



**Town of Yacolt
Council Meeting Agenda
Monday, October 21, 2019
7:00 PM
Town Hall**

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

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

1. Financial Policy - Review Changes
2. Wage Scale for Town Staff
3. Increase Med/Den/Vis to 100% for All Employees +1
4. Discuss Raise Proposals

New Business

5. Desiree Lorentz - Arts Commission Representative
6. Approve Yacolt Trading Post liquor license renewal
7. Draft Ethics Policy review and discussion only

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

Financial Management Policies

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Purpose & Objectives

Purpose:

The Financial Management Policy assembles all of the Town's financial policies into one document. They are the tools to ensure that the Town is financially able to meet its immediate and long-term service objectives. The individual policies contained herein serve as guidelines for both the financial planning and internal financial management of the Town.

The Town of Yacolt is accountable to its citizens for the use of public dollars. Municipal resources must be wisely used to ensure adequate funding for the services, public facilities, and infrastructure necessary to meet the community's present and future needs. These policies safeguard the fiscal stability required to achieve the Town's goals and objectives.

Objectives:

In order to achieve its purpose, the Financial Management Policies have the following objectives for the Town's fiscal performance.

- a. To guide the Town Council, Mayor and Department Heads in fiscal decisions that have significant impact.
- b. To set forth operating principles that minimize financial risk.
- c. To employ balanced and fair revenue policies that provide adequate funding for desired programs.
- d. To maintain appropriate financial capacity for present and future needs.
- e. To promote sound financial management by providing accurate and timely information on the Town's financial condition.
- f. To protect the Town's credit rating and provide for adequate resources to meet the provision of the Town's debt obligations on all municipal debt.
- g. To ensure the legal use of financial resources through an effective system of internal controls.
- h. To promote cooperation and coordination with other governments and the private sector in the financing and delivery of services.

Reserve Policies:

The Town will strive to maintain General Operating Reserves at a level equal to at least 25% of the budgeted revenues, including the beginning fund balance. The Reserve would exclude interfund transfers, one-time revenue, and Capital Project grants ie. Community Development Block Grant (CDBG). This reserve shall be created and maintained to:

1. Provide sufficient cash flow to meet daily financial needs.
2. Sustain town services in the event of a catastrophic event such as a natural/manmade disaster (e.g. earthquake, windstorm, fire, flood, terrorist attack) or a major downturn in the economy. In general, the Town shall endeavor to support ongoing operations with ongoing revenues, but may use reserves on a onetime basis to support Town services pending the development of a longer term financial solution. However, in no event shall reserves be used longer than one fiscal year to support Town operations, if reserves are used, the Town will begin to replenish those reserves at the end of the Fiscal year if a surplus exists, but no later than the Fiscal year following their use. Requires Budget Amendment to transfer funds.
3. The Town will strive to build the General Operating Reserves to a minimum of 35% by 2022.
4. Monies from the General Operating Reserves may be transferred into any operating fund.
5. Reserve funds may be used as “Match” for any Capital Facilities Grant.
6. Reserve funds shall be placed in a separate fund in accordance with the BARS recording system.

Annual surpluses in the General Fund will be used to fund one-time operations, capital expenditures, be dedicated to a Capital Facilities planned expenditure or utilized to increase the general operating reserve minimum planned for future years if:

1. There are surplus balances remaining after all current expenditure obligations and reserve requirements are met.
2. The town has made a determination that revenues for the ensuing fiscal year are sufficient to support budgeted general fund operations.

A surplus is defined as the difference between the actual beginning fund balance and the budgeted beginning fund balance. It consists of under-expenditures and excess revenues over and above the amounts included in the following Annual Budget.

Revenue Policies:

The Town will strive to maintain a diversified mix of revenues in order to maintain needed services during periods of declining economic activity. Currently, the Town’s main sources of income are Property Tax, Sales Tax, Real Estate Excise Tax, and Building Permit issuance. Revenue estimates should be prepared on a conservative basis in order to minimize fluctuations in service levels during periods of economic downturn.

The Town Council shall consider the overall impact on the community and its “ability to pay” against the need to enact any tax, utility rate or fee/charge increase.

