



**Town of Yacolt
Council Meeting Agenda
Monday, June 03, 2019
7:00 PM
Town Hall**

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 5-20-19 Council 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.

Old Business

2. NCLL Update
- [3.](#) I-1639 Citizen letters and discussion
4. FEMA Update
- [5.](#) 301 N Pine- Civil Violation Notice-information and discussion

New Business

- [6.](#) Gambling Ordinance update per Gambling Commission
- [7.](#) Lower Columbia Fish Recovery Board is looking for a representative from Yacolt. Discussion item.
- [8.](#) 1st Review for update to Town Facilities Use fees and Facilities Use Policy

Public Works Department Report

Town Clerk's Report

Council's Comments

Mayor's Comments

Attorney's Comments

Approve to Pay Bills on Behalf of the Town

Executive Session

Adjourn

**Town of Yacolt
Council Meeting Minutes
Monday, May 20, 2019
7:00 PM
Town Hall**

Call to Order

Mayor Myers called the meeting to order at 7:00 pm.

Flag Salute

Roll Call

PRESENT

Mayor Vince Myers
Council Member Herb Noble
Clerk Dawn Salisbury
Town Engineer Devin Jackson

Council Member Malita Moseley
Council Member Rhonda Rowe-Tice
Public Works Director Bill Ross

ABSENT

Council Member Amy Boget

Motion to excuse Council Member Boget's absence for next 2 meetings due to her work schedule.

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

Voting Yea: Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

Council Member Boget joined the meeting at 8:15 pm.

1. Resignation of Tami Bryant Council Seat 2

Mayor Myers informed Council and audience of Council Member Bryant's resignation.

Late Changes to the Agenda

None

Minutes of Previous Meeting(s)

2. Approve 5-6-19 Council Meeting Minutes

Motion made by Council Member Rowe-Tice, Seconded by Council Member Noble.

Voting Yea: Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

Citizen Communication

Mary Rowe asked what happened with Resolution 546 concerning CDBG application for paving recreation park. Mayor Myers informed her that the grant was denied and that we have to do a resolution for the application of the grant but that doesn't mean we are awarded the grant.

Old Business

3. NCLL Update

Mayor Myers updated council on latest communication from NCLL. Discussion took place concerning misinformation about the situation. Trevor Condor, NCLL board member, offered to represent NCLL board and will get with Clerk Salisbury to set up meeting with the mayor.

New Business

4. North County Sons and Daughters of Liberty Sanctuary presentation for I-1639 resolution - discussion only.

Lively presentations were given by 7 supporters for Sanctuary Resolution for I-1639. Mayor Myers will have resolution posted on website to request comments from residents and will revisit resolution at next 2 meetings.

5. Nominate Council Member to represent Town on NCEMS board.

Motion made by Council Member Noble to nominate Council Member Moseley, Seconded by Council Member Rowe-Tice.

Voting Yea: Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

6. Public Hearing 506 E Jones Short Plat Application

Mayor Myers closed council meeting at 7:56 pm and opened public hearing for 506 E Jones St. Devin Jackson, Town Engineer presented staff report. Fred Harris, Byron Jolma and Todd Fahn all spoke in support of short plat. Letter was read from Steve Unruh in support of short plat. Mayor Myers close public hearing at 8:15 pm and re-opened council meeting.

7. Approve 506 E Jones Short Plat

Motion made by Council Member Noble, Seconded by Council Member Rowe-Tice.

Voting Yea: Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

8. Review FEMA 30 day notification of Proposed Engineering models for Yacolt Flood Risk Project for comments.

Presented additional information. To be reviewed at next meeting.

Public Works Department Report

Library paint job complete. Flower baskets are up and splash park is turned on. Flags will be up Friday for Memorial Day. Construction traffic is being handled.

Town Clerk's Report

Working on annual report. Suggested we offer a yearly volunteer appreciation dinner every October to thank volunteers. Council agreed. Treasurer's report will be out next week.

Council's Comments

Council Member Moseley loves idea about offering volunteer dinner. Council Member Noble stated new stop signs are working well. Suggested maybe 4 way stop at Hubbard and Yacolt Rd.

Mayor's Comments

Mayor Myers is still looking for patriotic tie for the Patriotic Tie Contest being held June 14th. Invited Council to Memorial Day Observance at Ft. Vancouver Band sight. Bowe Brothers is seeking Compensation for putting on fireworks show. Mayor Myers and Clerk Salisbury reaching out to them to discuss proposal costs due to budget constraints.

Attorney's Comments

None

Approve to Pay Bills on Behalf of the Town

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

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

Voting Abstaining: Council Member Rowe-Tice

001 Current Expense	\$ 9,478.70
101 Streets	\$ 3,977.86
103 Cemetery	\$ 291.66
403 Storm Water	\$ <u>943.06</u>
	\$14,691.28

Claims: Check #16847-16854	\$ 6,391.23
Payroll: EFT	\$ 8,300.05

Executive Session

None

Adjourn

Mayor Myers adjourned meeting at 8:40 pm.

Vince Myers, Mayor

Dawn Salisbury, Clerk

Town of Yacolt, Washington Resolution in **Support of the Right to Keep and Bear Arms**

WHEREAS, the 2nd Amendment to the United States Constitution guarantees, "...the right of the people to keep and bear Arms, shall not be infringed." and Article 6, Section 2 declares, "This Constitution, and the laws...made in pursuance thereof; shall be the Supreme Law of the Land..."; and

WHEREAS, Article I, Section 2, of the Washington State Constitution declares "The Constitution of the United States is the supreme law of the land."; and

WHEREAS, Article I, Section 24, of the Washington State Constitution further guarantees "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired..."; and

WHEREAS, Article 1, Section 29, of the Washington State Constitution declares the provisions of this constitution are mandatory; and

WHEREAS, Article I, Section 32, of the Washington State Constitution declares, "A frequent recurrence to fundamental principles is essential to the security of individual right and perpetuity of free government."; and

WHEREAS, the United States Supreme Court has declared "...a law repugnant to the Constitution is void..." (see Marbury v. Madison); and, "An unconstitutional act is not law; it confers no rights; it imposes no duties; it is in legal contemplation, as inoperative as though it had never been passed." (see Norton v. Shelby County); and

WHEREAS, the United States Supreme Court has declared, "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home." (See District of Columbia v Heller); and

WHEREAS, a core principle of the Town of Yacolt, Washington is not to infringe on the Constitutionally guaranteed right to keep and bear arms; and furthermore, in its exercise, derive economic benefit and enjoyment in all safe forms of manufacture, commerce, recreation, hunting and shooting; and

WHEREAS, the myriad of measures imposed by government that criminalize lawful gun ownership do, in their substance and effect, infringe upon and impair the Constitutionally guaranteed right to keep and bear arms as exercised by law abiding citizens, inhibit lawful self-defense, and do nothing to increase security in our schools and homes, nor do they address gang violence; and

WHEREAS, the City Council of the Town of Yacolt, and the City Council members of [Cities within the County] are elected to represent the Citizens within their respective jurisdictions, and are duly sworn by their Oaths of Office to support and defend the State and Federal Constitutions.

