



Town of Yacolt
Town Council Agenda
Monday, December 03, 2018
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 11-19-18 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.](#) Business License Ordinance # 571
- [3.](#) Business License Resolution # 574
4. Dennis Chrisman 305 N Pine- Update on property clean up
5. RFP for Legal Services - Update
6. Building Inspector RFP-Update

New Business

- [7.](#) Approve Budget Ordinance 572
- [8.](#) Approve Resolution 578 Comprehensive Growth Plan Periodic update
- [9.](#) Washington Paid Family and Medical Leave Program

Public Works Department Report

Town Clerk's Report

10. Toy Drive at Fire Station from November 15 to December 13th.

Council's Comments

Mayor's Comments

Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
Town Council Minutes
Monday, November 19, 2018
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 Tami Bryant

Council Member Amy Boget

Council Member Malita Moseley

Council Member Herb Noble

Council Member Rhonda Rowe-Tice

Public Works Director Bill Ross

Clerk Dawn Salisbury

Late Changes to the Agenda

Move item 14 to item 8A under new business and add CTRAN interlocal to item 7A under old business.

Minutes of Previous Meeting(s)

Approve 11-5-18 meeting minutes

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

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

Citizen Communication

Kyle Rose with NCLL supplied field use schedule. Replace scoreboards field 2 & 3 and new board for field 1. Have not heard from KWRL. Field clean up 3/9/18 @ 10 am.

Old Business

2. Business License Ordinance # 571- tabled till 12/3/18
3. Business License Resolution # 574 - Tabled till 12/3/18

4. Nuisance Letters - Update 407 E Jones, 404 E Jones, 110 S Pine, and 105 W Yacolt Rd.

No certified mail receipts returned. Will look into hand delivering letters by process server or sending priority mail.

5. Dennis Chrisman 305 N Pine- Update on property clean up

Hasn't shown up to last 3 meetings. Clerk to call to inform of fines starting and scheduling him for next meeting.

6. Approve Yacolt Trading Post Liquor License Renewal

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

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

7. RFP for Legal Services - Update

Mailed RFP to 14 law firms. Advertising in Reflector and Columbian for next 3 weeks.

- 7A. CTRAN Interlocal - Approve CTRAN Interlocal

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

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

Voting Nay: Council Member Boget

New Business

- 8A. Public Hearing for Periodic update Checklist of Yacolt's Comprehensive Growth Plan and 2019 Tax Levys.

Mayor Myers opened public hearing at 7:45 pm. Shaun Ford with Fire District 13 presented Yacolt EMS levy certification for approval. Updated that fire district levy passed, ordered new scba's and receiving new fire truck next year. District received good audit. No open burning allowed in town.

Mayor Myers presented Towns levy certification and resolutions for review. Mayor Myers presented Comprehensive growth plan update to council. No comments from public or council on either matter. Mayor Myers closed public hearing at 8:00 pm.

8. Approve EMS Levy Resolution 577

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

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

9. Approve Levy Resolution 576

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

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

10. Engineering Services RFQ

Approve to extend Jackson Engineering Contract till 6/30/2019.

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

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

11. Approve Resolution 573 repealing Resolution 521

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

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

12. Approve Resolution #575

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

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

13. Building Inspector RFP

Approve Building Inspector RFP - after adding insurance clause to RFP listing.

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

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

Public Works Department Report - Jerry Smith donated brand new snow blower to town. To check into Centurylink not providing service to Yacolt Crossings. Working with Dave Josephson on library awning. Working with Devin on plan to use inmates on Hoag CDBG project.

Town Clerk's Report - spoke with auditor. Getting nice management letter and no findings. Should have exit interview next week. Creating newsletter to get word out about feral cat issue and to let residents know about snow removal. Asked for volunteers to decorate for Christmas next week.

Council's Comments - None

Mayor's Comments - Invited all mayors to our tree lighting ceremony. Payton May Miss Clark County Outstanding teen will be at tree lighting.

Approve to Pay Bills on Behalf of the Town

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

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

001 Current Expense	\$19,656.28
101 Streets	\$6,358.54
103 Cemetery	\$178.20
403 Storm Water	<u>\$963.24</u>
	\$27,156.26

Claims:

Check # 16691 – 16700	\$18,901.60
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Payroll:	\$ 8,254.66
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Adjourn

Mayor Myers adjourned meeting at 8:31 pm

Vince Myers, Mayor

Dawn Salisbury, Clerk

ORDINANCE # 571

AN ORDINANCE RELATING TO BUSINESS LICENSES AND REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCES #402 AND #526

WHEREAS: The Town Council of Yacolt, Washington, is in regular session this 3rd day of December, 2018; and

WHEREAS, each member of the Town Council has had notice of time, place and purpose of said meeting; and

WHEREAS, The Town Council desires to repeal the Town of Yacolt's Business License Ordinances, Ordinance # 402 and Ordinance # 526.

