



# **Town of Yacolt**

## **Council Meeting Agenda**

**Monday, August 19, 2019**  
**7:00 PM**  
**Town Hall**

---

### **Call to Order**

### **Flag Salute**

### **Roll Call**

### **Late Changes to the Agenda**

### **Minutes of Previous Meeting(s)**

- [1.](#) Approve minutes of the 8/5/2019 Regular Council Meeting

### **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.](#) Council Appointment Discussion
- [3.](#) Council comments on draft proclamations against I-1639
4. Senate House Bill 1406 Update from Council

### **New Business**

- [5.](#) Ordinance #483 Council Meeting Procedures
- [6.](#) Approve Backroads Food and Spirits liquor license renewal

### **Public Works Department Report**

### **Town Clerk's Report**

### **Council's Comments**

### **Mayor's Comments**

**Attorney's Comments**

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

**Adjourn**

**Executive Session**

7. Executive Session to discuss possible litigation

**Town of Yacolt  
Council Meeting Minutes  
Monday, August 05, 2019  
7:00 PM  
Town Hall**

**Call to Order**

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

**Flag Salute**

**Roll Call**

**PRESENT**

Mayor Vince Myers  
Council Member Amy Boget  
Council Member Danny Moseley  
Council Member Malita Moseley  
Council Member Herb Noble  
Council Member Rhonda Rowe-Tice  
Assistant Clerk Katie Younce

**ABSENT**

Public Works Director Bill Ross  
Clerk Dawn Salisbury

**Mayor's Address**

Mayor Myers addressed the Council and audience about meeting decorum.

**Late Changes to the Agenda**

None

**Minutes of Previous Meeting(s)**

1. Approve 7-15-19 Council Meeting minutes with changes

Motion made by Council Member M. Moseley, Seconded by Council Member Boget.  
Voting Yea: Council Member Boget, Council Member D. Moseley, Council Member M. Moseley,  
Council Member Noble, Council Member Rowe-Tice

### **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.*

Jeremy Dawson - address the Council regarding appointment of Council Member Danny Moseley. Item was tabled until the next meeting.

### **Old Business**

2. Approve Ordinance 574 with changes

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

Voting Yea: Council Member Boget, Council Member D. Moseley, Council Member M. Moseley, Council Member Noble, Council Member Rowe-Tice

3. Approve Resolution # 586 with changes

Motion made by Council Member D. Moseley, Seconded by Council Member Rowe-Tice.

Voting Yea: Council Member Boget, Council Member D. Moseley, Council Member M. Moseley, Council Member Noble, Council Member Rowe-Tice

### **New Business**

4. Senate House Bill 1406 review and discussion only

SHB 1406, Affordable Housing Sales Tax Credit, was discussed.

5. Review, discussion and comment on draft proclamations against I-1639

Proclamations were discussed. Tabled until the 8-19-2019 and 9-3-2019 meetings.

### **Public Works Department Report**

Mayor Myers stated that they did a lot of good work for National Day Out, the car show, and the EMS Safety Fair and filled the sink hole at E. Farrier and N Cedar.

### **Town Clerk's Report**

Assistant Clerk Younce filled in for Clerk Salisbury. Asked Council Members to help cover phones on 8-23-2019 and 8-26-2019. AWC will be holding a "Cities on Tap" on 10-30-2019. Information is in Councils' AWC flyers. Special filing period for Council Position 2 is August 7th, 8th and 9th. The Town received \$164 in donations for National Day Out. Asked for volunteers to update some Ordinances.

### **Council's Comments**

Council Member Noble stated that he will be missing the 8-19-2019 and 9-3-2019 council meetings

Motion was made to excuse Council Member Noble's absences at the next two regular council meetings.

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

Voting Yea: Council Member Boget, Council Member D. Moseley, Council Member M. Moseley, Council Member Noble, Council Member Rowe-Tice

Council Member Boget stated that she is working on the Financial Policy.

#### **Mayor's Comments**

Pretty good National Day Out, NCEMS Safety Fair, and car show. Leftover food will be donated to local food bank. Explained incident at Spruce and Hoag.

#### **Attorney's Comments**

None

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

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

Voting Yea: Council Member Boget, Council Member D. Moseley, Council Member M. Moseley, Council Member Noble, Council Member Rowe-Tice

#### **Adjourn**

Mayor Myers adjourned the meeting at 8:16 pm.

**RCW 42.36.030****Legislative action of local executive or legislative officials.**

No legislative action taken by a local legislative body, its members, or local executive officials shall be invalidated by an application of the appearance of fairness doctrine.

[ 1982 c 229 § 3.]

**RCW 42.36.020****Members of local decision-making bodies.**

No member of a local decision-making body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body.

[ 1982 c 229 § 2.]

# State of Washington Ethics Complaint Form

Before filling out this form, please read the following:

- We are precluded by state law from investigating complaints against persons who are not state employees or who were not state employees at the time the alleged unethical conduct occurred.
- We have no jurisdiction to investigate matters regarding non-state employees or any agency action.
- We have no authority to investigate personnel matters or matters for which other remedies exist. These include grievances, appointments, promotions, reprimands, suspensions, dismissals, harassment, and discrimination.
- The issue(s) you are concerned with must have occurred within 5 years from the date of the alleged violation.