NOW, THEREFORE, BE IT RESOLVED: the citizens of Yacolt calls upon Clark County Councilors, Sheriff, and City Council members to declare, by official public statement, within their respective jurisdictions to be legally required to **adhere to and preserve** the right to keep and bear arms, as that right is an inalienable right recognized by both the Federal and the Washington State Constitutions.

THEREFORE BE IT FURTHER RESOLVED, the citizens of the town of Yacolt calls upon the Town of Yacolt City Council members within their respective jurisdictions to neither authorize nor support the enforcement of any act, order, rule, law, or regulation repugnant to the legally binding, Constitutionally guaranteed right to keep and bear arms exercised by law-abiding citizens of Yacolt, Washington, enacted after November 1st , 2018.

Resolved this [Day] day of [Month]2019, in Yacolt, Washington by the City Council of the Town of Yacolt.

From: [Jubilee Lawhead](#)
To: townofyacolt@townofyacolt.com
Subject: 1639 Sanctuary
Date: Friday, May 24, 2019 4:46:28 PM

To Whom it Concerns:

I am a resident of Yacolt, residing at 619 W Cushman St. My name is Jubilee Lawhead and I voted against I-1639.

I support Yacolt taking a strong stand against this highly controversial initiative and becoming a sanctuary to those against 1639!

In a rural setting like Yacolt, owning and teaching our children how to use firearms to protect themselves and hunt is not only an important part of rural living, but crucial to future generations and maintaining the 2nd Amendment freedoms granted to law-abiding legal adults.

Please vote to approve sanctuary city status and let our 18 year olds keep their firearms without becoming felons.

Thank you,
Jubilee Lawhead

From: [Bridget Lampinen](#)
To: townofyacolt@townofyacolt.com
Subject: 11639 input
Date: Friday, May 24, 2019 8:36:16 PM

To whom it may concern,

Please protect our second amendment rights. As a citizen of Yacolt, nothing concerns me more than the safety of my family and my neighbors. If 1639 were enforced upon us our ability to defend ourselves and those around us would be greatly restricted. 1639 is unconstitutional and should never have happened. We must protect our freedoms, we must not allow them to be stolen from us. Thank you for your consideration.

Thank you!
Bridget Lampinen
402 E Valley St
Yacolt, WA 98675=

From: [DEBRA MCCLURE](#)
To: townofyacolt@townofyacolt.com
Subject: I1639
Date: Saturday, May 25, 2019 12:21:40 PM

Hi we live on dole valley road . An very much support the right to bear arms . We are both in favor of the resolution protecting these rights

Debra. & Con McClure
21320 ne dole valley road
Yacolt

From: [Ryan Masuda](#)
To: townofyacolt@townofyacolt.com
Subject: I-1639
Date: Friday, May 24, 2019 10:37:52 PM

To whom this may concern,

My name is Ryan Masuda and I live at 507 E Twin Falls St, Yacolt WA 98675. I believe Yacolt should be a sanctuary town for the I-1639 bill that was passed. I-1639 infringes on our 2nd Amendment right and the town of Yacolt needs to uphold those rights.

Best regards,

Ryan

Sent from my iPhone

From: [Stacy](#)
To: townofyacolt@townofyacolt.com
Subject: I-1639 resolution for Sanctuary city.
Date: Sunday, May 26, 2019 2:29:41 PM

To the City Council

Hi my name is Stacy Crandall, I live at 505W Humphrey St, Yacolt Washington 98675 and I am in FULL SUPPORT of this RESOLUTION. I'm not sure I can make it to the next few council meetings if I can't I want you to vote yes for this resolution.

In best regards citizen of Yacolt

Stacy Crandall

Sent from my iPhone

From: [Joseph Becker](#)
To: townofyacolt@townofyacolt.com
Subject: 1639 resolution
Date: Thursday, May 23, 2019 7:14:20 PM

Please support this resolution against I-1639. I-1639 is unconstitutional and should have never been passed. The US constitution is the supreme law of the land and the 2nd amendment is very clear. The right of the people to keep and bear arms shall not be infringed. Washington state constitution **SECTION 24 RIGHT TO BEAR ARMS.** The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. In 1791, the bill of rights was added to the constitution. It offered the people a definition of unalienable rights not limited to but including the second amendment, the people's right to keep and bear arms. By not having been granted by the government in the first place, they cannot be rescinded by the government. The amendment is a basic right of citizenship granted by our forefathers for freedom and liberty.

Thank you for the opportunity to voice my opinion.
Joseph A Becker
310 south Railroad Avenue yacolt, WA 98675

From: [Jon Houts](#)
To: townofyacolt@townofyacolt.com
Subject: I-1639 Sanctuary City
Date: Friday, May 24, 2019 12:17:11 AM

My name is Jonathan Houts. I live at 500 E Wilson Street in the town of Yacolt. I am in FULL SUPPORT of making our town a I-1639 Sanctuary City. The initiative is a direct infringement of my 2nd Ammendment Right and as a town I feel that we need to stand together to defend our Constitutional Rights. Thank you for hearing my opinion.

From: [Wayne Beseau](#)
To: townofyacolt@townofyacolt.com
Subject: I-1639
Date: Thursday, May 23, 2019 11:36:52 PM

No on 1639

Wayne Beseau
403 E Alexander St
Yacolt, Wa
98675
360-910-4470

From: [Town of Yacolt, Washington via Town of Yacolt, Washington](#)
To: townofyacolt@townofyacolt.com
Subject: Form submission from: Contact Us
Date: Friday, May 24, 2019 11:36:19 AM

Submitted on Friday, May 24, 2019 - 11:35am
Submitted by anonymous user: 172.16.64.18
Submitted values are:

==Contact Information==

Full Name: Mindy Smith
Email: SmunkieLue@icloud.com
Phone Number: 3606860969

Question/Comment:

My husband, Tim Smith, and I (Mindy Smith) have been residents of Yacolt for the past 11 years and we are both in full support of I-1639 Resolution to become a sanctuary city. We reside at 504 E Hoag Street Yacolt.

We both support the 2nd Amendment, my husband is a veteran, and we both enjoy our 2nd. Amendment freedoms

The results of this submission may be viewed at:

<https://www.townofyacolt.com/node/7/submission/591>

From: kk7al@centurytel.net
To: [Town of Yacolt](#)
Subject: RE: I-1639
Date: Tuesday, May 28, 2019 10:59:59 AM

203 E.Jones

----- Original Message -----

From: Town of Yacolt <townofyacolt@townofyacolt.com>
To: 'kk7al' <kk7al@centurytel.net>
Sent: Tue, 28 May 2019 11:44:46 -0400 (EDT)
Subject: RE: I-1639

Thank you for your input. Can I please get your address to show you are a resident of the Town of Yacolt.