WHEREAS, ESHB 2005, enacted by the 2017 Legislature, requires local governments to review their business license regulations to address entities with certain limited business connections to a jurisdiction, but no physical presence or contact; and

WHEREAS, the State of Washington operates a cooperative Business Licensing Service on behalf of local governments in the state as a centralized business license registration and fee collection service for local governments, which can facilitate business registration for out-of-state business entities wishing to conduct business in jurisdictions throughout the state; and

WHEREAS, The Town of Yacolt has the authority pursuant to RCW 35.27.370(14) to impose fines, penalties and forfeitures for any and all violations of ordinances, and to provide that violations of ordinances constitute a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation; and

WHEREAS, The Town of Yacolt has the authority pursuant to RCW 35.27.370(9) to license, for purpose of regulation and revenue, all kind of businesses, authorized by law and transacted or carried on in the Town;

WHEREAS, The Town Council is of the opinion that it would be in the best interest for the Town to adopt this Ordinance; and

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

SECTION 1: Repeal Ordinances # 402 and # 526.

Ordinances # 402, adopted October 16, 2000 and Ordinance # 526, adopted January 20, 2015, are hereby repealed in their entireties.

Section 2: Adoption.

The provisions set forth in Exhibit A attached hereto and incorporated herein by reference are adopted by the Town of Yacolt Town Council

SECTION 3: Severability.

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

APPROVED AND ADOPTED This 3rd day of December, 2018, upon publication of the following summary, according to law.

Town of Yacolt – Summary of Ordinance # 571

The Town Council of the Town of Yacolt adopted Ordinance # 571 at its regularly scheduled Town Council meeting held on December 3rd, 2018. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE RELATING TO BUSINESS LICENSES AND REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCES #402 AND #526.

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 _____, 2018.

Dawn Salisbury, Town Clerk

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 3rd^h day of December, 2018.

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 # 571 of the Town of Yacolt, Washington, entitled AN ORDINANCE RELATING TO BUSINESS LICENSES AND REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCES #402 AND #526 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: December 3rd, 2018

Ordinance Number: 571

Exhibit A

Business Licenses

SECTION 1: Exercise of revenue license power.

For the Town of Yacolt to carry out its duties delegated to it by the laws of Washington State, maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the Town is necessary and essential for the protection of public health, safety and welfare.

SECTION 2: Definitions.

In construing the provisions of this chapter, except when otherwise declared or clearly apparent from context, the following definitions shall be applied:

A. “Canvasser” means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for the sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not the individual has carries, or exposes for sale an example of such subject of such orders. Such definition shall include any person who for himself, or for another person, firm or corporation, hires, leases or occupies any building, motor vehicle, trailer, structure, apartment, shop, or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

B. “Engaging in business” means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

1. This section sets forth examples of activities that constitute engaging in business in the Town, and establish safe harbors for certain of those activities so that a person who meets certain criteria may engage in de minimus business activities in the Town without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in this subsection. If an activity is not listed, whether it constitutes engaging in business in the Town shall be determined by considering all the facts and circumstances and applicable law.
2. Without being all inclusive, any one of the following activities conducted within the Town by a person, or its employee, agent, representative, independent contractor,

broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

- a. Owning, renting, leasing maintaining, or having the right to use, using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the Town.
- b. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the Town.
- c. Soliciting sales.
- d. Making repairs or providing maintenance or service to real or tangible property, including warranty work and property maintenance.
- e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
- f. Installing, construction, or supervising installation or construction of, real or tangible personal property.
- g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
- h. Collecting current or delinquent accounts.
- i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
- j. Providing disinfecting and pesticide control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including listing of homes and maintaining real property.
- k. Rendering personal services such as those provided by accountants, architects, attorneys, auctioneers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
- l. Meeting with customers, potential customers, even when no sales or orders are solicited at the meetings.
- m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the Town, acting on its behalf, or for customers or potential customers.
- n. Investigating, resolving, or otherwise assisting in resolving customer complaints.
- o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale or delivery of goods took place.
- p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

3. The Town expressly intends that engaging in business include any activity sufficient to establish nexus for the purpose of applying the license fee under the law and constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

C. "Hawker" means every person, either as principal or agent, selling or offering for sale any goods, wares, or merchandise, articles, things, or personal property of whatsoever nature or description, by peddling the same from house to house, upon any street, highway, or public place, who shall make public outcry or give any musical or other public entertainment or make any public speech to draw customers or attract notice is hereby defined to be a hawker.

D. "Peddler" means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

E. "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, company, firm, co-partnership, joint venture company, joint stock company, business trust, corporation, association, or any group of individuals acting as a unit. It shall not include clubs, fraternities or any other type of association of a benevolent, charitable, religious or fraternal nature, nor shall it include any public or private school or members of associations thereof.

F. "Taxpayer" includes any individual, group of individuals, corporations or associations required to have a business license hereunder, or liable for any license fee, or for the collection of any license fee hereunder or who engages in any business, or who performs any act, service, or labor receiving wages, salary, commissions or other compensation having monetary value.