The use of one time revenues to fund ongoing expenditures is discouraged

Official Banking Institution:

In order to support local brick and mortar businesses within town limits, the Town of Yacolt utilizes the Services of U.S. Bank. In the event the Clerk-Treasurer determines it is in the best interest of the Town to Change banking services, the Town Council will select its official banking institution with the most comprehensive, flexible, and cost-effective banking services available.

Property tax:

Property Taxes provide a consistent base of revenues for the Town to provide public services. The Town shall levy property taxes within its statutory limit or bank the levy capacity so the Town can continue to provide a safe, economically vibrant place to live and work.

Banked Capacity:

From time to time, the town has declined to raise tax revenue by the typical 1% annually. Those years are “banked” and may be included, in addition to the 1%, in future years if in the best interests of the town.

Real Estate Excise Tax:

REET taxes shall be collected and used pursuant to YMC 3.25

Sales and Use Tax:

Sales and Use taxes shall be collected pursuant to YMC 3.30

User Fees:

Unless set by RCW, user fees and charges will be established by resolution set by the Town Council. It is the policy of the Town of Yacolt that fees will generally be set at a level related to the cost of providing the services. All fees for services will be reviewed and adjusted (if necessary) at least every three years.

Administrative Service Fees issued by the Clerk’s Office or Public Works, are for services provided to the public where it is appropriate and permitted by law.

Event Service Fees issued by the Clerk’s Office or Public Works, are for services provided to the public where it is appropriate and permitted by law. Event Service Fees include, but are not limited to, Event booths, Spring Cleanup pickup/drop-offs, Parades, Fun Runs, etc.

User charges shall fund 100% of the direct cost of development review and building activities. User charges include, but are not limited to, land use, engineering inspection, building permit and building inspection fees. Fees may be charged as a “pass through.”

As much as is reasonably possible, Town services that provide private benefit shall be supported by fees and charges in order to provide maximum flexibility in the use of general revenues to meet the cost of services of broader public benefit.

Revenues of a Limited or Indeterminate Term:

Revenues of a limited or indefinite term will generally be used for capital projects or one-time operating expenditures to ensure that no ongoing service programs are lost when such revenues are reduced or discontinued.

Collecting Fines and Penalties:

The Town will follow a vigorous policy of collecting fines and penalties issued in enforcement of Yacolt Municipal Code. When necessary, discontinuing service, small claims court, collection agencies, foreclosure, liens and other methods of collection, such as imposing penalties, collection and late charges, may be used.

The Town may elect to not collect minor amounts due the Town if the costs of collection equals or exceeds the amount of money to be collected. The Mayor shall determine on a case by case basis what constitutes a minor amount referenced above and shall inform the Council and Town Clerk as to the determination of each case.

In addition to standard fines and fees found in the Town's Municipal Code, expenditures incurred pursuant to the Town's Ethics Policy (Article I section C, subsection 3c: **Obligations Regarding the Use of Public Resources**) shall be collected in the same manner as any other fine or penalty.

Cash on hand:

Cash on hand, hereafter referenced as Cash Drawer, above \$100.00 shall be deposited and allocated to the correct fund within two business days.

The Cash Drawer includes:

US issued currency

Money Orders

Checks (personal/cashiers)

Expenditure Policies:

Expenditures approved by the Town Council in the annual budget define the Town's spending limits for the upcoming fiscal year. Beyond the requirements of law, the Town will maintain an operating philosophy of cost control and responsible financial management.

The Town shall maintain expenditure categories according to state statute and 25 administrative regulation as described in the State Auditor's Budgetary, Accounting, and 26 Reporting System (BARS).

The Town Clerk is authorized to transfer budgeted amounts between object classifications within departments or funds. However, the Town Council must approve any revisions that increase the total expenditures of a fund. All Budget amendments must be adopted by ordinance no later than December 31st of the budget year being amended.

In the event that an expenditure may be paid out of a restricted use fund as well as another unrestricted fund, the funds from the restricted use fund shall be applied first.

Indirect Cost Allocation Plan

Indirect Costs

The Town allocates costs of services to other funds that benefit from the services being provided. In particular, administrative costs paid for from the General Fund are allocated on a fair and equitable basis to other funds that benefit from these administrative functions, unless prohibited by law. The advantages of an indirect cost allocation plan are twofold:

- a. The indirect cost allocation plan ensures that programs properly reflect all costs incurred in carrying out the program, not just direct costs.
- b. In cases where specific grants allow, the indirect cost allocation plan increases grant funding by including these indirect costs in the cost of the grant-funded program.
- c. It allows for greater sources of match funds when applying for grants.