Thank you,

Dawn Salisbury

Clerk, Town of Yacolt

From: kk7al [<mailto:kk7al@centurytel.net>]
Sent: Saturday, May 25, 2019 12:58 PM
To: townofyacolt@townofyacolt.com
Subject: I-1639

I oppose the restrictions being imposed by I-1639 and would fully support a resolution by the Town of Yacolt to take a stand against this poorly written, far reaching, and in my view, unconstitutional bill.

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone

From: [Buddy Woodberry](#)
To: townofyacolt@townofyacolt.com
Subject: I - 1639 Resolution
Date: Friday, May 24, 2019 11:54:57 AM

I'm In favor of the sanctuary resolution for I-1639 to the town council, And ask that the council approve the resolution.

I believe it is imperative that Local governments and rural governments take action to protect and counter the spread of Liberal agenda's coming from large cities.

Buddy Woodberry
33754 NE winter Creek road
Yacolt, WA 98675

Buddy Woodberry
Double U Hunting Supply
855-384-8687
www.DuSupply.com



Town of Yacolt

202 W. Cushman Street - P.O. Box 160
Yacolt, WA 98675

Tel: (360) 686-3922 Fax: (360) 686-3853
townofyacolt.com

May 28, 2019

Shirleen and/or Dennis Crisman, Occupant
301 N Pine Ave
PO Box 538
Yacolt, WA 98675
Via Certified Mail and hand delivered

NOTICE OF CIVIL VIOLATION

Dear Shirleen and/or Dennis Crisman or Occupant,

You or any person having any record title or legal interest in the real property or building may appeal this notice by appearing at Yacolt Town Hall on Monday, July 1st, 2019 at 6:00 p.m. Town Hall is located at 202 W Cushman St, Yacolt, WA 98675. The phone number is (360)686-3922.

This hearing will be canceled and no monetary penalty will be assessed if the following civil violations have been corrected and approved by the applicable town official at least 48 hours prior to the hearing.

If you fail to appear at the scheduled hearing, the examiner will enter an order finding that the violation occurred and assessing the appropriate monetary penalty. The town will carry out the hearing examiner's order and will seek to recover all related expenses, plus the cost of the hearing and any monetary penalty from you.

VIOLATIONS:

An inspection of the property located at 301 N Pine Ave, Yacolt, Washington was performed on September 7, 2018 and May 29th, 2019 and your property was considered a nuisance because the following conditions (which are some of the definitions of a nuisance from Ordinance #390) were found:

1.
 - 3a. Trash Covered Premises: Any premises containing trash or abandoned materials, except that kept in garbage can or containers maintained for regular collection.
 - 3c. Potential Vermin Habitat or Fire Hazard: Any accumulation of material on a property including, but not limited to animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any part thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris, or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat.
 - 3d. Junk Vehicles: Any wrecked, inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a non-functional motor or transmission, missing bumpers or missing license plates.
 - 3e. Attractive Nuisances: Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof, abandoned motor vehicles, any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank, or shaft; and any lumber, trash, debris, or vegetation which may prove a hazard for children;
2. A violation of Town of Yacolt Ordinance #371 Section 10 and Yacolt Municipal Code Chapter 18.55. (people living in rv/campers)

The nuisance conditions must be removed by 5:00 p.m. on Friday June 28, 2019.

You have been requested to voluntarily correct the above violation on one different occasion, as follows:

Certified letter sent September 7, 2018 notifying of violation with return receipt dated September 10th, 2019.

This Notice of Civil Violation also applies to any other conditions in violation of Ordinance #390 occurring prior to the scheduled hearing date.

The Town of Yacolt reserves the right to include other violations which have or may occur in violation of Ordinance #390 prior to the scheduled hearing date.

THEREFORE:

If all violations are not satisfactorily completed and approved by the applicable town official at least 48 hours prior to the hearing, the following may occur:

A monetary fine of \$25.00 for each separate violation may be assessed against you for each day the violation continues. The monetary fines may begin to accrue from the date the Town of Yacolt initially set for correction.

The Town may abate the unlawful condition in accordance with Ordinance #390. The costs and expenses of abatement incurred by the Town pursuant to ordinance #390 and a monetary penalty in an amount per day for each violation may be assessed against you. The costs of removing any nuisance items, junk vehicles, trash, trees, plants, shrubs, grasses, weeds, vegetation or other items violating any Town of Yacolt Ordinance shall become a charge against the owner of the property and the person responsible for the violation and a lien against the property pursuant to RCW 35.21.310 as currently enacted or hereafter amended.

The Town of Yacolt's nuisance ordinance is attached for your reference. If you have any questions about the Town's ordinance, you may contact the Town of Yacolt at (360)686-3922.

Any monetary penalty constitutes a personal obligation for you. The property owner and the person responsible for the violation can be held jointly and severally liable for any costs and expenses and any monetary penalty. Any monetary penalty assessed must be paid to the Town of Yacolt, located at 202 W Cushman St, Yacolt, WA, within 10 calendar days from the date of notification of the hearing examiner's decision or a notice from the Town of Yacolt that penalties are due. Any such monetary penalty shall further constitute a lien against your property.

DATED this 29th day of May, 2019.

TOWN OF YACOLT

Vince Myers
Mayor

ORDINANCE NO. ____

AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192.

BE IT ORDAINED, by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1. Repealer: That Yacolt Ordinances 303 and 451 are hereby repealed in their entireties.

Section 2. Adoption by Reference: The following Washington Statutes are adopted by reference as and for a portion of the Gambling Ordinance of this Town as if set forth in full herein:

RCW 9.46.150; RCW 9.46.170; RCW 9.46.185; RCW 9.46.190; RCW 9.46.195; RCW 9.46.196; RCW 9.46.198; RCW 9.46.231; RCW 9.46.240; and RCW 9.46.250

The amendment, addition or repeal by the Washington Legislature of any Section of any of the adopted Statutes set forth above shall be deemed to amend this Ordinance and the Statutes contained in this Ordinance which are adopted by reference, in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this Town to take any action with respect to such addition, amendment, or repeal.

Section 3. Definitions: For the purposes of this ordinance the words and terms used shall have the same meaning as each has under Chapter 9.46 RCW, each as amended, and under the rules of the Washington State Gambling Commission, Chapter 230 WAC, unless otherwise specifically provided or the context in which they are used herein clearly indicates that they be given some other meaning.

Section 4. Taxes Imposed - Amounts: There is hereby levied a tax upon all persons, associations, and organizations who conduct or operate gambling activities, including bingo games and

raffles, amusement games, punch boards and pull-tabs, and social card games, within the Town of Yacolt, Washington, and who have been duly licensed by the Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

A. BINGO AND RAFFLE GAMES: Any bingo or raffle activity, a tax computed at the rate of five percent (5%) of the difference between the gross revenue received from the conduct of such activity and the amount paid for or as prizes in the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this ordinance on bingo or raffles when such activity or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0205 and RCW 9.46.0277.