G. "Town" means Town of Yacolt.

H. "Transient Merchant" means any person, firm or corporation whether as owner, agent, consignee, or whether a resident of the Town of Yacolt or not, who engages in a temporary business of selling, delivering goods, wares and merchandise within said Town, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, apartments, shops, or any street, alley, or other place within the town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who while occupying such temporary location, does not sell from stock, but exhibits examples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant,

or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

I. Words in the singular shall include the plural, and the plural shall include the singular. Words in one gender shall include all other genders.

SECTION 3: Exemptions.

The provisions of this ordinance shall not apply to:

- A. Persons selling personal property at wholesale to dealers;
- B. Newspaper delivery people;
- C. Merchant or their employees delivering goods in the regular course of business;
- D. Persons conducting garage sales;
- E. Sales or solicitations conducted by a charitable, religious, patriotic or philanthropic organization; provided, however, that such organization, association or corporation shall furnish all of its members, agents and representatives conducting solicitation credentials, stating the name of the organization, the name of the agent and the purpose of the solicitation.
- F. To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this section:
 - 1. Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000.00, and who does not maintain a place of business within the Town, shall be exempt from the general business license requirements in this section. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.
 - 2. If a person, or its employees, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the Town but the following, it need not register and obtain a business license.
 - a. Meeting with suppliers of goods and services as a customer.
 - b. Meeting with government representatives in their official capacity other than those performing contracting or purchasing functions.
 - c. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in

connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

- d. Renting tangible or intangible property as a customer when the property is not used in the Town.
- e. Conducting advertising through the mail.
- f. Soliciting sales by phone from a location outside the Town.

3. A seller located outside the Town merely delivering goods into the Town by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the Town. Such activities do not include those in subsection 2.

SECTION 4: Business license required.

- A. No person shall engage in any retail business or home business activity in the Town without first having obtained, and being the holder of, a valid and existing license to do so, to be known as a business license, issued under the provisions of this chapter as hereafter provided, without paying the license fee as set forth in The Town's fee schedule for Business License issuance. Such business licenses issued will expire one (1) year from the date it was issued, and a new business license shall be required for each ensuing year. Business licenses that are continually renewed on or before the anniversary date of the original issuing date shall be charged a renewal fee as set forth in the Town's Fee Schedule for Business License Issuance. A Peddler's licenses shall expire at the end of the day on the date the license was issued and is not renewable. A separate peddler's license is required for each day persons are conducting business. Application for the license shall be made to and issued by the Clerk of the Town.
- B. The license shall be personal and non-transferable. In case the same type of business is transacted under the same business name at two or more separate places by one taxpayer on a permanent basis, a separate license for each place at which business is transacted with the public shall be required, but for such additional license no additional fee shall be required. Each license shall be numbered, shall show the name, place and character of the business of the taxpayer, and such other information as the Clerk of the Town deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued. If the place of business of the taxpayer is changed, the taxpayer shall return to the Clerk of the Town and a new license shall be issued for the new place of business free of charge.

- C. No person to whom a license has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required to operate under or display such license.

SECTION 5: Additional license fees.

The license fees herein levied shall be additional to any license fee imposed or levied under any law or any other ordinance of the Town except as herein otherwise expressly provided.

SECTION 6: Violations – Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00) plus legal fees.

SECTION 7: Method of business license payment.

The license fee payable under this Ordinance shall be paid to the Town Clerk by certified check, cashier's check, personal check, money order or credit card. If payment is made by check, the fee shall not be deemed paid unless the draft or check is honored in the usual course of business; nor shall the acceptance of any sum by the Clerk to be a quittance or discharge of the fee due unless the amount of the payment is the full and actual amount due. The Clerk is authorized, but not required, to mail to persons forms for application for the license, but failure of the person to receive any such forms shall not excuse him from making application for and securing the license required as due under this chapter.

SECTION 8: Sale or transfer of business.

Upon the sale or transfer during any calendar year of a business on account of which a license fee is required by this Ordinance, the original license will be invalid and the purchaser or transferee shall be responsible for obtaining a new license.

SECTION 9: Fee constitutes debt.

Any license fee due and unpaid under this Ordinance, and all penalties thereon, shall constitute a debt to the Town and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

SECTION 10: License Revocation.

The Town Council may revoke the license issued to any person who is in default of any payment of license fee hereunder, or who shall fail to comply with any provisions of this chapter. Notice of such revocation shall be mailed to the person by the Clerk, and on and after the date thereof any such person who continue to engage in business shall be deemed to be operating without a license and shall be subject to any and all penalties herein provided.

SECTION 11: Notices.