Employee Salaries and Benefits:

The Council shall require a salary and benefit survey to assess the comparability of salaries, wages, and benefits paid by the Town of Yacolt in comparison to the market place for prospective Town employees. Included in that analysis shall be the following:

The survey shall be done no more often than every three (3) years nor less often than every five (5) years.

The survey shall take into account internal comparability for responsibility and critical importance to the Town for short and long-term decision-making.

The survey shall take into account external factors including comparable cities, private-sector jobs, and other factors that influence the Town's ability to recruit and retain qualified employees.

The Town Clerk/Treasurer shall prepare and deliver a report in writing to the Town Council and Mayor prior to any consideration of a change in salary, wages, or benefit levels for employees that details the estimated costs of any proposals that are under consideration for approval by Council.

The Mayor, with approval of the Council, may appoint a special, ad hoc Council Committee to work with the Clerk in the development of any proposals regarding salaries, wages, and benefits for employees of the Town.

Funds allocated in employee benefits lines may not be used to make up shortfalls in other lines within the budget.

Unexpended Appropriations:

The Town shall follow RCW **35.33.151** regarding unexpended appropriations at the end of the fiscal year to facilitate 13th month payments to close out the fiscal year.

Budget and Operating Policies:

The operating budget shall serve as the annual financial plan for the Town. It will serve as the policy document of the Town Council for implementing Council goals and objectives. The budget will provide the staff the resources necessary to accomplish Town Council determined service levels.

Annual revenues are conservatively estimated as a basis for preparation of the annual budget. Revenues will be estimated by the Clerk/Treasurer utilizing accepted analytical techniques.

Department heads are responsible for managing their budgets within the total appropriation for their department.

Authorized positions

All authorized positions will be budgeted for a full year with the next step up allowable benefit rate in accordance with the Wage and Benefit Scale unless specifically designated by the Town as a partial year position.

Vacant Positions:

Filling of vacant positions will be conducted by the mayor and a hiring committee. Compensation will be within the Wage Scale for the position with the amount to be determined based on hiring negotiations and candidate experience.

The Town's budget procedures shall comply with RCW Chapter 35.33.

Specifics of The Town of Yacolt's budget procedures are listed below:

- a. By August 15th, the Finance Committee meets and reviews revenues for the first half of the year, trends, and preliminary estimates for the coming budget year. The Town Council may, by resolution, approve budget principles that modify these financial policies for the coming year only.
- b. The Town Clerk issues a call for budgets to each department and fund manager no later than September 1st. The call for budgets contains instructions, restrictions, and forms necessary for

budget preparation. The call for budget requires submission of estimated revenues and all requested expenditures no later than September 15th

c. On, or before, October 1st, the Clerk submits the preliminary budget to the Mayor for the following fiscal year. This budget includes proposed expenditures and the means of financing them.

d. The Mayor meets with each elected official, department head, and fund manager no later than October 15th to discuss their budget requests and revenue estimates. Based upon current year budget review, departmental meetings, and goals and objectives, the Mayor provides suggestions and requests as the head of the Executive branch to the Town Clerk.

f. On or before November 1st, the Clerk presents a balanced recommended final budget to the Town Council, outlining new programs, new or deleted positions, areas of increases and decreases, etc.

g. On the first council meeting in November, a public hearing will be held, which may be continued from day to day until concluded, but for not more than three total days, in order to receive public input.

h. On or before November 20th a workshop will be held to solidify any changes to the budget. Changes must be submitted to the Clerk no less than 24 hours prior to the workshop and will be included on an Agenda to be followed during the workshop. Elected Officials, Department Heads and the Mayor to participate. Citizens may attend, but may not interrupt the workshop. Additional citizen input will be accepted after the Agenda concludes.

i. The finalized budget will be available for adoption by Ordinance at the first meeting in December. Any further changes, before adoption, must come as a unanimous vote of the Council.

j. The finalized budget must be passed by Ordinance no later than December 31st.

Capital Assets Policies and Procedures

The Director of Public Works and Town Clerk will develop an equipment replacement and maintenance needs analysis for a 5 year rolling lifecycle of the equipment and will update this projection yearly to be included in the annual budget.

