SWEEPER; WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO RCW 39.04.280(1)(b); AND AUTHORIZING SUCH CONTRACTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE.

Whereas, the Town of Yacolt, (hereafter “*Town*” or “*Yacolt*”), is a Washington Municipality as defined in RCW 39.04.010, and is subject to the requirements of RCW 39.04 and RCW 35.23.352 with respect to procurement practices;

Whereas, the Town maintains vehicles and equipment used by the Public Works Department for the maintenance of streets, roads, drainage and stormwater facilities;

Whereas, the Town’s Public Works Department maintains and cleans these facilities by frequently removing litter, dirt, grime, debris, and the seasonal accumulation of leaves;

Whereas, all of the work performed by the Town’s employees to maintain the streets and stormwater facilities is performed by hand or with the aid of basic hand tools;

Whereas, the Public Works Director has identified the benefits to the Town of owning a street sweeper, but the Town Council has determined the cost of new street sweepers, which are typically more than \$300,000, to be much higher than the Town can afford;

Whereas, the Public Works Director has researched the availability and prices of used street sweepers that would potentially be affordable by the Town and in reasonably good condition, with features and specifications that would allow the maintenance and cleaning of the Town’s streets, roads, sidewalks, and stormwater facilities in a more effective and efficient manner;

Whereas, the Town Public Works Director identified a used street sweeper for sale in Arizona as being a favorable opportunity for the Town. The street sweeper is a 1996 Tymco Model 600 that was offered at an asking price of roughly \$30,000. The tractor/truck engine has 83,000 original miles and the sweeper engine has 5,300 hours. The unit appears to have been well maintained by its one owner, the United States Air Force. The street sweeper has been used primarily for the periodic cleaning of a military runway in Arizona. The Public Works Director has personally inspected the street sweeper and determined that it runs well, appears to be in generally good condition, and appears likely to provide trouble-free service to the Town for years to come;

Whereas, the Public Works Director, after a diligent nationwide search of affordable street sweepers, concluded that street sweepers with comparable specifications routinely cost more than \$300,000 when new, and when used typically cost between \$60,000 and \$80,000. Thus, the Arizona Tymco Model 600 is the only used street sweeper available that met all specifications that the Town has regarding this purchase, including the ability to sweep and clean streets, curbs

and sidewalks; the ability to vacuum culverts; the ability to vacuum leaves; the ability to vacuum accumulated debris and vegetative waste that accumulates in the Town's stormwater dry wells; all at a price deemed to be affordable by the Town;

Whereas, the Public Works Director has exercised diligence that included reviewing the purchase prices for new and used street sweepers with similar capabilities to determine market prices, searching and inquiring about the availability of similar used equipment, and contacting numerous dealers and sellers of such equipment to ultimately determine that the purchase price of the Arizona 1996 Tymco Model 600 Street Sweeper is substantially below market value;

Whereas, pursuant to RCW 35.23.352(7), Washington State law requires the Town to engage in competitive bidding for the purchase of equipment where the cost exceeds \$7,500.00;

Whereas, pursuant to RCW 35.23.352(10), the Town may waive competitive bidding requirements if an exemption contained in RCW 39.04.280 applies to the purchase;

Whereas, RCW 39.04.280(1)(b) allows municipalities to waive competitive bidding procedures by resolution for purchases involving special facilities or market conditions, which are typically limited to good deals that are available for a short time, such as a very good price on an exceptional piece of used equipment;

Whereas, due to market conditions for new and used street sweepers, conducting an open competitive bidding process would require the Town to expend considerable time and expense to develop and implement significant bidder qualification and evaluation criteria with little likelihood that the bidder criteria and equipment specifications would result in the most qualified vendors being a low bidder for a used street sweeper at a price, with the features, and in a condition that would be acceptable to the Town Council;

Whereas, the Town Council finds it necessary and beneficial to purchase the 1996 Tymco Model 600 Street Sweeper to further the best interests of the Town by more frequently, efficiently and effectively cleaning the Town's streets, curbs, sidewalks, culverts and stormwater facilities, and performing other essential public services;

Whereas, the Town Council, at its public Council meeting held on February 3, 2020, directed the Public Works Director to negotiate for the purchase of the Street Sweeper for up to \$27,000.00, subject to final approval by the Council at its next public Council meeting when an appropriate resolution approving the purchase, and an ordinance to appropriate funds needed to pay for the equipment, could be prepared and presented;

Whereas, the Town Council will provide appropriations for this purchase by separate ordinance; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 18th day of February, 2020, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Resolved by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1 – Recitals: Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Resolution and the authorizations described herein.