B. AMUSEMENT GAMES: Any amusement game, a tax computed at two percent (2%) of the gross revenue less the amount paid for as prizes; provided, however, that no tax shall be imposed under the authority of this ordinance on Amusement Games when such activity is conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0201.

C. PUNCH BOARD OR PULL-TAB: Any punch board or pull-tab, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this Ordinance on punch boards or pull-tabs when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0273.

D. SOCIAL CARD GAMES: Any social card games as permitted, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; provided, however, that no tax shall be imposed under the authority of this Ordinance on social card games as permitted when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0282.

Section 5. Prohibited Gambling Activities: All gambling and gambling activities within the Town of Yacolt are prohibited with the following exceptions:

A. Those gambling activities taxed under Section 4 of this Ordinance, including bingo and raffles, amusement games, punch boards and pull-tabs.

B. All lawful gambling for which no license is required under Chapter 9.46 Revised Code of Washington.

C. Any other gambling which is lawful by law and which does not require a license under Chapter 9.46 Revised Code of Washington, including but not limited to the Washington State Lottery as defined in Chapter 67.70 Revised Code of Washington.

D. All non-house-banked card games as permitted by the Washington State Gambling Commission.

Section 6. Tax to Be Computed and Paid Quarterly. Exceptions: Each of the various taxes imposed by this ordinance shall be computed on the basis of activity during each calendar quarter year, and shall be due and payable in quarterly installments, and the remittance, together with return forms, shall be made to the Town of Yacolt, Washington, on or before the last day of the month next succeeding the quarterly period in which the tax is accrued: That is on January 31, April 30, July 31, and October 31, of each year; Provided, that the following exceptions to this payment schedule shall be allowed or required:

A. Whenever any person, association, or organization taxable hereunder, conducting or operating a taxable activity on a regular basis discontinues operation of that taxable activity for a period of more than four (4) consecutive weeks, or quits business, sells out, or otherwise disposes of the business, or terminates the business, any tax due shall become due and payable, and such taxpayer shall, within ten (10) days thereafter, make a return and pay the tax due.

B. Whenever it appears to the Town of Yacolt that the collection of taxes from any person, association, or organization may be in jeopardy, the Town of Yacolt, after not less than ten (10) days' notice to the taxpayer, may require the taxpayer to remit taxes and returns at shorter intervals than quarterly or annually, as the Town of Yacolt shall deem appropriate under the circumstances.

C. Whenever reports required by the Washington State Gambling Commission under the provisions of RCW 9.46 are required on less than a quarterly basis, any person, association, or organization taxable hereunder shall report to the Town of Yacolt on the same basis.

Section 7. Administration and Collection of Tax: Administration and collection of the various taxes imposed herein shall be the responsibility of the Yacolt Town Clerk, under the supervision of the Mayor and the Town Council. Remittance of the amount due shall be accompanied by a completed return form prescribed and provided by the Town. The taxpayer shall be required to swear, affirm and certify under penalty of perjury under the laws of the State of Washington

that the information given in the return is true, accurate, and complete. The Town Clerk is authorized, but not required, to mail to taxpayers the necessary return forms. Failure of the taxpayer to receive such a form shall not excuse a taxpayer from making the return and timely paying all taxes due. The Town Clerk shall make forms available to the public in reasonable numbers at Town Hall during regular business hours.

In addition to the return form, a copy of the quarterly report to the Washington State Gambling Taxpayer's Commission required by WAC Chapter 230 for the period in which the tax accrued shall accompany remittance of the tax amount due.

Section 8. Method of Payment: Taxes payable hereunder shall be remitted to the Town of Yacolt on or before the time required, by bank draft, certified check, cashier's check, personal check, money order, credit card, or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the draft or check is honored in the usual course of business, nor shall the acceptance of any sum by the Town of Yacolt be an a quittance or discharge of the tax unless the amount paid is the full amount due. The return and a copy of the quarterly report to the Washington State Gambling Commission shall be filed in the office of the Town of Yacolt after notation by the office upon the return of the amount actually received from the taxpayer.

Section 9. Failure to Make Timely Payments of Tax or Fee: If full payment of any tax or fee due under this ordinance is not received by the Town of Yacolt on or before the date due, there shall be added to the amount due a penalty fee as follows:

- A. 1 - 10 days late: 5% of tax due
- B. 11 - 20 days late: 10% of tax due
- C. 21 - 31 days late: 15% of tax due
- D. 32 - 60 days late: 20% of tax due

but in no event shall the penalty amount be less than Twenty-Five Dollars (\$25). In addition to this penalty, the Town of Yacolt may charge the taxpayer interest of one percent (1%) of all taxes and fees due for each thirty (30) day period, or portion thereof; that said amounts are past due.

Failure to make payment in full of all tax amounts, penalties and interest, within sixty (60) days following the day the tax amount initially became due shall be both a civil and criminal violation of this section.

Section 10. Notice of Intention to Engage in Activity to be Filed: In order that the Town of Yacolt may identify those persons who are subject to taxation under this ordinance, each person, association, or organization shall file with the Town of Yacolt a sworn "Declaration of Intent" to conduct an activity taxable under this ordinance upon a form to be prescribed by the Town of Yacolt together with a copy of the license issued therefor by the Washington State Gambling Commission. The filing shall be made not later than five days prior to conducting or operating the taxable activity or twenty days after the effective date of this ordinance if the activity is being conducted prior to its adoption. No fee shall be charged for such filing, which is not for the purpose of regulation of this activity but for the purposes of administration of this taxing ordinance only. Failure to timely file shall not excuse any person, association, or organization from any tax liability.

Section 11. Records Required: Each person, association, or organization engaging in an activity taxable under this ordinance shall maintain records respecting that activity which truly, completely, and accurately disclose all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three (3) years. In addition, all information and items required by the Washington State Gambling Commission under WAC Chapter 230, and the United States Internal Revenue Service respecting taxation, shall be kept and maintained for the periods required by those agencies.

The premises and paraphernalia, and all books, records and other items required to be kept and maintained under this section and under RCW 9.46, and any person, association, or organization receiving profits therefrom or having any interest therein, shall be subject to and immediately made available for, inspection and audit at any reasonable time, with or without notice, upon demand by the Town of Yacolt or its designee for the purpose of determining compliance or non-compliance with this ordinance.

A reasonable time for the purposes of this section shall be:

- A. If the items or records to be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or
- B. If the items or records to be inspected or audited are not located upon a premises set out in subsection A above, then any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Where the taxpayer does not keep all of the books, records, or items required to be kept or maintained under this section in this jurisdiction, the taxpayer shall either:

- A. Produce all of the required books, records, or items within the Town of Yacolt for such inspection within five (5) days following a request of the Town of Yacolt to do so; or
- B. Bear the actual cost of the inspection by the Town of Yacolt or its designee, at the location at which such books, records or items are located, provided that a taxpayer choosing to bear these costs shall pay in advance to the Town of Yacolt the estimated costs thereof, including but not limited to, round trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following said examination of the books, records or items required to be kept or maintained under this Section.