- Public Works will maintain a schedule of replacement for vehicles and equipment including cost estimates.
- The Clerk's Office will maintain a schedule of replacement for equipment used in the daily operations within Town Hall including upgrade and/or replacement cost estimates. Items including, but not limited to printer/copier, computers, filing systems, and software.

Simple Capital expenditures are defined as purchases that will be used for at least one year such as computers, vehicles, equipment, office furniture, real property, and improvements to

Town infrastructure and have a minimum cost of \$5,000 and a maximum cost of \$10,000. Capital expenditures may be authorized by the Mayor provided the funds are already allocated within the existing budget.

Compound Capital expenditures are the same as Simple Capital expenditures with a minimum cost of \$10,001. Compound Capital expenditures must pass the council with a simple majority.

The Town will determine the most cost effective financing method for all new projects. Whenever possible, the Town will use intergovernmental assistance and other outside resources to fund capital projects. Additional funding may come from designated surpluses in the General Fund and certain special revenue funds as outlined in the operating budget policy.

Debt Management Policy

The Town will not use deficit financing and borrowing to support on-going operations in the case of long-term (greater than one year) revenue downturns. Revenue forecasts will be revised and expenses will be reduced to conform to the revised long-term revenue forecast or revenue increases will be considered.

Neither short nor long-term borrowing will be used to finance on-going maintenance and operational needs without full financial analysis and prior approval of the Town Council.

Short-term debt is defined as a period of three years or less

Long term debt is defined as a period exceeding three years

- Long-term debt will be structured in a manner so that the term of the debt does not exceed the expected useful life of the asset or improvement being funded.

Investment Policy

All funds will be invested in a manner that is in conformance with federal, state and other legal requirements.

Currently the Local Government Investment Pool (LGIP), which is an investment vehicle maintained by the State Treasurer's Office to help local governmental entities achieve higher rates of return by pooling local funds for economies of scale, is the only authorized investment vehicle available to the Town.

Accounting, Auditing & Financial Reporting

Comprehensive Accounting System:

The Town of Yacolt employs the use of BIAS Accounting Software to accurately represent the ongoing balance of accounts in accordance with the BARS system. The Town will maintain written policies on cash handling, accounting, segregation of duties, and other financial matters.

The Town utilizes a “funds” accounting system wherein monies restricted for specific purposes are accounted for in separate “funds” in accordance with national accounting practices. Unrestricted monies will be accounted for in the General Fund. The Town maintains its accounting system on the cash basis of accounting as permitted by the State Auditor and will use the BARS chart of accounts as required by the State Auditor. Additionally, the Town complies with the systems and controls prescribed by the Office of the State Auditor who establishes procedures and records which reasonably assure safeguarding of assets and the reliability of financial reporting. The Town prepares an annual financial report using the forms prescribed by the State Auditor and is audited on a schedule determined by the State Auditor and as prescribed by State law. The Town may, from time-to-time, arrange for additional audits when considered beneficial to the Town’s operations. The State Auditor is required to examine the affairs of all local governments at least once every three years. Reports of the auditor’s examinations are required to be filed in the Office of the State Auditor and in the finance department of the Town.

Finance Committee:

The Town will maintain a Finance Committee comprised of two Council members, to be nominated and voted on by the council. The positions shall be for 6 months and shall rotate off and on the committee opposite each other every 3 months with new council members rotating on.

Monthly and quarterly reports will be prepared and distributed to all departments and the Town Council showing cash position, and year-to-date budgeted and actual expenditures for review. Quarterly reports shall be put on the official Town of Yacolt website in a designated link. Monthly reports shall be included in the meeting packet no later than the second meeting of the following month.

The Town of Yacolt defines a balanced budget as current annual revenues (including fund balances) are equal to or greater than current annual budgeted expenditures (including ending fund balances).

The Finance Committee shall meet at Town Hall at least one hour before the evening Council Meeting to go over bills and payroll to be paid by the Town.

Questions or concerns regarding the bills or payroll will be brought before the Clerk/Treasurer before the Council meeting begins for clarification needs. Bills needing to be held due to amount discrepancies will be labeled as such.

The Mayor will conduct annual reviews of the town’s internal controls and cash handling procedures.