Section 2 – Special Market Conditions: In addition to the legislative findings described above, the Town Council hereby finds the following facts relating to the special market conditions that exist for the purchase of the specified Street Sweeper:

- a). The United States Air Force is willing to sell to the Town of Yacolt one (1) used 1996 Tymco Model 600 Street Sweeper for the price of \$24,000.00, and will contribute \$1,300.00 toward the cost of shipping the Street Sweeper to Yacolt;
- b). The price of the Street Sweeper is extremely favorable to the Town of Yacolt in light of the functions and condition of the equipment;
- c). The Street Sweeper is intended to address a number of specific ongoing projects within the Town, and is suitable to the unique needs of the Town's Public Works Department;
- d). The Street Sweeper may be sold by the seller to another purchaser before the Town could complete a formal competitive bidding process;
- e). No other Street Sweeper has been found that meets the needs and budget of the Town at this time; and,
- f). The Town Council finds that special market conditions under RCW 39.04.280(1)(b) exist with respect to the Street Sweeper.

Section 3 – Waiver of Competitive Bidding Requirements: Based upon its findings, and pursuant to RCW 39.04.280(1)(b), any competitive bidding requirements of the Town of Yacolt that may apply are hereby waived with respect to the acquisition of the Street Sweeper from the United States Air Force. The Town Council finds such waiver is reasonable and necessary due to the market conditions set forth above.

Section 4 – Purchase Approved: The Town Council hereby approves the purchase of one (1) used 1996 Tymco Model 600 Street Sweeper from the United States Air Force in the amount of \$24,000.00 or less, with \$1,300.00 to be contributed by the seller toward the cost to transport the equipment to Yacolt. The Town Clerk and Public Works Director are hereby directed to consummate the purchase, and the Mayor is authorized to sign any title or contract documents necessary to complete the purchase.

Section 5 – Ratification and Confirmation: Any actions of the Town Council and of the Town’s officers prior to the date of this Resolution and consistent with the terms of this Resolution are hereby ratified and confirmed. The Council’s prior actions approving the Public Work Director’s travel to inspect the equipment and negotiations for the purchase and transportation of the equipment are hereby specifically ratified and confirmed.

Section 6 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Resolution shall remain in full force and effect.

Section 7 – Effective Date: This Resolution shall take effect immediately upon adoption.

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of February, 2020.

TOWN OF YACOLT

Katie Listek, Mayor

Attest:

Dawn Salisbury, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #592 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, APPROVING THE PURCHASE OF A USED 1996 TYMCO MODEL 600 STREET SWEEPER; WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO RCW 39.04.280(1)(b); AND AUTHORIZING SUCH CONTRACTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE" as approved according to law by the Town Council on the date therein mentioned.

The Resolution [] has / [] has not been published.

Attest:

Dawn Salisbury, Town Clerk

Published: _____

Effective Date: February 18, 2020

Resolution Number: 592



Town of Yacolt

Request for Council Action

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

Names: Town Clerk Dawn Salisbury;
Public Works Dir. Tom Esteb;
Town Attorney David W.
Ridenour.

Group Name: Staff

Address: P.O. Box 160
Yacolt, WA 98675

Phone: 360-686-3922

Email Address: clerk@townofyacolt.com

Alt. Phone: ---

ITEM INFORMATION:

Item Title: Designation of the Tallman Saloon Property as a Nuisance

Proposed Meeting Date: Tuesday, February 18, 2020

Action Requested of Council: Staff asks the Council to approve a Resolution Declaring a Nuisance at the Tallman Saloon, 105 and 103 W. Yacolt Road, and directing the Mayor and staff to take actions to enforce correction of the Code violation(s).