A taxpayer who fails, neglects or refuses to produce such books, records and other items, either within or without this jurisdiction, in addition to being subject to other civil and criminal penalties provided by this ordinance or otherwise, shall be subject to a jeopardy tax assessment by the Town Clerk.

Said jeopardy tax assessment shall be deemed prima facie correct and shall be the amount of fee or tax owing to the Town of Yacolt by the taxpayer unless the taxpayer can prove otherwise by competent evidence. The taxpayer shall be notified by mail by the Town Clerk of the amount of tax so determined by jeopardy tax assessment, together with any penalty and/or interest, and the total of such amounts shall thereupon become immediately due and payable.

Section 12. Overpayment or Underpayment of Tax: If, upon application by a taxpayer for a refund or an audit of his records, or upon any examination of the returns or records by the Town of Yacolt, it is determined that within five (5) years immediately preceding receipt of the application from the taxpayer for a refund, or an audit, or in the absence of such application, within five (5) years immediately preceding the commencement by the Town Clerk/Treasurer of such examination:

- A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the Town within such period of five (5) years shall be credited to the taxpayer's account or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed with respect to any excess amounts paid more than five (5) years before the date of such application or examination.

B. A tax or other fee has been paid which is less than that properly due, or no tax or other fee has been paid, the Town Clerk shall mail a statement to the taxpayer showing the balance due, including the tax amount or penalty assessment and fees, and it shall be a separate, additional violation of the provisions of this ordinance, both civil and criminal, if the taxpayer fails to make payment in full within ten (10) calendar days of such mailing.

Section 13. Failure to Make Return: If any taxpayer fails, neglects or refuses to make and file his return as and when required under this ordinance, the Town Clerk is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed under the provisions of this ordinance, and shall notify the taxpayer by mail of the amount so determined, which amount shall thereupon become immediately due and payable.

Section 14. Tax Additional to Others: The tax here in levied shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the Town of Yacolt, except as herein otherwise expressly provided.

Section 15. Taxes, Penalties and Fees Constitute Debt to Municipality: Any tax due and unpaid under this ordinance and all penalties or interest shall constitute a debt to the Town of Yacolt, a municipality, and may be collected by court proceedings the same as any other debt in like amount, but shall be in addition to all other existing remedies.

Section 16. Limitations on Right of Recovery: The right of recovery by the Town from the taxpayer for any tax provided here-under shall be outlawed after the expiration of five (5) calendar years from the date said tax became due. The right of recovery against the Town because of overpayment of tax by any taxpayer shall be outlawed after the expiration of five (5) calendar years from the date such payment was made.

Section 17. Violation - Penalties: Except as otherwise provided within this ordinance, any person, association or organization violating or failing to comply with any of the provisions of this ordinance, upon conviction thereof, is guilty of a misdemeanor, and any person, association or organization so convicted shall be punished by a fine not to exceed five hundred dollars

(\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or both such fine and imprisonment.

Any taxpayer who engages in, or carries on, any gambling activity subject to a tax hereunder, without having complied with the provisions of this ordinance or in violation of any of the provisions of this ordinance, shall be guilty of a violation of this ordinance for each day or portion of such day during which the gambling activity is carried on.

Section 18. Revenue: Any revenue collected from the taxes imposed hereunder shall be used primarily by the Town of Yacolt for the purpose of the enforcement of the provisions of chapter 9.46 RCW, the rules and regulations of the Washington State Gambling Commission, and this ordinance.

Section 19. Severability: If any provisions or section of this ordinance shall be held void or unconstitutional, all other parts, provisions, and sections not expressly so held to be void or unconstitutional shall continue in full force and effect.

APPROVED AND ADOPTED This ____ day of _____, 2019, following publication of the following summary, according to law.

“Town of Yacolt – Summary of Ordinance # _____

The Town Council of the Town of Yacolt adopted Ordinance # ____ At its regularly scheduled Town Council meeting held on _____, 2019. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192.

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

Published this ____ Day of _____, 2019.

Dawn Salisbury, Town Clerk”

**PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof
this ____ day of _____, ____.**

TOWN OF YACOLT

Vince Myers, Mayor

Attest:

Dawn Salisbury, Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # ____ of the Town of Yacolt, Washington, entitled AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192, as approved according to the law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Dawn Salisbury, Clerk

Published: _____

Effective Date: _____

Ordinance Number: _____



Town of Yacolt Request for Council Action

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

Name: Dawn Salisbury **Group Name:**

Address: **Phone:** 360-686-3922

Email Address: dawn.salisbury@townofyacolt.com **Alt. Phone:**

ITEM INFORMATION:

Item Title: Gambling Ordinance

Proposed Meeting Date: 6/3/2019

Action Requested of Council: Discussion Only

Proposed Motion:

Summary/ Background: RCW 9.46 Gambling no longer includes a Class D license. Ordinances 303 and 451 pertaining to gambling are repealed and this new ordinance will take their place with proper terminology.

Staff Contact(s): Dawn Salisbury

ORDINANCE #451

AN ORDINANCE AMENDING ORDINANCE #303.

WHEREAS: The Town Council of Yacolt, Washington, is in regular session this 4th day of June; and

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

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

SECTION 1: Section 4 of Ordinance #303 shall be amended to read as stated in Section 2 below.

SECTION 2: TAXES IMPOSED-AMOUNTS: There is hereby levied a tax upon all persons, associations, and organizations who conduct or operate gambling activities, including bingo games and raffles, amusement games, punch boards and pull-tabs, and social card games as permitted with a Class D License, within the Town of Yacolt, Washington, and who have been duly licensed by the Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

- A. BINGO GAMES AND RAFFLES: Any bingo or raffle, a tax computed at the rate of five percent (5%) of the gross receipts received from the conduct of such activities less the amount awarded as cash or merchandise prizes; provided, however, that no tax shall be imposed under the authority of this Ordinance on bingo games or raffles when such activities or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0209.
- B. AMUSEMENT GAMES: Any amusement game, a tax computed at two percent (2%) of the gross receipts less the amount awarded as prizes; provided, however, that no tax shall be imposed under the authority of this Ordinance on amusement games when such activity is conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0209.
- C. PUNCH BOARD OR PULL-TAB: Any punch board or pull-tab, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; provided, however, that no tax shall be imposed under the authority of this Ordinance on punch boards or pull-tabs when such activities are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.0209.

- D. SOCIAL CARD GAMES AS PERMITTED WITH A CLASS D LICENSE: Any social card games as permitted with a Class D License, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; provided, however, that no tax shall be imposed under the authority of this Ordinance on social card games as permitted with a Class D License when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0209.

SECTION 3: Section 5 of Ordinance #303 shall be amended to read as stated in Section 4 below.