If you have questions about this form, or would like to request the form in an alternate format, contact the Executive Ethics Board at 360.664.0871. We will take reasonable steps to accommodate your needs.

Your contact information:

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint.

Under RCW 42.52.410(3)(a), a state employee who files a complaint with the appropriate ethics board shall be afforded the protection afforded to a whistleblower under RCW 42.40.050 and 49.60.210(2), subject to the limitations of RCW 42.40.035 and 42.40.910. An agency, manager, or supervisor may not retaliate against a state employee who, after making a reasonable attempt to ascertain the correctness of the information furnished, files a complaint with the appropriate ethics board. Further, under RCW 42.52.410(3)(a),(b) A state employee may not be denied the protections in chapter 42.40 RCW even if the ethics board denies an investigation of the complaint.

Under RCW 42.52.140(4), If a determination is made that a reprisal or retaliatory action has been taken against the state employee, the retaliator may be subject to a civil penalty of up to five thousand dollars.

Under RCW 42.52.420(4), the identity of a person filing a complaint under RCW 42.52.410(1) is exempt from public disclosure, as provided in RCW 42.56.240.

Contact information:

**Name**

**Agency**



## PROCLAMATION FOR THE TOWN OF YACOLT

Proclamation to oppose the implementation )  
of Washington State Initiative I-1639 and )  
subsequent amendment to RCW 9.41.090, )  
9.41.092, 9.41.094, 9.41.097, 9.41.0975, )  
9.41.110, 9.41.113, 9.41.124, 9.41.240, )  
9.41.129, and 9.41.010; adding new sections )  
to chapter 9.41 RCW; creating )  
new sections; prescribing penalties; and )  
providing effective dates, gun control, any )  
trailer bill, or any similar thereto which )  
restricts the individual's rights as stated )  
herein. )

Proclamation No. XX-XXXXX

We, the undersigned, in order to preserve the blessings of liberty to ourselves and our posterity, recognize that it is our duty to be ever mindful that our civil government exercises its just and lawful authority subject to the moral law of almighty God and that all powers granted to civil government are derived through the people and are for the sole purpose of protecting and defending the unalienable natural rights which have been given to the people by God, and affirmed by our Constitution, as part of His Created Order,

And further recognize that it is the natural tendency of civil government to expand beyond the limits of its rightful charter and to usurp authority and power which have not been authorized to it by God nor delegated to it by the consent of the governed, therefore, it is the duty of the people, through the agency of the lesser magistrate (local elected officials and sheriffs), to challenge the civil government when and where it exceeds its authority and to remind overstepping officials thereof from whence their just powers devolve and limits to which they may extend.

And further recognizing that we, as elected officials, bound by sworn oath to uphold and defend the Constitution of these states-united, and the State of Washington which constrains and limits the authority of the civil government;

**WHEREAS**, Article 1 Section 1 of the Washington Declaration of Rights affirms, All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individuals rights; and

**WHEREAS**, Article 1 Section 2 of the Washington Declaration of Rights affirms that, The Constitution of the United States is the supreme law of the land; and

**WHEREAS**, Article 1 Section 30 of the Washington Declaration of Rights affirms, The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people; and

Now, by the authority granted us by the people of the Town of Yacolt, Washington to stand and defend their God-given rights and liberties, which are guaranteed by the United States and Washington Constitutions, we hereby declare:

## **SECOND AMENDMENT PRESERVATION PROCLAMATION**

**to declare the Town of Yacolt, Washington a Second Amendment Sanctuary**

**WHEREAS**, the Second Amendment to the United States Constitution protects the unalienable and individual right of the people to keep and bear arms; and

**WHEREAS**, the Second Amendment was adopted in 1791 as part of the United States Bill of rights; and

**WHEREAS**, Article 1 section 24 of the Washington State Constitution reads as follows, “the right of the individual citizen to bear arms in defense of himself, or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men”; and

**WHEREAS**, the Fourth Amendment to the United States Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized; and

**WHEREAS**, the PEOPLE OF THE STATE OF WASHINGTON have enacted I-1639 which makes firearms unavailable for self-defense, strips adults aged 18-20 of their Constitutional Right to self-defense, will not have the impact on violent crime it promises, violates medical privacy laws and does not specify criteria for disqualification of ownership, would burden small business and law enforcement while placing personal information at risk, and does nothing to address the underlying causes of gun crime.