Proposed Motion: "I move that the Council adopt Resolution #593 as presented [**CHOOSE ONE**] directing issuance of a Notice of Civil Violation [**OR**] directing issuance of a Request for Voluntary Correction.

Summary/Background: The Council and staff have long been aware that the owners of the Tallman Saloon property are using this commercially-zoned property for residential purposes in violation of the Town's Zoning Codes. Violations of the Zoning Code are determined by the Town Council under YMC 18.105.010. If the Council declares a violation of the Zoning Code, the Mayor and staff may enforce correction of the violation under the Nuisance Code, YMC 8.05. The Council may direct that a Notice of Civil Violation be served immediately, or that a request for Voluntary Correction be made first. Resolutions have been prepared to describe both options.

Staff Contact(s): Dawn Salisbury, Town Clerk; Tom Esteb, Public Works Director; David Ridenour, Town Attorney.

Attachments: Resolution #593, (proposed – two versions).

[Directing Immediate Notice of Civil Violation]

Resolution #593

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD, (FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR TO ENFORCE CORRECTION OF THE NUISANCE CONDITION.

Whereas, the Town of Yacolt's Zoning Code, YMC 18, describes the uses and structures that are allowed on real property inside the boundaries of the Town;

Whereas, pursuant to YMC 18.105.010, the Town Council has decision-making authority over the existence of a Zoning Code violation;

Whereas, Yacolt's Nuisance Code, YMC 8.05, describes the general procedures by which the Town may enforce its Zoning Code and Nuisance Code;

Whereas, the Town's staff is aware that the commercially-zoned property at 105 and 103 W. Yacolt Road has been and continues to be used for residential purposes in violation of the Town's Zoning Code;

Whereas, the Town has provided one or more notices of the Code violation(s) to the property owners requesting that they voluntarily correct the described violations, but the violations have not been corrected;

Whereas, the Town Council of the Town of Yacolt is in regular session this 18th day of February, 2020, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Resolved by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1 – Recitals: Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Resolution and the authorizations described herein.

Section 2 – Declaration of Nuisance Condition: In addition to the legislative findings described above, the Town Council hereby finds that the property located at 105 and 103 W. Yacolt Road belonging to Scott Phillips and Glenda Phillips, (together with any other owners, residents and occupants), be and is hereby declared a nuisance under YMC 18.105.010 and YMC 18.30 for the following reason(s):

Use of property in a C1 or C2 Commercial Zoning District for residential purposes in violation of the Town of Yacolt's Zoning Code, such use constituting an illegal nonconforming use under the Town's Zoning Code.

Section 3 – Issuance of Notice of Civil Violation: The Mayor is authorized and directed to issue to the owners and occupants of the property a Notice of Civil Violation imposing monetary penalties pursuant to the YMC. The Notice shall state a deadline for compliance that is _____ days following issuance of the Notice. The Mayor is further authorized to use her discretion with respect to other matters covered under the Notice of Civil Violation, and to enforce the Notice of Civil Violation through abatement of the nuisance if necessary, taking such actions as are deemed necessary and appropriate to collect any penalties, costs and attorney's fees incurred by the Town related to correction and abatement of the nuisance. The Mayor and Town staff are further directed to keep the Town Council apprised of developments in the case.

Section 4 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Resolution shall remain in full force and effect.

Section 5 – Effective Date: This Resolution shall take effect immediately upon adoption.

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of February, 2020.

TOWN OF YACOLT

Katie Listek, Mayor

Attest:

Dawn Salisbury, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #593 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD, (FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR TO ENFORCE CORRECTION OF THE NUISANCE CONDITION" as approved according to law by the Town Council on the date therein mentioned.

The Resolution [] has / [] has not been published.