SECTION 4: PROHIBITED GAMBLING ACTIVITIES: All gambling activities within the Town of Yacolt are prohibited with the following exceptions:

- A. Those gambling activities taxed under Section 4 of this Ordinance, including bingo and raffles, amusement games, punch boards and pull-tabs.
- B. All lawful gambling for which no license is required under Chapter 9.46 Revised Code of Washington.
- C. All nonhouse-banked card games as permitted with a Class D License from the Washington State Gambling Commission.
- D. Any other gambling which is lawful by law and which does not require a license under Chapter 9.46 Revised Code of Washington, including but not limited to the Washington State Lottery as defined in Chapter 67.70 Revised Code of Washington.

The Ordinance shall take effect immediately upon adoption and publication according to law.

Passed by the Town Council of the Town of Yacolt, Washington on this 4th day of June, 2007.

AYES Madler, Halyk, Weldon, Stewart

NAYS None

ABSENT Marbut

MAYOR  ATTEST 

I hereby certify that this is a true and correct copy of Ordinance #451 as read before the Council and passed on the date herein mentioned and passed according to law.

ATTEST

4)
renda Finnegan, Clerk/Treasurer

ORDINANCE NO. 303

AN ORDINANCE, relating to gambling; Repealing Ordinance No. ---, - ; providing for the taxation of gambling activities; establishing the rate of taxation; and, imposing penal ties for violation as authorized by RCW 9.46.192.

BE IT ORDAINED, by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1. Repealer: That Yacolt Ordinance -, ----, .-- and any other Yacolt ordinances in conflict herewith are hereby repealed.

Section 2. Adoption by Reference: The following Washington Statutes are adopted by reference as and for a portion of the Gambling Ordinance of this Town as if set forth in full herein:

RCW 9.46.150
RCW 9.46.170
RCW 9.46.185
RCW 9.46.190
RCW 9.46.195
RCW 9.46.196
RCW 9.46.198
RCW 9.46.230(5)
RCW 9.46.240

The amendment, addition or repeal by the Washington Legislature of any Section of any of the adopted Statutes set forth above shall be deemed to amend this Ordinance and the Statutes contained in this Ordinance which are adopted by reference, in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this Town to take any action with respect to such addition, amendment, or repeal.

Section 3. Definitions: For the purposes of this ordinance the words and terms used shall have the same meaning as each has under Chapter 218, Laws of 1973, 1st Ex. Sess. and Chapter 9.46 RCW, each as amended, and under the rules of the Washington State Gambling Commission, Chapter 230 WAC, unless otherwise specifically provided or the context in which they are used herein clearly indicates that they be given some other meaning.

Section 4. Taxes Imposed - Amounts: There is hereby levied a tax upon all persons, associations, and organizations who conduct or operate gambling activities, including bingo and raffle games, amusement games and punch boards and pull-tabs, within the Town of Yacolt, Washington, and who have been duly licensed by the

) Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

- A. BINGO AND RAFFLE GAMES: Any bingo or raffle activity, a tax computed at the rate of ten percent (10%) of the difference between the gross revenue received from the conduct of such activity and the amount paid for or as prizes in the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this ordinance on bingo or raffles when such activity or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.020(3).
- B. AMUSEMENT GAMES: Any amusement game, a tax computed at two percent (2%) of the gross revenue less the amount paid for as prizes; Provided, however, that no tax shall be imposed under the authority of this ordinance on Amusement Games when such activity is conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.020(3).
- C. PUNCH BOARD OR PULL-TAB: Any punch board or pull-tab, a tax computed at the rate of ~~five~~ percent (q %) of the gross receipts from the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this Ordinance on punch boards or pull-tabs when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.020(3).

Section 5. Prohibited Gambling Activities: All gambling and gambling activities within the Town of Yacolt are prohibited with the following exceptions:

- A. Those gambling activities taxed under Section 4 of this Ordinance, including bingo and raffles, amusement games, punch boards and pull-tabs.
- B. All lawful gambling for which no license is required under Chapter 9.46 Revised Code of Washington.
- C. Any other gambling which is lawful by law and which does not require a license under Chapter 9.46 Revised Code of Washington,, including but not limited to the Washington State Lottery as defined in Chapter 67.70 Revised Code of Washington.

Section 6. Tax to Be Computed and Paid Quarterly - Exceptions: Each of the various taxes imposed by this ordinance shall be computed on the basis of activity during each calendar quarter

) year, and shall be due and payable in quarterly installments, and the remittance, together with return forms, shall be made to the Town of Yacolt, Washington, on or before the last day of the month next succeeding the quarterly period in which the tax is accrued: That is on January 31, April 30, July 31, and October 31, of each year; Provided, that the following exceptions to this payment schedule shall be allowed or required:

- A. Whenever any person, association, or organization taxable hereunder, conducting or operating a taxable activity on a regular basis discontinues operation of that taxable activity for a period of more than four (4) consecutive weeks, or quits business, sells out, or otherwise disposes of the business, or terminates the business, any tax due shall become due and payable, and such taxpayer shall, within ten (10) days thereafter, make a return and pay the tax due.
- B. Whenever it appears to the Town of Yacolt that the collection of taxes from any person, association, or organization may be in jeopardy, the Town of Yacolt, after not less than ten (10) days notice to the taxpayer, may require the taxpayer to remit taxes and returns at shorter intervals than quarterly or annually, as the Town of Yacolt shall deem appropriate under the circumstances.
- C. Whenever reports required by the Washington State Gambling Commission under the provisions of RCW 9.46 are required on less than a quarterly basis, any person, association, or organization taxable hereunder shall report to the Town of Yacolt on the same basis.

Section 7. Administration and Collection of Tax: Administration and collection of the various taxes imposed herein shall be the responsibility of the Yacolt Town Clerk/Treasurer, under the supervision of the Mayor and the Town Council. Remittance of the amount due shall be accompanied by a completed return form prescribed and provided by the Town. The taxpayer shall be required to swear, affirm and certify under penalty of perjury under the laws of the State of Washington that the information given in the return is true, accurate, and complete. The Town Clerk/Treasurer is authorized, but not required, to mail to taxpayers the necessary return forms. Failure of the taxpayer to receive such a form shall not excuse a taxpayer from making the return and timely paying all taxes due. The Town Clerk/Treasurer shall make forms available to the public in reasonable numbers at Town Hall during regular business hours.

In addition to the return form, a copy of the taxpayer's quarterly report to the Washington State Gambling Commission

required by WAC 230-08 for the period in which the tax accrued shall accompany remittance of the tax amount due.

Section 8. Method of Payment: Taxes payable hereunder shall be remitted to the Town of Yacolt on or before the time required, by bank draft, certified check, cashier's check, personal check, money order, or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the draft or check is honored in the usual course of business, nor shall the acceptance of any sum by the Town of Yacolt be an acquittance or discharge of the tax unless the amount paid is the full amount due. The return and a copy of the quarterly report to the Washington State Gambling Commission shall be filed in the office of the Town of Yacolt after notation by the office upon the return of the amount actually received from the taxpayer.