**WHEREAS**, A new section is added to chapter 9.41 RCW to read as follows: (1) A person who stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person may gain access to the firearm: “...Subsection (1) of this section does not apply if:

(a) The firearm was in secure gun storage, or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm;

(b) In the case of a person who is a prohibited person on the basis of the person's age, access to the firearm is with the lawful permission of the prohibited person's parent or guardian and supervised by an adult, or is in accordance with RCW 9.41.042;

(c) The prohibited person obtains, or obtains and discharges, the firearm in a lawful act of self-defense; or

(d) The prohibited person's access to the firearm was obtained as a result of an unlawful entry, provided that the unauthorized access or theft of the firearm is reported to a local law enforcement agency in the

*jurisdiction in which the unauthorized access or theft occurred within five days of the time the victim of the unlawful entry knew or reasonably should have known that the firearm had been taken. (6) Nothing in this section mandates how or where a firearm must be stored.*

**Article 1 Section 24 of the Washington State Constitution. “The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired...” requiring that firearms be “securely stored” renders them useless as a means of self-defense in one's home, this is a direct impairment of an explicitly intended, unalienable right. Furthermore, it does not pass the “Vagueness Doctrine”, which requires that laws are so written that they explicitly and definitively state punishable conduct. There is nothing in this section to determine explicit punishment for violation of this conduct, therefore we do not recognize it as a valid law.**

**WHEREAS, Sec. 7. RCW 9.41.094 and 2018 c 201 s 6004 are each amended to read as follows:**  
*“A signed application to purchase a pistol or semiautomatic assault rifle shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol or semiautomatic assault rifle to an inquiring court or law enforcement agency.”* **This RCW does not designate a trained medical professional to make a recommendation or determination as to whether a person is medically fit to possess a firearm, nor does it provide a list of diagnoses or criteria that would preclude firearm ownership. This waiver to confidentiality does not expire, compromises the privacy of our personal medical records, and can lead to the unintended consequence of people under-reporting or not seeking help for mental illness out of fear of confiscation.**

Whereas,

(2) In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:

(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:

- (i) Basic firearms safety rules;
- (ii) Firearms and children, including secure gun storage and talking to children about gun safety;
- (iii) Firearms and suicide prevention;
- (iv) Secure gun storage to prevent unauthorized access and use;
- (v) Safe handling of firearms; and
- (vi) State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements;

**Requiring a class to exercise a Right is fundamentally unconstitutional, whereby the US Federal Court, Washington, 2012 in Woollard v. Sheridan, 863 F. Supp. 2d 462, Judge Everett Benson Legg opined "A citizen may not be required to offer a 'good and substantial' reason why he should be permitted to exercise his rights. The right's existence is all the reason he needs." Judge Everett Benson Legg,**

**WHEREAS,** the council reasonably believes that I-1639 violates the Second Amendment to the United States Constitution that clearly states, “...the right of the People to keep and bear arms, shall not be infringed,”; and

**WHEREAS**, the Council proclaims its opposition to the I-1639; and

**WHEREAS**, the Council took an oath to support and defend the United States Constitution.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** to protect our citizens' Constitutional rights, the Town of Yacolt, Washington is herein proclaimed a "Second Amendment Sanctuary" as follows:

DRAFT

# Draft Language for Yacolt Gun Rights Sanctuary Proclamation

## Fundamental Principles Violated – Petition for Redress of Grievances Invoked

The following may be considered a petition for redress of grievances invoked under Washington Constitution, Article 1, Section 4 and or US Constitution, 1<sup>st</sup> Amendment in response to I-1639, I-594, etc. See below:

**“ARTICLE 1, SECTION 4. Right of petition and assemblage.** The right of petition and of the people peaceably to assemble for the common good shall never be abridged”

Said petition is directed in good faith at invoking the constitutional oaths taken by all jurisdictions (local, county, State and/or federal) of law enforcement to dutifully/ respectfully refuse enforcement of I-1639, I-594 and any or all similarly infringing legislative measures (collectively hereafter “I-1639 etc.”). As support for this petition, authorities will be cited and arguments made below to illustrate two challenges for why Yacolt, Washington will exercise legitimate authority to declare its boundaries as a sanctuary for gun rights, whether related to Washington Constitution, Article 1, Section 24 or the 2<sup>nd</sup> Amendment to the federal Constitution. These two challenges do not exclude those concerning other infringements related to I-1639 etc. that others may choose to make. If I-1639 etc. is/are deemed valid on grounds of statutory presumptions, those presumptions are now objected to and rebutted by the following authorities and arguments. The two points of objection and rebuttal pertain to how certain fundamental constitutional principles bear on preserving the sanctity/integrity of fundamental rights. The first issue hinges on the word “maintain” as used in Washington Constitution’s Article 1, Section 1. The second issue hinges on I-1639 etc. being illegitimate by token of being the products of illegitimate legal process, i.e. direct democracy (a la “fruit of the poisoned vine” doctrine)

### Special appeal to law enforcement (LE):

**Reason for why LE should invoke their oaths to the Constitution(s) as grounds for refusal to enforce I-1639 etc., rather than automatically enforce and initiate court process.**

After the passage of I-1639 specifically, reactions by LE have fallen into two camps. In one camp, owing to the overtness of I-1639’s infringement, several Sheriffs in Washington have invoked their constitutional oaths as grounds to refuse its enforcement. In the other camp, LE have argued that it is not their role to determine the constitutionality of laws passed. They argue that their oath requires them to uphold the constitutions and laws and since I-1639 is now law, they are powerless to do anything but enforce it, until the courts determine that it is unconstitutional. In response to the reasonings of the second, indulgence is respectfully requested by LE. In good faith, Spock-like objective logic (if you will) must be applied to draw attention to a crucial omission in the let-courts-sort-it-out reasoning, i.e. the constitutional aspect of their oath.