Attest:

Dawn Salisbury, Town Clerk

Published: _____

Effective Date: February 18, 2020

Resolution Number: 593

**[Directing Request for Voluntary Correction and Further
Enforcement if Needed]**

Resolution #593

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT,
WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD,
(FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR
TO ENFORCE CORRECTION OF THE NUISANCE CONDITION.**

Whereas, the Town of Yacolt's Zoning Code, YMC 18, describes the uses and structures that are allowed on real property inside the boundaries of the Town;

Whereas, pursuant to YMC 18.105.010, the Town Council has decision-making authority over the existence of a Zoning Code violation;

Whereas, Yacolt's Nuisance Code, YMC 8.05, describes the general procedures by which the Town may enforce its Zoning Code and Nuisance Code;

Whereas, the Town's staff is aware that the commercially-zoned property at 105 and 103 W. Yacolt Road has been and continues to be used for residential purposes in violation of the Town's Zoning Code;

Whereas, the Town has provided one or more notices of the Code violation(s) to the property owners requesting that they voluntarily correct the described violations, but the violations have not been corrected;

Whereas, the Town Council of the Town of Yacolt is in regular session this 18th day of February, 2020, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Resolved by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1 – Recitals: Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Resolution and the authorizations described herein.

Section 2 – Declaration of Nuisance Condition: In addition to the legislative findings described above, the Town Council hereby finds that the property located at 105 and 103 W. Yacolt Road belonging to Scott Phillips and Glenda Phillips, (together with any other owners, residents and occupants), be and is hereby declared a nuisance under YMC 18.105.010 and YMC 18.30 for the following reason(s):

Use of property in a C1 or C2 Commercial Zoning District for residential purposes in violation of the Town of Yacolt's Zoning Code, such use constituting an illegal nonconforming use under the Town's Zoning Code.

Section 3 – Request for Voluntary Correction / Further Enforcement: The Mayor is authorized and directed to contact the owners and occupants of the property and to request prompt voluntary correction of the nuisance or an agreement for voluntary correction under YMC 8.05.040. If correction is not completed or formally agreed within days following the contact, the Mayor is authorized to issue a Notice of Civil Violation without further delay, imposing monetary penalties pursuant to the YMC. The Mayor is further authorized to use her discretion with respect to other matters covered under the Notice of Civil Violation, and to enforce the Notice of Civil Violation through abatement of the nuisance if necessary, taking such actions as are deemed necessary and appropriate to collect any penalties, costs and attorney's fees incurred by the Town related to correction and abatement of the nuisance. The Mayor and Town staff are further directed to keep the Town Council apprised of developments in the case.

Section 4 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Resolution shall remain in full force and effect.

Section 5 – Effective Date: This Resolution shall take effect immediately upon adoption.

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of February, 2020.

TOWN OF YACOLT

Katie Listek, Mayor

Attest:

Dawn Salisbury, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #593 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD, (FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR TO ENFORCE CORRECTION OF THE NUISANCE CONDITION" as approved according to law by the Town Council on the date therein mentioned.

The Resolution [] has / [] has not been published.

Attest:

Dawn Salisbury, Town Clerk

Published: _____

Effective Date: February 18, 2020

Resolution Number: 593



Town of Yacolt

Request for Council Action

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

Names:	Town Clerk Dawn Salisbury; Public Works Dir. Tom Esteb; Town Attorney David W. Ridenour.	Group Name:	Staff
Address:	P.O. Box 160 Yacolt, WA 98675	Phone:	360-686-3922
Email Address:	clerk@townofyacolt.com	Alt. Phone:	---

ITEM INFORMATION:

Item Title:	2020 Budget Amendment – Ordinance #580
Proposed Meeting Date:	Tuesday, February 18, 2020
Action Requested of Council:	Staff asks the Council to approve Ordinance #580 to adjust appropriations between the General Fund and the Street Fund, making monies available in the Street Fund to purchase a 1996 Tymco Model 600 Street Sweeper from the United States Air Force, (See, Resolution #593 - this Council meeting agenda).
Proposed Motion:	"I move that the Council adopt Ordinance #580 as presented."
Summary/ Background:	The Town is purchasing a Street Sweeper for the Public Works Department. The Council did not appropriate funds to purchase the Street Sweeper during the 2020 budget process because there was no plan to do so at the time. The Town Clerk would like to appropriate monies for the purchase in the Town's Street Fund, but the existing appropriations in the Street Fund leave little room for this unexpected purchase. Ordinance #580 would transfer appropriations from the General Fund to the Street Fund for this purpose, under a process described in RCW 35.33.121.
Staff Contact(s):	Dawn Salisbury, Town Clerk; Tom Esteb, Public Works Director; David Ridenour, Town Attorney.
Attachments:	Ordinance #580, (proposed).