Any notice required by this chapter to be mailed shall be sent by ordinary mail, addressed to the address of the person or taxpayer shown by the records of the Town Clerk, or if no such address is shown, to such address as the Town Clerk is able to ascertain by reasonable effort. Failure of the person or taxpayer to receive such mailed notice shall not release the taxpayer from any license fee or penalties thereon, nor shall such failure to operate to extend any time limit set by the provisions of this chapter.

Exhibit A

Fee Type	Fee Description	2018 Fee
Business License	New or Expired License	\$ 50.00
Business License	Yearly Renewal	\$ 45.00
Peddler's License	Daily (New License for each day)	\$ 5.00

RESOLUTION # 574

A RESOLUTION OF THE TOWN OF YACOLT, WASHINGTON, ADOPTING A TOWN POLICY AND FEE SCHEDULE FOR THE TOWN OF YACOLT BUSINESS LICENSE ISSUANCE

WHEREAS, The Town Council of the Town of Yacolt, Washington is in regular session this 3rd day of December, 2018; and

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

WHEREAS, It is important to have clear policies in place, detailing the guidelines for the appropriate and consistent fees charged for services by the Town of Yacolt, for issuance of business licenses on behalf of the Town of Yacolt; and

WHEREAS, the Town Council wishes have a clear policy in effect for operation of the Town of Yacolt business license issuance; and

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Yacolt, Washington do hereby adopt the Res # 574 Business License fees as follows;

SECTION 1:

The business license fee imposed by Ordinance # 571. The sum in Exhibit A shall accompany the application for the business license.

SECTION 2:

The license fee payable under Ordinance # 571 shall be paid to the Town Clerk by certified check, cashier's check, personal check, money order or credit card. If payment is made by check, the fee shall not be deemed paid unless the draft or check is honored in the usual course of business; nor shall the acceptance of any sum by the Clerk to be a quittance or discharge of the fee due unless the amount of the payment is the full and actual amount due. The Clerk is authorized, but not required to, mail to persons forms for application for the license, but failure of the person to receive any such forms shall not excuse him from making application for and securing the license required as due under Ord # 571.

SECTION 3:

This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

Resolved by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 3rd day of December, 2018.

APPROVED this 3rd day of December, 2018

Town of Yacolt

Vince Myers, Mayor

Attest:

Dawn Salisbury, Town Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published: N/A

Effective Date: _____, 2018

Town of Yacolt
2019 BUDGET ORDINANCE

Ordinance # 572_____

An ordinance adopting the budget for the Town of Yacolt, Washington, for the fiscal year ending December 31, 2019.

WHEREAS, the mayor of the Town of Yacolt, Washington completed and placed on file with the clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of the Town of Yacolt for the fiscal year ending December 31, 2019, and a notice was published that the council of Yacolt would meet on the 30th day of October 2018 and the 14th day of November, 2018 at the hour of 5:30 p.m., at the council chambers in the Town Hall of Yacolt, WA. for the purpose of making and adopting a budget for said fiscal year 2019 and giving taxpayers within the limits of said city an opportunity to be heard upon said budget; and

WHEREAS, the Town Council did meet at said time and place and did then consider the matter of said proposed budget, wages and benefits see Exhibit A and B attached; and

WHEREAS, the proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the Town of Yacolt for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said city for said year and being sufficient to meet the various needs of said city during said period.

NOW, THEREFORE, the Town Council of the Town of Yacolt do ordain as follows:

Section 1. The budget for the Town of Yacolt, Washington, for the year 2019 is hereby adopted at the fund level in its final form and content as set forth in the document entitled Town of Yacolt Budget 2019, three copies of which are on file in the Office of the Clerk.

Section 2 Estimated resources for each separate fund of the Town of Yacolt, and aggregate expenditures for all such funds for the year 2019 are set forth in a summary form below, and are hereby appropriated for expenditure at the fund level during the year 2019 as set forth in the Town of Yacolt 2019 Budget

<u>Fund</u>	<u>Estimated Expenditures</u>
001 General	520,250
002 Reserve	123,000
101 Street	278,650
105 REET	20,000
103 Cemetery	6,250
114 Park Impact	2300
115 Transportation Impact	2750
403 Storm Water	52,550
Total	732,600

Section 3. The Town clerk is directed to transmit a certified copy of the budget hereby adopted to the State Auditor's Office and to the Association of Washington Cities.

Section 4. This ordinance shall be in force and take effect five (5) days after its publication according to law. Passed by the council and approved by the mayor this 3rd day of December, 2018.

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

Published this _____ day of December 2018.