If an oath is a fiduciary contractual precondition to receiving compensation for law enforcement work, acceptance of that compensation makes it logically, ethically, and contractually invalid and unauthorized for LE to simply equate the carrying-out of both components of the oath with the passing of deference to the presumption that court officers will, by surrogacy, honor their oaths for them through proper compliance with judicial branch oaths. If there is something that blurs the contours and boundaries of what, where, when, how and why an intervening oath is to be invoked, it’s not because the oath lacks the substance to compel LE dutifulness. The only thing that reasonably blurs those

contours and boundaries is the lack of substance in the training education regarding those contours and boundaries.

The constitutional aspect of an LE oath is not intended to be mere ceremonial ornament. It is just as, if not more, solemn and binding than the law aspect of that oath. The constitutions are the conditional contractual permission slips for laws to exist. In theory, constitutions can exist in the absence of laws but not the other way around. Like a parent to a child, one controls and dictates to the other. One contractually sires the other. Granting that an LE oath is to uphold both the constitution(s)(State and federal) and laws, by the fact that laws depend on the constitutions for their validity it logically, necessarily follows that good-faith, sworn allegiance to the constitutional aspect of an oath dictates that constitutional consideration is, and on principle, ought to be the first measure taken in deciding whether to enforce a law or not. Otherwise, there would be no need for the constitutional component of an LE oath. To choose to only honor the “uphold the law” aspect of an oath is to suppress or circumvent the constitutional aspect of the oath which is just as much a contractual precondition to being paid for law enforcement work as the other, if not more.

Oaths are required as a contractual check and balance to steer and compel the decisions and actions of those who wield the powers of the government. The dereliction of oath duties by members of one branch of government (those who might pass infringing laws for example) does not dissolve the oath duties for members of other branches. To the contrary, contractually, it should trigger heightened sensitivity and vigilance among the other branches, in the same manner that the “will not enforce” Sheriffs in Washington have demonstrated.

This is especially the case when the laws being passed are being passed by people who hold no elected office that they can be voted out of (accountability?), nor are necessarily imposed upon by any sense of obligation to constitutional principles stemming from an oath (accountability?). Oath takers are therefore the most important component of our constitutional defense against the unbridled, agendized mob rule that I-1639 reveals direct democracy (initiative) to be. But this defense only exists if oath takers know how and why to be oath keepers. Without oath keepers there are no custodians of the ideas that made our country the envy of human history. Without them our whole system is a charade and we will ultimately vindicate Ben Franklin’s cynical answer he gave a woman at the close of the constitutional convention. She asked if they had formed a republic or a monarchy. He answered:

*“A Republic, if you can keep it”*

On a more upbeat note, one of the silver linings of I-1639 specifically is that it so manifestly and thoroughly infringes a right that has been near and dear to Americans for their country’s entire history, that it did compel the several Sheriff’s in Washington (training be as it may) to call the spade a spade and invoke their oath of office as grounds for refusing I-1639’s enforcement. This combined action by these Sheriffs sends a message that all enforcement officers should pay some hard and honest attention to because these Sheriffs are, whether consciously or not, tacitly invoking Article 1, Section 32 of the Washington Constitution. See below:

**“SECTION 32 FUNDAMENTAL PRINCIPLES.** A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.”

Furthermore, this provision of our State Constitution protects their decisions to invoke their oaths because their decision(s) to “recur to fundamental principles” in order to “secure individual rights” is also made “mandatory” by our State Constitution under Article 1, Section 29. See below:

**“SECTION 29 CONSTITUTION MANDATORY.** The provisions of this Constitution **are mandatory**, unless by express words they are declared to be otherwise.”

In the same way or spirit that our jury system was put in place to ensure a last line of civilized protection against the potential for corrupt courts, oaths taken by LE cannot plausibly be shrugged away as business of the courts. If an infringing spade is by all obvious accounts an infringing spade, as the demonstrated consensus of the Sheriffs above have recognized, heed ought to be paid by all LE concerned. This is especially easy to do, when our State Constitution again provides crystal clear guidance on what standard that infringement is to be measured against, i.e. the first fundamental principle articulated by our Constitution at Article 1, Section 1. See below:

**“ARTICLE 1, SECTION 1 POLITICAL POWER.** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.”

When it comes to enforcement of new laws that are passed, the word “maintain” in Article 1, Section 1 above is none other than a silver bullet LE needs to actively discern their daily duties through the lens of their oath. Because by token of the common knowledge standards for what exercise of any given right looks like, anything that lowers that understood watermark is something that fails the mandatory requirement to “maintain” rights, thus triggering by default an officer’s duty to invoke their oath as grounds to refuse enforcement. This would replace the current paradigm of putting burden on citizens to suffer through unnecessary court action with an alternative paradigm of executive branch personnel instead going to court in their official capacity to administratively sort out the merits of their enforcement refusal under a “maintain” doctrine that the court would use to analyze and determine the constitutionality of the law that triggered the oath-invoked court process.