Reporting and Public Transparency:

A. The Clerk's office shall:

1. **Bi-Monthly:** Ensure all bills and checks are provided to the Finance Committee before each meeting for review.
2. **Monthly:** Reconcile and close out monthly billing and provide the finalized report, by the second meeting of the following month, to the council.
3. **Quarterly:** Upload the Budget Position in a YTD report onto the Official Town of Yacolt website for public viewing.
4. **Yearly:** Upon close out of the fiscal year, a finalized budget showing all accounts in fully realized amounts shall be provided to the council and uploaded for public viewing.

B. The Town Council shall:

1. Review all reports generated under the public transparency section and confirm accuracy.
2. Sign a cover sheet acknowledging that the report has been reviewed and no errors were detected.

C. Town Residents Role:

All residents hold an obligation to stay informed in the budgeting and expenditure processes of their municipality. We encourage Town residents to engage in budget workshops, regular meetings, and with our website in order to be well informed and engaged.

Grant Management:

All Grant Monies will be placed in a separate BARS account within BIAS to comply with all applicable laws.

Funding:

The Town recognizes that grant funding provides significant resources to enhance the Town's ability to provide services and activities not otherwise available. The Town will seek grant funding for activities that are determined to further core Town functions, or that provide activities, which are in the best interests of our citizens. The Town will examine the benefits of grant funding prior to application and decline funding determined not to meet the above criteria.

New Service Programs:

Grant applications to fund new service programs will be reviewed by the Mayor and Finance Committee prior to application. Among other issues, consideration will be given to whether grant activities further the Town's mission, whether they are part of the core functions of the department, and whether locally generated revenues will be required to support grant

activities when grant funding is no longer available. Departments will provide written documentation regarding these issues with requests to apply.

Programs which require further funds, on a recurring yearly basis, must go before The Council after being reviewed by the Clerk-Treasurer, Mayor and Finance Committee.

Glossary

Unless the context clearly indicates otherwise, the following words as used in this chapter shall have the meaning herein prescribed:

(1) "Chief administrative officer" as used in this chapter includes the mayor of cities or towns having a mayor-council form of government, the commissioners in cities or towns having a commission form of government, the Town manager, or any other Town or town official designated by the charter or ordinances of such Town or town under the plan of government governing the same, or the budget or finance officer designated by the mayor, manager or commissioners, to perform the functions, or portions thereof, contemplated by this chapter.

(2) "Clerk" as used in this chapter includes the officer performing the functions of a finance or budget director, comptroller, auditor, or by whatever title he or she may be known in any city or town.

(3) "Department" as used in this chapter includes each office, division, service, system or institution of the Town for which no other statutory or charter provision is made for budgeting and accounting procedures or controls.

(4) "Fiscal year" as used in this chapter means that fiscal period set by the city or town pursuant to authority given under **RCW 1.16.030**.

(5) "Fund", as used in this chapter and "funds" where clearly used to indicate the plural of "fund", shall mean the budgeting or accounting entity authorized to provide a sum of money for specified activities or purposes.

(6) "Funds" as used in this chapter where not used to indicate the plural of "fund" shall mean money in hand or available for expenditure or payment of a debt or obligation.

(7) "Legislative body" as used in this chapter includes council, commission or any other group of officials serving as the legislative body of a city or town.

(8) Except as otherwise defined herein, municipal accounting terms used in this chapter shall have the meaning prescribed by the state auditor pursuant to **RCW 43.09.200**.



Town of Yacolt Request for Council Action

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

Name: Vince Myers **Group Name:** Mayor
Address: **Phone:**
Email Address: Vince.myers@townofyacolt.com **Alt. Phone:**

ITEM INFORMATION:

Item Title: Wage Scale for Town Staff

Proposed Meeting Date: 10/21/19

Action Requested of Council: Adopt wage scale for Town of Yacolt staff, effective 11/1/19

Proposed Motion: I make a motion to adopt the wage scale for Town of Yacolt staff into the Town’s Personnel Policy and amend text of Chapter 5, Section 5.2 as proposed.

Summary/Background: See attachment

Staff Contact(s): Vince Myers

Propose the Town adopt the below wage scale and amend Chapter 5, Section 5.2 of the Town’s Personnel Policy to include this table.