ORDINANCE #580

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AMENDING ORDINANCE #578 (THE 2020 BUDGET) BY DECREASING THE APPROPRIATIONS IN THE GENERAL FUND (FUND #001); INCREASING THE APPROPRIATIONS IN THE STREET FUND (FUND #101); APPROPRIATING MONIES FOR THE UNANTICIPATED PURCHASE OF EQUIPMENT; AND PROVIDING FOR SUMMARY PUBLICATION.

Whereas, The Town Council of the Town of Yacolt, (hereafter “Town” or “Yacolt”), adopted its 2020 Budget in Ordinance #578 on December 2, 2019, entitled “An Ordinance Adopting the Budget for the Town of Yacolt, Washington, for the Fiscal Year Ending December 31, 2020”;

Whereas, the Town Council from time to time reevaluates the resources and expenditures estimated in its budgets in order to effectively utilize and manage the Town’s financial resources;

Whereas, due to unforeseen circumstances, an opportunity has been presented in which the Council may purchase certain equipment that will benefit the Town, but the purchase will require an adjustment of the existing appropriations in the Town’s 2020 Budget;

Whereas, the factual basis and benefit of the equipment purchase are described in the Town Council’s Resolution #593, which is hereby fully incorporated herein by this reference;

Whereas, pursuant to RCW 35.33.121, upon a finding that the best interests of the Town are served, and upon the vote of one more than the majority of the entire Council, the Town Council may decrease unexpended appropriations existing in any one fund, and re-appropriate the moneys thus released for another purpose in a different fund;

Whereas, the Town Council desires to amend its 2020 Budget described in Ordinance #578 to provide appropriations for the purchase of the specified equipment; and,

Whereas, the Town Council is in regular session this 18th day of February, 2020, and 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 – Legislative Findings: Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Ordinance.

Section 2 – Summary of Supporting Findings: The Town Council finds that the budget amendments described herein are in the best interests of the Town and its residents, and will promote the general health, safety and welfare of the community.

Section 3 – Decrease of Appropriations in the General Fund, (Fund #001): Section 2 of Ordinance #578 of the Town of Yacolt, adopted December 2, 2019, is hereby amended as follows: The budgeted resources and appropriations for the General Fund (Fund #001) of \$604,723.00, are hereby decreased by \$27,000.00, resulting in new total resources and appropriations of \$577,723.00.

Section 4 – Increase of Appropriations in the Street Fund (Fund #101): Section 2 of Ordinance #578 of the Town of Yacolt, adopted December 2, 2019, is hereby amended as follows: The budgeted resources and appropriations that were released and therefore made available by Section 3 above are hereby added to the resources and appropriations for the Street Fund, (Fund #101), increasing the Street Fund's total resources and appropriations from \$303,453.00 by \$27,000.00, resulting in new total appropriations of \$330,453.00.

Section 5 – Purpose of New Street Fund Appropriation: The monies newly appropriated in the Street Fund by this Ordinance shall be used primarily for the costs of purchase of the used equipment described in Resolution #593. The newly appropriated monies may be used for any purpose consistent with and related to the primary purpose stated in this Ordinance or in Resolution #593. Any appropriations remaining after the purchase of the equipment, or in the event the purchase does not take place for any reason, are hereby appropriated for any purpose described within the Town's Street Fund, (Fund #101).

Section 6 – Transmittal to SAO and AWC: A copy of this Ordinance as adopted shall be transmitted by the Town Clerk if required to the Division of Municipal Corporations in the Office of the Washington State Auditor, and to the Association of Washington Cities.