Dawn Salisbury, Town Clerk

Signed _____
Vince Myers, Mayor

Attest _____
Dawn Salisbury, Town Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # 572 of the Town of Yacolt, Washington, entitled AN ORDINANCE ADOPTING THE BUDGET FOR THE TOWN OF YACOLT, WA. FOR THE FISCAL YEAR ENDING DECEMBER 31ST, 2019 as approved according to the law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Dawn Salisbury, Clerk

Published: _____

Effective Date: _____

Ordinance Number: _____

Wage Schedule 2019 Exhibit A

Public Works Director	\$52,000 per year / \$4333.34 per month**
Town Clerk	\$45,760 per year / \$3813.33 per month**
Maintenance Supervisor	\$41,600 per year / \$3466.67 per month **
Assistant Clerk	\$15.00 per hour @ 32hrs per week/\$2080 per month**

**** Hours may vary plus due compensation for additional hours worked including overtime ****

Yacolt contracts with Larch Correctional Facility for inmate labor to assist in projects/ clean up as needed

Exhibit B 2019 Town Paid Benefits

Employees Class

Medical, Dental, Vision total per month \$4324.87	Full Time 40 hrs/Part Time Permanent 32 hrs
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*** Employees to contribute 10% of Medical Benefits Cost per payroll**

***Does not reflect retirement contributions, or other state mandated deductions**

Distribution of payroll and benefits are to multiple funds.

RESOLUTION # __578__

A RESOLUTION OF THE TOWN OF YACOLT, WASHINGTON COMPLETING THE 2016 PERIODIC UPDATE OF THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS AS REQUIRED BY RCW 36.70A.130.

Whereas, the Town of Yacolt is required to plan under the Growth Management Act, Chapter 36.70A, and RCW 36.70A.130(5) requires the Town to take legislative action to review, and if needed, revise the Growth Management Plan and Development Regulations at least every eight years, and

Whereas, the Town of Yacolt has undertaken such update as set forth in Resolution # 497, passed August 19, 2013, and

Whereas, the Town of Yacolt is required to take action by June 30, 2016 in order to maintain compliance with the Growth Management Act, and

Whereas, Yacolt's Planning Consultant proposed updates to the Comprehensive Plan necessary to comply with RCW Chapter 36.70A and the Town Council met to review and discuss the proposed updates at a series of meetings, including a public hearing on the __19th__ day of __November__, __2018, and

Whereas, the Town Council passed Resolution # 497 on August 19th, 2013 and forwarded to the Department of Commerce for 60 day review as require by RCW 36.70A.106, and

Whereas, the Town of Yacolt Town Planning Consultant completed the checklist from the Department of Commerce reviewing the development regulations for consistency with changes in state law and the Comprehensive Plan and concluded that the development regulations currently in effect comply with RCW 36.70A.

Now, therefore, the Town Council of the Town of Yacolt, Washington does hereby resolve as follows:

Section 1:

The Council affirms that Yacolt's existing Municipal Code 17.050.010, RCW 58.17.140, and RCW 58.17.170 serve to implement the Comprehensive Plan; and

The Council affirms that when projects come up the Town will update the Comprehensive Plan accordingly

Section 2: If any provision of the Resolution and/or the resolutions previously adopted and referred to herein are determined to be invalid or unenforceable, the remaining

provisions of the Resolution shall remain in force and affect as well as the resolution referred herein.

PASSED IN REGULAR AND OPEN MEETING this __3rd__ day of December, 2018.

Vince Myers, Mayor

Attest

Dawn Salisbury, Clerk

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____



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: Washington Paid Family and Medical Leave Program

Proposed Meeting Date: 12/3/2018

Action Requested of Council: 1. Businesses with fewer than 50 employees are exempt from the employer portion of the premium. Employers must still remit the employee portion of the premium, and the employees are fully eligible to receive paid leave. **Small business employers may withhold the employee share of the premium or opt to cover that premium as an added benefit**

Proposed Motion: Decide What share the Town may opt to cover.

Summary/
Background:

Staff Contact(s): Dawn Salisbury

PREPARE TO BE THERE FOR CARE

WASHINGTON'S NEW PAID FAMILY & MEDICAL LEAVE PROGRAM

EMPLOYER TOOLKIT

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About this toolkit

This toolkit is intended to help anyone with employees in Washington know how to prepare for this new program and to help you inform your employees about what to expect.

Some program details are still under development, so this toolkit will be updated to reflect the most current information available. Check back on the following dates to get the newest version.

UPDATE SCHEDULE

~~Version 1.1: October 25, 2018~~

Version 2.1: November 14, 2018

Version 3.1: December 5, 2018

We are committed to giving you accurate information and the best tools we have as soon as they are available. Please go to www.paidleave.wa.gov for updates, and check the file name in the footer of this document to make sure you're looking at the most current version.

Stay informed and get involved

1. Explore our website (www.paidleave.wa.gov).
2. Connect with us. Sign up for our listserv (bit.ly/paidleavelist) and follow us on social media (@PaidLeaveWA on Facebook, Twitter and Instagram).
3. Get involved in rulemaking; It will be ongoing through 2019. Details at paidleave.wa.gov/rulemaking.

About the program

We know that the most important things in life happen outside the workday. People we care about become ill. Families welcome new members. Big moments that require extra attention come along for all of us.

Support in these times means we can be stronger both at home and at work. Paid Family and Medical Leave is an essential benefit that strengthens companies by ensuring every employee can take paid time for care when needed. This new statewide insurance program will make Washington an even better place to live, work and do business.