Likewise, a training curriculum based on adherence to the constitutional term “maintain” infers the need to determine whether rights enjoyment standards today themselves even meet the level of standards enjoyed in previous generations. This would inevitably force examinations of the histories of what constituted the original meanings, intents, extents, spectrums and thus standards of how Washingtonians and Americans exercised their rights, and in turn re-establish the baseline for what was and is meant by “individual right and perpetuity of free government”. In theory, consistent with the “mandatory” “recurrence to fundamental principles”, an examination of policies through history filtered through the word “maintain”, would appropriately restore exercise of rights to the watermarks they started from, if not cause improvement beyond that. Imagining that, it would be easy to argue how if the LE community were to adopt an official training policy which amounted to what would become commonly known as the “mandatory” “recurrence to fundamental principles” doctrine, the ripple effects would bear much fruit for LE in terms of increased public support/assistance, by ending enforcement of laws rife with manifest infringement of fundamental rights of Washington citizens. In addition, a paradigm where LE feel empowered and motivated on the street to invoke their oath using the “maintain” smell test, would not only free up more of their time to focus on other important problems, but avoid confrontational hazards. Maybe even more importantly, such an LE enforcement doctrine through time would act to discourage future sponsorship, drafting or even conceiving of overtly bad laws that would be understood as “dead on arrival” via LE refusals under their “maintain” protocols.

### **Invocation of appropriate authorities**

Since I-1639 etc. is/are state-level abuses, the Washington Constitution is the natural and proper authority to invoke and seek remedy and relief through. As a binding contract, Washington's Constitution was designed specifically for the purpose of protecting and maintaining the rights of Washington's citizens to equal or even greater degree than similar protections in the federal Constitution (see Washington's gun rights provision at Article 1, Section 24 for example). In the 2004 book titled Washington State Government and Politics, Cornell W. Clayton and Steven Meyer coauthor chapter 5 where on page 102 they cite the case of State v. Coe (1984) saying:

*“Writing for the Court, Justice Utter articulated several reasons why the case should be treated first under Washington's constitution rather than the federal First Amendment: ‘First, state courts have a **duty to independently interpret and apply their state constitutions** that stems from the very nature of our federal system... Second, the histories of the United States and Washington Constitutions clearly demonstrate that **the protection of the fundamental rights of Washington citizens was intended to be and remains a separate and important function of our state constitution**... By turning to our own constitution first we grant the proper respect to our own legal foundations and fulfill our sovereign duties. Third, by turning first to our own constitution we can develop a body of independent jurisprudence... Fourth, we will be able to assist other states that have similar constitutional provisions develop a principled, responsible body of law... Finally, **to apply the federal constitution before the Washington Constitution would be as improper and premature as deciding a case on state constitutional grounds when statutory grounds would have sufficed, and for essentially the same reasons.**’ “*

### **Authorities for Preservation of Rights to Appellate Review and Relief**

If Yacolt, Washington's declaration of sanctuary status for gun rights (whether under WA Con. Art. 1, Sec. 24 or US Con. 2<sup>nd</sup> Amendment) is not honored as the contractually valid withdrawal/denial of consent to I-1639 etc. that it will be demonstrated to be below (see Contractual Consent), and/or if I-1639 etc. are not summarily held as null and void for reasons described below and/or others, claim is here made that said state-level refusal to declare I-1639 etc. void, nullification will constitute suppression or supplantation of the Republican Form of Government guaranteed to the citizens of Washington State by US Constitution Article 4, Section 4. Thus, US Constitution, Article 4, Section 4 (specifically no need or intention to invoke US 14<sup>th</sup> Amendment) will be relied upon as the proper authority for preserving rights to appellate review and relief through federal courts. This mode of preservation will be based on the first claim, to wit:

I-1639 etc. constitutes a state-level suppression of the rule of law via suppression of the contractually-binding, fundamental principle of “protect and **maintain**” at WA Con. Art. 1, Sec. 1.

Alternatively, consistent with “recurrence to fundamental principles” being “mandatory”, US Constitution, Article 4, Section 4 will be relied upon as the proper authority for preserving rights to appellate review and relief based on the second claim, to wit:

Said infringing law(s) are the product(s) of unauthorized legislative process known as direct democracy which was illegitimately made a part of Washington's Constitution.

### **Argument for Claim 1: Contractual Consent and Violation of “Maintain” Rights Requirement**

Constitutions are social compacts. Social compacts are by essence contracts. They are contracts struck between people who possess inherent power and prerogative to express their political self-



determination as they see fit for their interests. Voluntary consent is a mandatory component of the legitimacy of social contracts. Constitutions, as social contracts, form a legally-binding permanent record of understanding and consent about where political power rests and how it's distributed. Through the terms and conditions agreed to by the parties to a constitution, the tool called government is formed and if it performs according to the contractual terms and conditions for which it was made, the parties are bound in good faith to continue their consent through compliance with the contract and laws that emerge from it, and in compliance to it, through the government tool. Washington Constitution, Article 1, Section 1 records these facts in its own terms. See below again:

***“ARTICLE 1, SECTION 1 POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.”***

Article 1, Section 1 (by contract) records that Washington citizens committed their consent to the establishment of their government based solely on one precondition... that it (government) will use the power granted to it “to protect and maintain” individual rights. It's prudent that the implications carried by this language be fleshed out further to recognize an important yet unstated fact. Since the people “inherently” (no exceptions declared) have the “power” to pledge their “consent” to laws **ONLY** if the government's contractual obligation to “protect and maintain” their rights is met, the reverse is also naturally true. Meaning, the people “inherently” have the “power” and contractual prerogative to withdraw or deny their consent to so-called “laws” which fail to “protect and **maintain**” their rights.