Section 9. Failure to Make Timely Payments of Tax or Fee: If full payment of any tax or fee due under this ordinance is not received by the Town of Yacolt on or before the date due, there shall be added to the amount due a penalty fee as follows:

- A. 1 - 10 days late: 5% of tax due
- B. 11 - 20 days late: 10% of tax due
- C. 21 - 31 days late: 15% of tax due
- D. 32 - 60 days late: 20% of tax due

but in no event shall the penalty amount be less than Twenty-Five Dollars (\$25). In addition to this penalty the Town of Yacolt may charge the taxpayer interest of one percent (1%) of all taxes and fees due for each thirty (30) day period, or portion thereof, that said amounts are past due.

Failure to make payment in full of all tax amounts, penalties and interest, within sixty (60) days following the day the tax amount initially became due shall be both a civil and criminal violation of this section.

Section 10. Notice of Intention to Engage in Activity to be Filed: In order that the Town of Yacolt may identify those persons who are subject to taxation under this ordinance, each person, association, or organization shall file with the Town of Yacolt a sworn "Declaration of Intent" to conduct an activity taxable under this ordinance upon a form to be prescribed by the Town of Yacolt together with a copy of the license issued therefor by the Washington State Gambling Commission. The filing shall be made not later than five days prior to conducting or operating the taxable activity or twenty days after the effective

date of this ordinance if the activity is being conducted prior to its adoption. No fee shall be charged for such filing, which is not for the purpose of regulation of this activity but for the purposes of administration of this taxing ordinance only. Failure to timely file shall not excuse any person, association, or organization from any tax liability.

Section 11. Records Required: Each person, association, or organization engaging in an activity taxable under this ordinance shall maintain records respecting that activity which truly, completely, and accurately disclose all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three (3) years. In addition, all information and i terns required by the Washington State Gambling Commission unde WAC 230-08, and the United States Internal Revenue Service respecting taxation, shall be kept and maintained for the periods required by those agencies.

The premises and paraphernalia, and all books, records and other iterns required to be kept and maintained under this section and under RCW 9.46, and any person, association, or organization receiving profits therefrom or having any interest therein, shall be subject to and immediately made available for, inspection and audit at any reasonable time, with or without notice, upon demand by the Town of Yacolt or its designee for the purpose of determining compliance or non-compliance with this ordinance.

A reasonable time for the purposes of this section shall be:

- A. If the items or records to be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or
- B. If the iterns or records to be inspected or audited are not located upon a premises set out in subsection A above, then any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Where the taxpayer does not keep all of the books, records, or i terns required to be kept or maintained under this section in this jurisdiction, the taxpayer shall either:

- A. Produce all of the required books, records, or items within the Town of Yacolt for such inspection within five (5) days following a request of the Town of Yacolt to do so; or

- B. Bear the actual cost of the inspection by the Town of Yacolt or its designee, at the location at which such books, records or items are located, provided that a taxpayer choosing to bear these costs shall pay in advance to the Town of Yacolt the estimated costs thereof, including but not limited to, round trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following said examination of the books, records or items required to be kept or maintained under this Section.

A taxpayer who fails, neglects or refuses to produce such books, records and other items, either within or without this jurisdiction, in addition to being subject to other civil and criminal penalties provided by this ordinance or otherwise, shall be subject to a jeopardy tax assessment by the Town Clerk/Treasurer.

Said jeopardy tax assessment shall be deemed prima facia correct and shall be the amount of fee or tax owing to the Town of Yacolt by the taxpayer unless the taxpayer can prove otherwise by competent evidence. The taxpayer shall be notified by mail by the Town Clerk/Treasurer of the amount of tax so determined by jeopardy tax assessment, together with any penalty and/or interest, and the total of such amounts shall thereupon become immediately due and payable.

Section 12. Overpayment or Underpayment of Tax: If, upon application by a taxpayer for a refund or an audit of his records, or upon any examination of the returns or records by the Town of Yacolt, it is determined that within five (5) years immediately preceeding receipt of the application from the taxpayer for a refund, or an audit, or in the absence of such application, within five (5) years immediately preceeding the commencement by the Town Clerk/Treasurer of such examination:

- A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the Town within such period of five (5) years shall be credited to the taxpayer's account or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed with respect to any excess amounts paid more than five (5) years before the date of such application or examination.
- B. A tax or other fee has been paid which is less than that properly due, or no tax or other fee has been paid, the Town Clerk/Treasurer shall mail a statement to the taxpayer showing the balance due, including the tax amount or penalty assessment and fees, and it shall be a separate, additional violation of the provisions of this ordinance, both civil and

criminal, if the taxpayer fails to make payment in full within ten (10) calendar days of such mailing.

Section 13. Failure to Make Return: If any taxpayer fails, neglects or refuses to make and file his return as and when required under this ordinance, the Town Clerk/Treasurer is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed under the provisions of this ordinance, and shall notify the taxpayer by mail of the amount so determined, which amount shall thereupon become immediately due and payable.

Section 14. Tax Additional to Others: The tax here in levied shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the Town of Yacolt, except as herein otherwise expressly provided.

Section 15. Taxes, Penalties and Fees Constitute Debt to Municipality: Any tax due and unpaid under this ordinance and all penalties or interest shall constitute a debt to the Town of Yacolt, a municipal corporation, and may be collected by court proceedings the same as any other debt in like amount, but shall be in addition to all other existing remedies.

Section 16. Limitations on Right of Recovery: The right of recovery by the Town from the taxpayer for any tax provided hereunder shall be outlawed after the expiration of five (5) calendar years from the date said tax became due. The right of recovery against the Town because of overpayment of tax by any taxpayer shall be outlawed after the expiration of five (5) calendar years from the date such payment was made.

Section 17. Violation - Penalties: Except as otherwise provided within this ordinance, any person, association or organization violating or failing to comply with any of the provisions of this ordinance, upon conviction thereof, is guilty of a misdemeanor, and any person, association or organization so convicted shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or both such fine and imprisonment.

Any taxpayer who engages in, or carries on, any gambling activity subject to a tax hereunder, without having complied with the provisions of this ordinance or in violation of any of the provisions of this ordinance, shall be guilty of a violation of this ordinance for each day or portion of such day during which the gambling activity is carried on.

Section 18. Revenue: Any revenue collected from the taxes imposed hereunder shall be used primarily by the Town of Yacolt

for the purpose of the enforcement of the provisions of chapter 9.46
RCW, the rules and regulations of the Washington State Gambling
Commission, and this ordinance.

Section 19. Severability: If any provisions or section of this
ordinance shall be held void or unconstitutional, all other parts,
provisions, and sections not expressly so held to be void or
unconstitutional shall continue in full force and effect.

PASSED AND APPROVED BY THE TOWN OF YACOLT, WASHINGTON, this 21st
day of June --- 1988.

Section 20 Effective date: This ordinance shall take effect and
be in force October 1, 1988, after its passage and publication as
provided by law.