Position	Start Hourly Rate	High Hourly Rate
Public Works Director	\$27.00	\$35.00
Maintenance Worker	\$19.00	\$27.00
Clerk/Treasurer	\$26.00	\$34.00
Assistant Clerk/Treasurer	\$20.00	\$28.00
Part time/Seasonal	\$15.00	\$20.00

Propose the Town’s Personnel Policy be amended from:

The Town sets wages, salaries and benefit levels by Council action from time to time as the Council deems appropriate. This process is typically performed in conjunction with the Town’s annual budget process. However, changes in wages, salary levels, or benefits levels may occur at any time in the discretion of the Town Council consistent with the best interests of the Town, as determined by the Council.

The Mayor may propose and the Town Council may grant an across-the-board pay adjustment (cost-of-living increase) from time to time, raising the salaries of all positions by a specified amount.

To read:

The Town has set the wages, salaries and benefits for staff in accordance with the following scale.

Position	Start Hourly Rate	High Hourly Rate
Public Works Director	\$27.00	\$35.00
Maintenance Worker	\$19.00	\$27.00
Clerk/Treasurer	\$26.00	\$34.00
Assistant Clerk/Treasurer	\$20.00	\$28.00
Part time/Seasonal	\$15.00	\$20.00

The Town will periodically review the wage scale to ensure established rates are consistent with contemporary public work force. The review process will typically occur during the annual budget process. However, changes in the scale may occur at any time at the discretion of the Town Council.



Town of Yacolt

Request for Council Action

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

Name: Vince Myers **Group Name:** Mayer
Address: **Phone:**
Email Address: Vince.myers@townofyacolt.com **Alt. Phone:**

ITEM INFORMATION:

Item Title: Mayor
Proposed Meeting Date: 8/21/19
Action Requested of Council: Contribute 100% to medical, dental and vision insurance for Town employees and one family member.
Proposed Motion: I make a motion that the Town pay 100% medical, dental and vision insurance for Town employees and one family member effective 11/1/19
Summary/ Background: For years the Town paid full coverage for Town employees and one family member as an incentive. In 2017 the Council voted to have employees pay 10% of their MDV coverage. Town employees are still paid below state average for their positions. Re-instating this benefit to 100% will incentivize current employees and inspire future applicants to want to work for the Town.

Staff Contact(s):

	wage per year increase	
PWD	\$27 hour	per year increase for med, den, vis
wage increase only	\$5,063.14	\$1,934.76
increase with 100% medical +1	\$6,997.90	
CLERK	\$26 hour	per year increase for med, den, vis
wage increase only	\$10,126.27	\$1,934.76
increase with 100% medical +1	\$12,061.03	
ASST. CLERK	\$20 hour	per year increase for med, den, vis
wage increase only	\$9,403.76	
per year increase for med, den, vis employee only 100%	\$11,474.96	\$2,071.20
per year increase for med, den, vis employee only 100% +1	\$20,468.48	\$11,064.72
PWM Assist.	\$20.34 hour	per year increase for med, den, vis
wage increase only	861.07	966.38
increase with 100% medical	1827.45	
		additional Wage and benefit cost
total wage increase	\$25,454.24	total cost
total med, dent, vision w/asst clerk 100% med	\$6,907.14	\$32,361.38
total med, dent, vision w/asst clerk + 1 100% med	\$15,900.62	\$41,354.86



Town of Yacolt Request for Council Action

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

Name: Dawn Salisbury **Group Name:**
Address: **Phone:**
Email Dawn.salisbury@townofyacolt.com **Alt. Phone:**
Address:

ITEM INFORMATION:

Item Title: Yacolt Trading Post liquor license renewal
Proposed Meeting Date: 10-21-19
Action Requested of Council: Approve renewal of Yacolt Trading Post liquor license for 2020
Proposed Motion: I make a motion that the Town approve the renewal of Yacolt Trading Post's liquor license.
Summary/Background: Yearly renewal requirement of Liquor Control Board.
Staff Contact(s): Dawn Salisbury



**Washington State
Liquor and Cannabis Board**

PO Box 43098

, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

October 06, 2019

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wslcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 10/06/2019

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF YACOLT
(BY ZIP CODE) FOR EXPIRATION DATE OF 20200131

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. THE YACOLT TRADING POST GROCER	YACOLT TRADING POST GROCERY 315 N AMBOY RD YACOLT WA 98675 0000	361261	GROCERY STORE - BEER/WINE