Further, Article 1, Section 1 refers to “individual rights”, not collective rights. An individual is the smallest minority possible in a society. So if diminishment of a right is implicit in the goals or provisions of a law, whether the losing minority is 49% of the people or even one “individual”, or whether the law's infringements lurk as a real threat for years without being applied, the fact remains that if the failure to “maintain” the right(s) in question is manifestly built in to said law, it is by nature unavoidably violent to Article 1, Section 1 with or without injured parties to bring suit before the courts. Logically, and legitimately, this triggers both the condition upon which citizen(s) may exercise their inherent power to withdraw their consent by refusing to comply, and/or the condition upon which LE invokes its oath to refuse enforcement, or both.

### **Argument for Claim 2: Republican Form of Government Violated by I-1639 Initiative Process**

The direct democracy mode of legislative process is unauthorized and illegitimate as a result of the fact that there has never been an Amendment ratified under US Const. Article 5 to abolish or alter in any way the tacit exclusion of all forms of government under US Const. Art. 4, Sec. 4 excepting only the express “guarantee” for a Republican Form of Government. Additionally, said “guarantee” is a supreme guarantee by force of the supremacy clause of US Constitution, Article 6.

I-1639 etc. supplants or dismantles the integrity of protective accountability intended by exclusive representative governance described by the federal Constitution's requirement for a Republican Form of Government. Thus, so-called “laws” born from Washington's direct democracy system (dba initiative/referendum system [Article 2, Section 1]), whether popular or not, have from their beginning been irreconcilably invalid and thus unenforceable, logically consistent with “fruit of the poisoned vine” doctrine. Courts that have used a “political prerogative” basis to dismiss their judicial duty of ruling on this question have thus permitted mob rule governance in Washington to wreak its disruptive effects on the business of duly elected representatives for a century. The argument that the people are free to

impose whatever form of government they choose because it is their political prerogative, fails to account for the contractual obstacle of Article 5 amendment process they imposed on themselves to make changes to federal Constitution provisions, like that of exclusive guaranteed Republican-style governance in the States at Article 4, Section 4. And if they are at liberty to summarily bypass that federal jurisdiction matter with state-level activism, every provision of the federal Constitution is likewise dismissible. If oaths matter, this is untenable and must be remedied by striking down direct democracy judicially as unconstitutional.

Owing to the broad and deep initiative/referendum jurisprudence implications of this challenge, it is appropriate to also here invoke the “Full Faith and Credit” clause of US Constitution, Article 4, Section 1, to borrow guiding insight and admonition from the Oregon Supreme Court in *Judson v. Bee Hive Auto Service Co*, 136 Ore. 1, 1930. See below:

*“Believing that pride of opinion should not preclude correction of error, we will again give careful consideration to this case, thus following the admonition of an ancient law giver: ‘If today thou seest fit to judge differently from yesterday, do not hesitate to follow the truth as thou seest it; for truth is eternal, and it is better to return to the true than to persist in the false.’ “*

Thus, in lieu of redress of grievances described by the arguments in claim 1 or claim 2 or both, the citizens of Yacolt, Washington declare the boundaries of their town as a non-compliant “sanctuary” against the gun rights infringements and/or others that permeate the body of I-1639 etc, to include in part as example, those infringements listed below.

### **Infringements, In Part, of I-1639**

Despite long-standing precedent for how the term “assault rifle” is defined by qualified authorities on the matter (i.e. US military, BATF), where the definition of “assault rifle” applies only to those rifles capable of automatic or automatic burst fire, anti-gun activists have chosen in open bad faith to appoint themselves as the new experts on guns and shrug off the consensus of these authorities, in order to conjure their own definition for “assault rifle”. Predictably enough, their “assault rifle” definition in I-1639 is tailored to enable the color-of-law ruse around which their quasi-legal siege can be expanded against a much wider family of guns as well as the accompanying rights of their owners, to include:

a) raising the legal age for purchasing a semi-automatic rifle from 18 to 21, thereby failing to maintain Article 1, Section 24 semi-automatic purchase options for 18-20 year-old citizens. This right is in part stripped from 18-20 year olds even though they are simultaneously and tellingly deemed by law at 16 to be adult enough - to buy and use vehicles on the highways in potentially deadly ways (like guns), to exercise their right to vote and cast ballots at 18 that ignorantly or even maliciously violate their fellow citizens rights (I-1639), and to join the military and use fully automatic rifles, machine guns, cannons, missiles, tanks etc. to kill or be killed in their nation’s defense.

b) forcing citizens to surrender one right (Article 1, Section 7 rights to privacy for medical records) to access another right (Article 1, Section 24, armed self-defense), thus imposing a barrier or punishment as condition to their exercise of a right. Holding one right hostage to access the other patently fails to “maintain” either.