In 2020, our program will be the strongest in the nation and a model for other states looking to implement this benefit.

To build the program, requirements for employers begin on Jan. 1, 2019.



Employer responsibilities

Which employers and employees does this involve?

Almost every Washington employer must participate in this program, and almost every Washington employee will be eligible to receive benefits. This includes businesses of all sizes and non-profits, charities and faith organizations. If you are a public or private business with even one employee in Washington, you'll very likely be a part of Paid Family and Medical Leave.

Exceptions are:

- Federally recognized tribes (may opt in)
- Federal employees
- Self-employed individuals (may opt in)
- Some employees subject to collective bargaining agreements (see below)

How is the program funded?

A shared premium of 0.4% of employee wages will fund the program (learn more on page 8).

What do employers need to do?



Starting in 2019, employers must:

- Report employee wages, hours, and more to ESD (learn more on page 9).
- Collect premiums from employee paychecks and remit them to the Employment Security Department.
- Provide notice of this program to employees.

Washington Paid Family & Medical Leave

Self-employed individuals and federally recognized tribes are not required to participate in Paid Family and Medical Leave but may opt in to the program to receive access to benefits.

How do existing collective bargaining agreements figure in?

Employers and employees subject to collective bargaining agreements (CBAs) that were in existence on or before Oct. 19, 2017, are not subject to the rights or responsibilities of Paid Family and Medical Leave – including the withholding of premiums and the reporting requirements – until the agreement is reopened, renegotiated, or expires. Employers and employees covered under CBAs negotiated after Oct. 19, 2017, are in the program and subject to the program’s requirements.

What about small businesses?

Unlike the federal unpaid Family and Medical Leave Act (FMLA), small businesses are required to participate in this program. However, there is financial help for small business built into the program:

1. **Businesses with fewer than 50 employees are exempt from the employer portion of the premium.** Employers must still remit the employee portion of the premium, and the employees are fully eligible to receive paid leave. Small business employers may withhold the employee share of the premium or opt to cover that premium as an added benefit.
2. **Small business assistance grants are available to employers with 150 or fewer employees.** These grants provide up to \$3,000 to help cover costs associated with employees on leave. An employer may apply for up to 10 of these grants each year, with one per employee on leave. Employers with fewer than 50 employees that opt to pay the employer portion of the premium can also be eligible for these grants.

How is business size calculated?

Under current proposed rules, business size for early 2019 will be calculated using the headcount from your first quarter report (Jan – March). Size is not calculated by FTE positions. Starting Sept. 2019, business size will be averaged on an annual basis. For more information, go to www.paidleave.wa.gov/employers.

Can I opt out?

Starting Jan. 1, 2020, all eligible employees in Washington must have access to paid family and medical leave benefits either through the state program or an employer-funded program. Employer-funded programs are called voluntary plans, and may be provided for

Washington **Paid Family & Medical Leave**

family leave, medical leave, or both. The benefits offered to employees under a voluntary plan must meet or exceed the benefits of the state plan. To get more information about voluntary plans and whether it is right for your business, download the voluntary plan guide at www.paidleave.wa.gov/employers.

The voluntary plan application is available at www.paidleave.wa.gov/voluntary-plan-application.

How does Paid Family and Medical Leave work with FMLA?

When a qualifying event is covered by both Paid Family and Medical Leave and FMLA, the leave available in both programs is taken concurrently, unless the employer permits otherwise.

More rules about the interaction of Paid Family and Medical Leave and other leave programs will be developed throughout 2019.

Premiums

Employers start collecting premiums for Paid Family and Medical Leave on Jan. 1, 2019.

For 2019, the premium is 0.4% of each employee's gross wages, minus tips. Detailed information on calculating premiums, including a calculator you can use to estimate your premiums, is available on our website at www.paidleave.wa.gov/employers.

Here is how you calculate the premium:

Step One

Calculate the total premium amount for each of your employees.
The premium for 2019 is 0.4% of an employee's gross wages, so:



$$\text{Gross Wages} \times .004 = \text{Total Premium}$$

Step Two

Calculate the employee and employer shares. Under the law, employers may split the cost of the program with employees by withholding up to 63% of the premium.



$$\text{Total Premium} \times .6333 = \text{Maximum Employee Share}$$



$$\text{Total Premium} \times .3667 = \text{Minimum Employer Share}$$

All employers may either withhold employees' premiums from their paychecks or pay some or all of the premium on their employees' behalf. Employers who choose to withhold premiums from their employees may withhold up to 63% of the total premium. The employer is responsible for paying the other 37%. Employers will remit premiums to ESD on a quarterly basis starting April 2019.

Important details:

- "Gross wages" are pre-tax wages, minus tips.
- Premiums should be withheld with each paycheck. Employers cannot collect missed premiums in later pay periods.
- If you are using a voluntary plan for family or medical leave, your calculations may be different. Visit www.paidleave.wa.gov/voluntary-plans for more.