RECEIVED
OCT 15 2019
BY: 

TOWN OF YACOLT

ETHICS PROGRAM

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TOWN OF YACOLT ETHICS PROGRAM

ARTICLE I -

INTRODUCTION, PURPOSE, AND ADMINISTRATION OF PROGRAM

A. Preamble

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

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

B. Core Values

1. Service, Helpfulness, Innovation

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

2. Integrity

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

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

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

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

3. Equality, Fairness, Mutual Respect

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

4. Responsibility, Stewardship, Recognition

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

C. Ethics Principles

1. Obligations to the Public

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

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

2. Obligations to Others

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

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

3. Obligations Regarding the Use of Public Resources

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

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

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

D. Ethics Program

1. Purpose of the Ethics Program

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

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

2. Administration of the Ethics Program

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

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

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

ARTICLE II - CODE OF ETHICS

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

A. Gifts and Compensation

1. Limitations on Town-Related Gifts and Outside Compensation

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

2. Exceptions to Gift Limitations

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

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

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

3. Immediate Family Gift Exception

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

B. Use of Town Property by Elected Officials

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

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

C. Confidentiality

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

D. Conflict of Interest – General

1. Applications of Conflict of Interest

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

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

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

2. Conflict of Interest Exceptions for Elected Officials

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

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

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

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

4. Disclosure for Elected Officials

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

E. Conflict of Interest—After Leaving Elected Town Office

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

F. Conflict of Interest – Family Members of Elected Officials

1. Appointment of Family Members

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

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

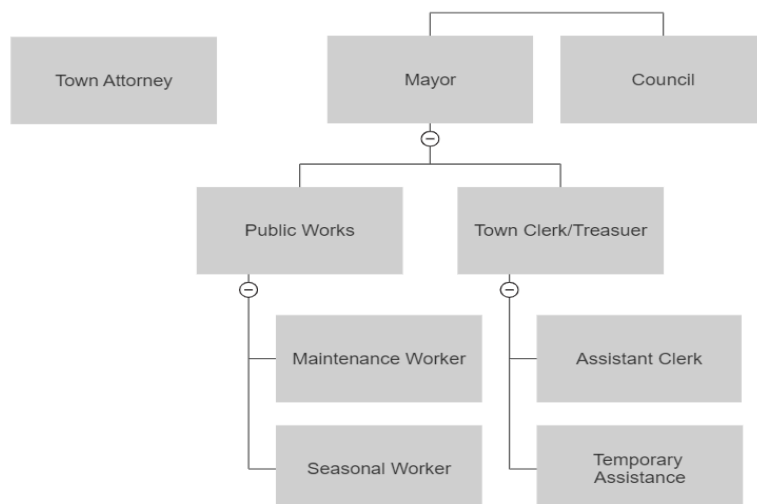
2. Supervision of Family Members

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

3. Waivers

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

4. Organizational Hierarchy



G. Conflict of Interest – Contractors

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

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

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

I. Conduct of Public Meetings

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

ARTICLE III - ENFORCEMENT OF THE ETHICS PROGRAM

A. Responsibilities of the Ethics Committee

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

B. Submission of Ethics Complaints

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

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

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

C. Review of Complaints Concerning Town Employees

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

D. Review of Complaints by Ethics Committee

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

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

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

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

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

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

F. Advisory Opinions

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

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

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

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

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

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

G. Waivers

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

H. Effect of Advisory Opinion or Waiver

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

I. Reporting

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

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

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

A. Town Council Review of Complaints

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

B. Sanctions

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

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

ARTICLE V - ETHICS COMMITTEE

A. Purpose of the Ethics Committee

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

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

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

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

B. Training

The Ethics Committee shall perform the following training related duties:

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

C. Annual Report

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

D. Creation, Terms, and Appointments

1. Membership of Ethics Committee

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

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

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

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

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

2. Qualifications of Committee Members

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

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

3. Method of Appointment

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

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

4. Terms of Appointment

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

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

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

5. Removal of Committee Members

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

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

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

6. Compensation

Members of the Ethics Committee shall be compensated as follows:

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

7. Rules

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

8. Consultation with Legal Counsel

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

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

ARTICLE VI – DEFINITIONS

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

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

“Direct official action” means any action which involves:

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

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

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

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

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

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

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

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

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