c) criminalizing citizens for someone else’s criminal act of stealing their firearm(s) to harm others. Thus, a crime victim is deprived of liberty, property (money), reputation or any or all of

these for crimes committed against them by another. Further, by token of being made a criminal in this manner, the actual thief/thieves will know the victim or their family has no more guns, nor are eligible to buy more, opening the defenseless victim(s) up to future attacks by the original criminal(s) or their associates.

d) depriving liberty (time/energy required to travel and fill out background check forms) and property (fees/gas \$) on a yearly basis in payment for mandatory annual background checks and safety classes until death, thus failing to maintain WA Con. Article 1, Section 3 personal rights.

e) forcing citizens to store their firearms in locked storage within their homes to avoid criminal liabilities referred to in item (c). Said requirement infers enforceability, i.e. authority of LE to force citizens without criminal warrant to comply with home entrance and inspection of firearms storage accommodations. This openly violates (thus fails to maintain) the home invasion prohibition at Article 1, Section 7, and/or is additionally void for vagueness for failing to prescribe how enforcement is to be carried out without violating Article 1, Section 7. Furthermore, compliance with such storage requirements results in the denial of citizens' rights to self-defense under Article 1, Section 24 by making timely access of their self-defense arms unlikely, thus exposing them to high potential for violent harm or death from fast moving violent intruders, who might then take their guns anyway after hurting or killing them to go hurt or kill other people. Article 1, Section 24 protection is thus deprived and not "maintained".

In summary, as a starter list, the following Washington Constitution rights are rights that I-1639 fails to "maintain" in violation of Article 1, Section 1, but said list does not necessarily represent the complete list of I-1639 infringements:

- 1) Article 1, Section 1 protect and maintain
- 2) Article 1, Section 29 Constitution mandatory
- 3) Article 1, Section 32 recurrence to fundamental principles
- 4) Article 1, Section 24 right to bear arms
- 5) Article 1, Section 23 no ex post facto
- 6) Article 1, Section 23 no law impairing obligation of contracts See Article 1, Section 1
- 7) Article 1, Section 7 right to privacy
- 8) Article 1, Section 7 prohibition against home invasion without warrant
- 9) Article 1, Section 8 no law granting irrevocable immunity
- 10) Article 1, Section 3 no deprivation of liberty or property

### Conclusion

Owing to the spectrum of rights violations claimed and argued above, for any or all of the infringements listed above, any presumption(s) of I-1639's validity is/are hereby dissolved. As such, guided by consent arguments above and established findings from the Marbury v. Madison and Norton v. Shelby County citations in Yacolt's resolution, I-1639 and similarly breaching "laws" are proclaimed to be void and of no binding effect. Hence, contractual breach grounds exist for citizens of Yacolt, Washington to legitimately and righteously proclaim that they deny consent to compliance with I-1639 specifically, or by same token, any or all bills, initiatives, laws, measures, regulations, ordinances, provisions etc. which constitute a manifest contractual breach of the Article 1, Section 1 "protect **and maintain**" requirement for individual rights.



## Town of Yacolt

### Request for Council Action

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

**Name:** Katie Younce **Group Name:**

**Address:** 202 W Cushman St **Phone:** 360-686-3922

**Email Address:** Katie.younce@townofyacolt.com **Alt. Phone:**

#### ITEM INFORMATION:

**Item Title:** Ordinance #483

**Proposed Meeting Date:** August 19, 2019

**Action Requested of Council:** Review for updates

**Proposed Motion:** None

**Summary/Background:** Review and make any updates as requested by Council. Possibly schedule a workshop for staff input.

**Staff Contact(s):** Katie Younce

**ORDINANCE #483**

**AN ORDINANCE ESTABLISHING RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; AND REPEALING ORDINANCE NUMBER 479.**

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

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

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

WHEREAS, the Town Council of the Town is in regular session this 20<sup>th</sup> day of June, 2011; and,

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

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

**Section 1 – General Principles:**

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

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

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

## **Section 3 – Agenda:**

The Mayor, departments and the public may add items to the proposed/draft agenda. The deadline is the Monday prior to the regular scheduled meeting. In the event items are received after the deadline, they shall be added to the agenda for the following meeting. On Tuesday the proposed/draft agenda shall be emailed to all council members with email. Those without email may pick up their copy after 1:00 p.m. on Tuesday. Others may request at a regular meeting to receive a proposed agenda. They may with the approval of the Council be added to receive a proposed agenda as provided for in a resolution. Members of the Council may add items to the proposed/draft agenda. All Council changes to the proposed/draft agenda must be to the Clerk by noon on Wednesday prior to the meeting.

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

## **Section 4 – Robert’s Rules of Order:**

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

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

The Town Clerk is responsible for distributing the packets to Council members. The packets shall be delivered to all Council members on the Thursday prior to the meeting. The packets shall include agenda items with subject, who is speaking, and all supporting documentation.

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

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

Prior to or during the meeting, the Town Clerk/Treasurer shall provide to the Council a copy of the check register for bills to be approved at the meeting.