AYES Councilmembers- Jolma, Messer, Grooms, Alexander

NAYES None

ABSENT NZ

MAYOR

fjjj1 %

ATTEST

Gene Christensen



LOWER COLUMBIA FISH RECOVERY BOARD

2019 BOARD

May 28, 2019

Tom Linde, Chair
Skamania County Citizen Designee

Todd Olson, Vice-Chair
Hydro-Electric Representative

Dennis Weber,
Secretary/Treasurer
Cowlitz County Commissioner

Taylor Aalvik
Cowlitz Indian Tribe

Mike Backman
Wahkiakum County Commissioner

F. Lee Grose
Lewis County Citizen Designee

Richard Mahar
Skamania County Commissioner

Hal Mahnke
Cowlitz County Citizen Designee

Gary Medvigy
Clark County Councilor

Gary Stamper
Lewis County Commissioner

Don Swanson
SW WA Environmental
Representative

Dean Takko
WA State Senate

Olaf Thomason, Sr.
Wahkiakum County
Citizen Designee

Jade Unger
Clark County Citizen Designee

Open
SW WA Cities
Representative

~~

Steve Manlow
Executive Director

Dear Southwest Washington Mayors and Interested Parties,

The Lower Columbia Fish Recovery Board (Board) invites the cities and towns in southwest Washington to elect a representative to the Board. State law provides for one Board member to be selected from among the cities within the Lower Columbia salmon recovery region. Your representative should be willing and able to represent the interests of all the region's cities as we work toward recovering our salmon and steelhead to healthy, harvestable levels.

The LCFRB encompasses five counties, including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum, and is led by a 15-member Board established by RCW 77.85. The Board leads the coordinated implementation of locally-driven salmon recovery and watershed management plans designed to restore at-risk fish populations, and ensure our communities have clean water and healthy watersheds into the future. We need your help to ensure our cities' voices are heard.

Since its inception in 1998, the Board has secured over \$84 million in local, state and federal grant awards to help local jurisdictions and volunteer organizations implement watershed restoration projects. Project sponsors have matched these grants with over \$32 million in cash and in-kind contributions. To date, we have seen more than 450 projects implemented, and they are making a substantial impact on watershed health.

If you would like additional information on the LCFRB's program, Board member Dennis Weber (past cities' representative and current commissioner representative) is available to answer your questions. Feel free to contact him at (360) 577-3020 or weberd@co.cowlitz.wa.us. You may also wish to review the Board's website at www.lcfrb.gen.wa.us.

If you would like to nominate a mayor, city council member, or other city representative, please submit the person's statement of interest and a brief background to info@lcfrb.gen.wa.us. Self-nomination is also acceptable. We would appreciate receiving nominations by June 21, 2019. Once nominations have closed, we will be in touch with you to coordinate the election ballot process.

My sincere thanks for your help in this important matter.

Tom Linde
Chairman, LCFRB
Skamania County Citizen Representative

Cc: Board member Weber, Cowlitz County Commissioner



Town of Yacolt Request for Council Action

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

Name: Dawn Salisbury **Group Name:**
Address: **Phone:** 360-686-3922
Email Address: dawn.salisbury@townofyacolt.com **Alt. Phone:**

ITEM INFORMATION:

Item Title: Town Hall and Park Facilities Use
Proposed Meeting Date: 6/3/2019
Action Requested of Council: Discussion only
Proposed Motion:
Summary/Background: Amending Resolution 469 and creating a Facilities Use Policy and updating fees
Staff Contact(s): Dawn Salisbury

Resolution ____

A RESOLUTION AMENDING RESOLUTION 469, ESTABLISHING THE TOWN HALL
AND PARKS FACILITIES USE POLICY AND ADOPTING THE RENTAL FEE SCHEDULE
FOR TOWN FACILITIES

WHEREAS: the Town of Yacolt Town Hall and Park Facilities that is used to hold meetings and other special events; and

WHEREAS: the Town frequently receives requests from various groups and organizations to use those facilities; and

WHEREAS: Town business is a priority, coordination of facility use is important to balance facility use for Town business and non-Town use; and

WHEREAS: use of the Town's facilities would work most effectively and fairly by establishing uniform procedures for application and authorization of their use

NOW, THEREFORE, THE TOWN OF YACOLT, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town of Yacolt hereby adopts the Facilities Use Agreement, attached hereto as Exhibit A, establishing and outlining the procedures and authorization for use of the Town Hall Buildings; and

Section 2. Town staff are hereby authorized to take all steps necessary to successfully implement and enforce the Facility Use Agreement; and

Section 3. The Town of Yacolt hereby adopts the following fee schedule for use of the Town Facilities:

Town Hall:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$10.00
- d. Kitchen Use = \$25.00
- e. After Hours Lock up Fee = ~~\$15.00~~ **\$25.00**

Town Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$10.00

Recreation Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$20.00

Section 4. The Town of Yacolt reserves the right to waive any portion of the above fee schedule for non-profit organizations and when presented prior to the use of the facility, reasons the fee would create a hardship and or be burdensome, in a regularly scheduled meeting.

Adopted by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this ??? day of ????, 2019.

Town of Yacolt

Vince Myers, Mayor

Attest:

Dawn Salisbury, Town Clerk

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

POLICY REGARDING FACILITIES AND PARKS USE

To establish guidelines for the use of the Town Hall and Park Facilities

POLICY APPLICATION

This policy applies to all Town of Yacolt Town Hall and Park Facilities

POLICY

The Town of Yacolt wishes to encourage use of Town of Yacolt facilities by the community as long as use is lawful purpose and does not interfere with the conduct of the Town of Yacolt programs, the primary purpose of which the buildings and grounds are intended. Community use of facilities is subject to the terms of Town of Yacolt's Rental Facilities Rules and Regulations and the current schedule of user fees. Funds may be charged for use of Town Hall and Park facilities to ensure that funds are intended for the promotion of community services and are not used for other purposes. Permission to use a particular facility may be denied based on a belief that the activity proposed may not be in the Town of Yacolt's interests, or due to the level of previously scheduled use. No person shall be denied the full enjoyment of the facilities because of race, creed, color, sex, religion or national origin.

Town of Yacolt

Vince Myers, Mayor

Town of Yacolt Facilities Use Fees

All facilities including Town

Hall, Town Park and

Recreational Park

Title	Old Fee	New Fee
Recreation Park		
Rental	\$10.00 per Hour	\$20.00 per hour
Damage Deposit - Refundable	\$100.00	
Cleaning Deposit - Refundable	\$35.00	

Recreation Park

Rental	\$10.00 per Hour
Damage Deposit - Refundable	\$100.00
Cleaning Deposit - Refundable	\$35.00

Town Hall

Title	Fee	
Kitchen Use	\$25.00	
After Hours Lock-up Fee	\$15.00	\$25.00
Damage Deposit - Refundable	\$100.00	
Cleaning Deposit - Refundable	\$35.00	