Section 7 – Yacolt Municipal Code: This Ordinance #580 is a special Ordinance of the Town of Yacolt involving the Town's budget. Being applicable for only a specific and limited period of time, this Ordinance #580 shall not result in any amendment to the Yacolt Municipal Code.

Section 8 – 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, or its application to any Person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other Persons or circumstances shall not be affected.

Section 9 - 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 #580

The Town Council of the Town of Yacolt adopted Ordinance #580 at its regularly scheduled Town Council meeting held on February 18, 2020. The content of the Ordinance is summarized in its title as follows:

“AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AMENDING ORDINANCE #578 (THE 2020 BUDGET) BY DECREASING THE APPROPRIATIONS IN THE GENERAL FUND (FUND #001); INCREASING THE APPROPRIATIONS IN THE STREET FUND (FUND #101); APPROPRIATING MONIES FOR THE UNANTICIPATED PURCHASE OF EQUIPMENT; AND PROVIDING FOR SUMMARY PUBLICATION.”

The effective date of the Ordinance is February 26, 2020.

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 26th day of February, 2020.
Dawn Salisbury, Town Clerk

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of February, 2020.

TOWN OF YACOLT

Katie Listek, Mayor

Attest:

Dawn Salisbury, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #580 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AMENDING ORDINANCE #578 (THE 2020 BUDGET) BY DECREASING THE APPROPRIATIONS IN THE GENERAL FUND (FUND #001); INCREASING THE APPROPRIATIONS IN THE STREET FUND (FUND #101); APPROPRIATING MONIES FOR THE UNANTICIPATED PURCHASE OF EQUIPMENT; AND PROVIDING FOR SUMMARY PUBLICATION", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Dawn Salisbury, Town Clerk

Published: _____

Effective Date: _____

Ordinance Number: 580



CLARK COUNTY WASHINGTON

www.clark.wa.gov

COMMUNITY DEVELOPMENT ANIMAL PROTECTION AND CONTROL

1300 Franklin Street
PO Box 9810
Vancouver, WA 98666-9810
564.397.2488

AGENCY AGREEMENT for the Issuance of Dog and Cat Licenses dated _____, 20____

Clark County Animal Protection & Control, a program within the Department of Community Development of Clark County, Washington, a municipal corporation, with offices at 1300 Franklin Street, PO Box 9810, Vancouver, Washington, 98666-9810 ("County") and _____ with offices at _____ Phone: _____ ("Agency") agree as follows:

1. County covenants and agrees:
 - a. To furnish Agency with official dog and cat license tags, license receipt forms for issuance to pet owners within Clark County, which the County, in its sole determination, deems sufficient for Agency's location; title to such license tags and license receipt forms remaining with County at all times.
 - b. To furnish Agency within one week from notification with a sufficient supply of accounting forms, promotional material, and other materials as necessary for conformance to this agreement.
 - c. To furnish Agency with current license issuance procedures manual including rules and regulations for the issuance of dog and cat license tags, and copies of the Clark County or other jurisdiction's code relative to animal control.
2. Agency covenants and agrees:
 - a. To properly safeguard and account for all dog and cat license tags, receipt forms from the issuance of such, other forms, documents and materials furnished by County.
 - b. To issue dog and cat license tags to pet owners within Clark County, City of Vancouver and Town of Yacolt in conformance to the procedures manual furnished by County, at the rates specified by the Clark County Code (including the assessment of the Agency's fee in accordance with 3b).
 - c. To promptly report to County any missing or stolen dog or cat license tags, license receipt forms or other documents, if filing any charges with law enforcement officials with respect to lost or stolen items, to also immediately contact Animal Protection & Control.