Washington Paid Family & Medical Leave

- Premium withholdings are capped at the Social Security cap, which is updated annually. It is \$132,900 for 2019.
- Businesses with fewer than 50 employees are required to participate in this program, although they are not required to pay the employer portion of the premium. Small businesses are required to either collect and remit their employees' premiums or pay their employees' premiums on their behalf.

Reporting

Starting in 2019, employers will be required to report employee information to ESD quarterly. The first report will be due April 30 and you should begin tracking your employees' hours and wages on Jan. 1, 2019.

Reporting fields

- UBI number
- Business name
- Total premiums collected from employees
- Name of the report preparer

Then, for each employee:

- SSN or ITIN
- Last name
- First name
- Middle initial
- Hours worked in the reporting quarter
- Wages paid in the reporting quarter

Reporting periods follow calendar quarters and are aligned with the reporting periods for Unemployment Insurance.

Reporting quarter	Report due
January, February, March	April 30
April, May, June	July 31
July, August, September	October 31
October, November, December	January 31

Reporting process

In April 2019, employers will submit employee hours, wages and more for the first time. The process is currently in development and we plan to make it like reporting for Unemployment Insurance. However, it will be a separate report from Unemployment Insurance and other state programs.

We expect most employers will submit reports online through our employer account management system. Bulk filing and paper reporting options will both be available.

About the benefit

Paid Family and Medical Leave allows employees to take up to 12 weeks, as needed, if they:

- Welcome a child into their family (through birth, adoption or foster placement).
- Experience a serious illness or injury.
- Need to care for a seriously ill or injured relative.
- Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

If employees face multiple events in a year, they may be eligible to receive up to 16 weeks, and up to 18 weeks if they experience a serious health condition during pregnancy that results in incapacity.

Employer readiness checklist

FALL 2018

- ☐ Review our Voluntary Plan Guide (www.paidleave.wa.gov/employers), participate in a webinar, and decide whether a voluntary plan is right for your business.
- ☐ If you're interested in offering employee benefits through a voluntary plan, apply online at www.paidleave.wa.gov/voluntary-plans.
- ☐ Calculate employee and employer premiums to prepare for Jan. 1, 2019, withholding.
- ☐ Share this toolkit with your payroll administrator.
- ☐ Share the paystub insert with your employees (page 15 of this toolkit).

WINTER 2019

- ☐ Starting Jan. 1, 2019, document in your own system the number of hours worked by each of your employees, regardless of whether they are full-time employees or not.
- ☐ Begin withholding your employees' share of the premium, unless you choose to pay your employees' share, from paychecks beginning Jan. 1, 2019.
- ☐ Share the paystub insert with your employees (page 15 of this toolkit).

SPRING 2019

- ☐ Access the Paid Family and Medical Leave employer account management system at www.paidleave.wa.gov. You will use your existing Secure Access Washington (SAW) account (or create one if you don't have one already).
- ☐ Beginning April 2019, remit all premiums and report employee hours and wages to ESD on a quarterly basis.
- ☐ Share the paystub insert with your employees (page 15 of this toolkit).

Sample employee communications

Employers, HR or payroll are the first place most people will go when they notice new deductions from their paycheck. To help assist you in informing your employees of this new program, we've provided sample communications for you to share with your employees, including:

- Sample employee handbook materials
- Sample text for a blog, newsletter or email
- Sample paystub insert/attachment

Note: These materials are not offered, nor should they be construed, as legal advice. It is strongly advised that you have your company attorney review the draft before preparing your final copy.

Under the law, you are required to inform your employees about their rights under Paid Family and Medical Leave by posting a notice in a place customarily used to post other employment-related notices. This notice will be made available to you before Jan. 2020. Go to www.paidleave.wa.gov for more.

Sample employee handbook materials

Paid Family and Medical Leave overview

Paid Family and Medical Leave is a mandatory statewide insurance program that will provide almost every Washington employee with paid time off to give or receive care.

If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:

- Welcome a child into your family (through birth, adoption or foster placement)
- Experience a serious illness or injury
- Need to care for a seriously ill or injured relative
- Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

For specifics on military-connected paid leave, visit

www.dol.gov/whd/regs/compliance/whdfs28mc.pdf

If you face multiple events in a year, you might be eligible to receive up to 16 weeks, and up to 18 weeks if you experience a serious health condition during pregnancy that results in incapacity.

Washington **Paid Family & Medical Leave**

Payment of premiums

The program is funded by premiums paid by both employees and employers. It will be administered by the Employment Security Department (ESD).

Premium collection starts on Jan. 1, 2019. In 2019, the premium is 0.4% of wages, or \$3.85 per week for someone making \$50,000 a year. Employers can either pay the full premium or opt to withhold a portion of the premium from their employees. Employers who choose to withhold premiums from their employees may withhold up to 63 percent of the total premium, or \$2.44 per week for an employee making \$50,000 annually. The employer is responsible for paying the other 37 percent. Businesses with fewer than 50 employees are exempt from the employer portion of the premium but must still collect or opt to pay the employee portion of the premium.