For other formats, contact
the Clark County ADA Office

Voice 564.397.2322
Fax 360.397.6165

Relay 711 or 800.833.6388
Email ADA@clark.wa.gov

d. To allow Clark County Animal Protection & Control signs to be placed on Agency's premises and permit Clark County to advertise and promote Agency's premises to be used for the issuance of dog and cat license tags.

e. To remind each customer that dog and cat licensing is required by law. Then encourage and solicit pet owners within our jurisdictions to purchase and display license tags on all their dogs and cats.

f. To train employees in procedures and policies covered by this Agreement.

g. As representatives of the County, to provide courteous and efficient service to all Clark County residents and pet owners.

h. To not issue any pet license tag without being first given proof of current rabies vaccination for the pet being licensed.

i. To utilize all forms and reports provided or required by the County and comply with all standards of performance and reporting requirements of County and the Clark County Auditor.

3. It is mutually covenanted and agreed as follows:

a. Agency shall mail via United States Postal Service, all license receipts received during the prior month in the manner described in 3b, on the second Friday of each month, or more frequently when specified by County. Agency shall hold all moneys received from the issuance of dog and cat licenses. Upon receipt of complete and voided receipts, the County shall issue an invoice for the total owed as reflected by receipts and accompanying inventory sheet (supplied by the County). Agent then agrees it shall pay to the County within ten business days after the receipt of the invoice the balance due.

b. Agency has the option to charge and retain up to \$5.00 or as otherwise outlined by CCC 8.07.040 and VMC 8.24.040 for each dog or cat license tag issued; said fee to be properly recorded on documents supplied by County and accounted for as described in 2b.

c. Non-sufficient fund checks or any other term of underpayment from license are responsibility of the Agency.

d. Agency agrees to indemnify and hold harmless the County from any and all actions or claims resulting from this agency relationship.

e. Agency shall not sell, transfer, or otherwise dispose of unissued dog and cat license tags and license receipt forms and shall return them to County upon its request. Voided receipt forms must be kept and returned to the County along with each period's submittals. All missing receipts will be assumed as issued and invoiced accordingly.

f. Agency shall not pledge, transfer, or assign this Agreement, nor obtain or attempt to obtain credit or enter into any contracts or agreements in the name of or on behalf of County.

- g. As recipient of public funds, Agency agrees that the County, on its own or by the County Auditor, may at any time audit the Agency; Agency agrees to make available all records, books, documents, reports, and all other information related to this agency relationship which on the discretion of the County, or County Auditor, is necessary for an accurate and complete audit; Agency agrees that County, or County Auditor, may take complete possession of said material if such possession is deemed necessary for an accurate and complete audit.
- h. This Agreement shall continue in force and effect until canceled by either party giving thirty (30) days advance written notice of its intent to cancel.
- i. On or before the termination date as described above, or in the event Agency fails to comply with the terms of this Agreement, Agency shall turn over all license receipts and license receipt forms to County, and County shall recover possession of all unissued dog and cat license tags, license receipt forms, documents, manuals, and other forms/materials issued or furnished to Agency by County.
4. This Agreement and any exhibits attached hereto contain the entire agreement of the parties with respect to the subject matter of this Agreement, and supersede all prior negotiations, agreements and understandings with respect thereto. This Agreement may only be amended by a written document duly executed by all parties.
5. This Agreement shall be interpreted under the laws of the State of Washington. Any litigation under this agreement shall be resolved in the courts of Clark County, State of Washington.
6. If any provision of this Agreement is held unenforceable, then such provision will be modified to reflect the parties' intention. All remaining provisions of this Agreement shall remain in full force and effect.
7. The parties signing below hereby affirm that they have the authority to bind the respective parties to the terms of this Agreement.

WITNESS the due execution of this Agreement as of the ____ day of _____, 20____

Approved as to from only:

By:


Chief Civil Prosecuting Attorney

(Agency)

(Name, Title)



Manager, Animal Protection and Control



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 Mayor to sign Animal Control Agreement

Proposed Meeting Date: February 18, 2020

Action Requested of Council: Approve the Mayor to sign the Animal Control Agreement

Proposed Motion: I Make a motion to approve the mayor sign the Clark County Animal Control Agreement

Summary/ Background: Clark County Animal Control has sent out a new agreement for services that the mayor needs to sign to keep issuing animal licenses in own.

Staff Contact(s): Dawn Salisbury