Premium collection will begin Jan. 1, 2019. Your employer will calculate and withhold premiums from your paycheck and send both your share and theirs to ESD on a quarterly basis.

Taking leave

Starting Jan. 1, 2020, employees who have worked 820 hours in the qualifying period (equal to 16 hours a week for a year) will be able to apply to take paid medical leave or paid family leave. The 820 hours are cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of the year counts toward the 820 hours, including part-time, seasonal and temporary work.

While on leave, you are entitled to partial wage replacement. That means you will receive a portion of your average weekly pay. The benefit is generally up to 90 percent of your weekly wage, with a minimum of \$100 per week and a maximum of \$1,000 per week. You will be paid by the State of Washington rather than your employer.

Unlike the federal Family and Medical Leave Act (FMLA), employees of small businesses may take Paid Family and Medical Leave if they meet the standard eligibility requirements.

More information on applying for benefits will come in 2019. Please go to www.paidleave.wa.gov for more information.

What protections are there for me?

Employees who return from leave under this law will be restored to a same or equivalent job if they work for an employer with 50 or more employees, have worked for this

Washington Paid Family & Medical Leave

employer for at least 12 months, and have worked 1,250 hours in the 12 months before taking leave (about 24 hours per week, on average).

You can keep your health insurance while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.

Your employer is prohibited from discriminating or retaliating against you for requesting or taking paid leave.

Sample text for a workplace blog, newsletter or employee email

Starting in 2020, Washington will be the fifth state in the nation to offer paid family and medical leave benefits. This benefit offers partially paid leave to care for yourself or a loved one in times of serious illness or injury, to bond with a new child joining your home through birth, adoption or foster placement, and for certain military-connected events if you have a family member in active duty service.

As a worker in Washington, you will experience a few changes in 2019. In your first paycheck of 2019, you might notice a new deduction. For example, if your pre-tax wages are \$50,000 per year, you may pay up to about \$2.44 from each paycheck. Employers contribute to this program too, so we're in this together.

In 2020, you will be able to apply for leave when you experience a qualifying event and have worked 820 hours (about 16 hours a week, on average) in the year leading up to your date of leave.

This isn't like paid sick leave; you will file your claim with the Employment Security Department (ESD), and your payment will come from ESD. Typically, you'll have access to up to 12 weeks of paid leave. You can learn more at www.paidleave.wa.gov/workers.

Do you have questions? Ask your HR representative or ask your questions directly to the Paid Family and Medical Leave program at paidleave@esd.wa.gov. You can also find them on Twitter, Instagram and Facebook @PaidLeaveWA.

Washington Paid Family & Medical Leave

Employee paystub insert

Washington's Paid Family and Medical Leave program is starting soon.

Let's all get ready to be there for care.

Starting January 2019, Washington employees and many employers will begin investing in a statewide program that will provide paid leave to give or receive care.

When the benefits begin in 2020, Paid Family and Medical Leave will support Washingtonians, whether they are recovering from a serious illness or injury, caring for a new child or helping an aging parent. It means workers won't have to choose between a paycheck and caring for their health and their family.

What it is:

The program is mandatory because the spirit behind this benefit is one of understanding that at some time we all need—or need to give—extra care and attention.

Who's eligible:

Nearly every Washington employee who works at least 820 hours (approximately 16 hours weekly) qualifies for the program. All paid work counts toward the 820 hours, including part-time, seasonal and temporary work. To learn more, visit paidleave.wa.gov/workers.

Benefit details:

- Allows up to 12 weeks of paid leave, or up to 18 weeks in certain circumstances.
- Workers receive between \$100 and \$1,000 per week, depending on income.

Your contribution:

To build this insurance program, on January 1, 2019 you may see a premium set aside from your paycheck, like you see for Medicare. The total premium is 0.4% of your wages and may be shared between an employee and employer. For an employee earning \$50,000 a year, the maximum premium is just \$2.42 a week.

Visit paidleave.wa.gov to calculate your contribution and learn more about how you can take time for care.

Washington
Paid Family &
Medical Leave

If you choose to deduct premiums from your employee's paycheck, you may want to share the paystub insert with them to explain the new withholding.

Visit www.paidleave.wa.gov/paystub to download the full-page English and Spanish versions, as well as additional translations in:

- Arabic
- Chinese
- Japanese
- Khmer
- Korean
- Laotian
- Punjabi
- Russian
- Somali
- Tagalog
- Ukrainian
- Vietnamese

Document change log

November 14, 2018

- Updated employer reporting requirements and deadlines (pg 9).
- Updated Social Security cap for 2019 (pg 9).

November 19, 2018

- Updated timeline for ESD's release of the required employee notification poster (pg 12).