#### **Section 6 – Rules of Decorum:**

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

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

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

#### **Section 7 – Conduct of Meetings:**

All discussions shall be conducted in a respectful manner. The Mayor or Mayor Pro-Tem shall give permission to speak. If the Mayor or Mayor Pro-Tem calls a speaker out-of-order,

that speaker has no permission to speak. If the speaker continues to speak, he/she may be asked to leave the meeting.

#### **Section 8 – Public Testimony Regarding Legislative Agenda Items – Time Limits:**

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

#### **Section 9 – Proposed Ordinances and Resolutions:**

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

All proposed Ordinances and Resolutions, except emergency measures, shall be placed on the agenda for discussion prior to any final draft being completed. All council members will be allowed to present their input. Then a motion is to be made for the clerk to draft the proposed ordinance or resolution, request legal review if necessary or desired, and bring the ordinance back before council at the next meeting for a further discussion and vote.

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

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

#### **Section 10 – Citizens Communication:**

Prior to the start of a meeting, residents may sign up to address the Council by providing their name, address, and the subject they wish to address. The citizen's communication must be related to Town business and shall not be used to make personal comment or verbal insults



about any individual. There will be no disruptive behavior, (including hand clapping or yelling), by anyone.

#### **Section 11 –Special Meetings:**

The Mayor or any three Council members may call a special meeting pursuant to RCW 35.27.270 and RCW 42.30.080. The Council may call a special meeting by motion during any meeting or at any other time as deemed necessary by the Council. A special meeting is to be called by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice. Written notice may be dispensed with as provided in RCW 42.30.080. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. No resolution or order for the payment of money shall be passed at any other than a regular meeting.

#### **Section 12 – Workshops:**

The Council may schedule workshops for the purpose of discussing any Town business. Such meetings are informal. The Clerk shall take minutes and distribute the minutes with the Council's next packet.

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

#### **Section 13 – Quorum:**

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

#### **Section 14 – Voting:**

Any motion shall pass if approved by a majority vote of a quorum of the Council at the meeting. If a Council member is not present at the meeting, he/she shall not be allowed to vote. The Mayor shall have a vote only in the case of a tie in the votes of the Council members.

#### **Section 15 – Clerk Duties at Meetings:**

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

be discussed during Citizen Communication. The other sign-up sheet will be for items on the agenda under new business that the person wishes to speak on.

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

The Town Clerk shall take minutes at regular meetings, special meetings and workshops. No Town official or member of the Town's staff shall make any video recording during a meeting without prior authorization by vote of the Council.

#### **Section 16 – Seating at Meetings:**

Mayor or Mayor Pro-Tem at the Mayor table. Council table: Council shall be seated in order of council position number. Staff table: Attorney, (if present) adjacent to the Mayor, then Town Clerk, and then Public Works Director. No notes shall be passed between staff or staff and attorney.

#### **Section 17 – Finance Committee:**

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

#### **Section 18 – Mayor or Council Position Vacancy:**

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

#### **Section 19 – Handbook:**

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

#### **Section 20 - Repeal of Ordinance #479:**

Ordinance #479 of the Town of Yacolt, adopted April 18, 2011, entitled "An Ordinance Establishing Regular Meeting Days and Time for the Town Council of the Town of Yacolt, Washington, Repealing Ordinance #434" is hereby repealed.

**Section 21 - Savings Clause:**

All terms of Ordinance #479 shall remain in full force and effect until the effective date of this Ordinance #483.

**Section 22 - Severability:**

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

**Section 23 - Effective Date:**

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

**Town of Yacolt - Summary of Ordinance #483**

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

AN ORDINANCE ESTABLISHING RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; AND REPEALING ORDINANCE NUMBER 479. The effective date of the Ordinance is June 29th, 2011.

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 29<sup>th</sup> day of June, 2011.  
Cindy Marbut, Town Clerk/Treasurer

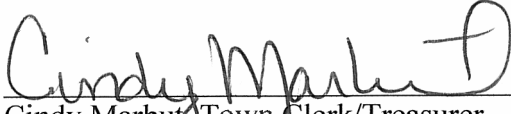
**PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 20<sup>th</sup> day of June, 2011.**

**TOWN OF YACOLT**

  
James Weldon, Mayor

**Attest:**

Town of Yacolt  
Ordinance #483

  
Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

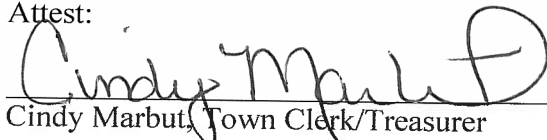
  
David W. Ridenour, Town Attorney

Ayes:	5
Nays:	<del>0</del>
Absent:	<del>0</del>
Abstain:	<del>0</del>

### TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #483 of the Town of Yacolt, Washington, entitled "An Ordinance Establishing Rules of Procedure for Town Council Meetings; and Repealing Ordinance Number 479", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

  
Cindy Marbut, Town Clerk/Treasurer

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

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

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





## Town of Yacolt Request for Council Action

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

Name: Dawn

Group Name:

Address:

Phone:

Email Address:

Alt. Phone:

### ITEM INFORMATION:

**Item Title:** Approve liquor license renewal for Backroads Food and Spirits

**Proposed Meeting Date:** August 19, 2019

**Action Requested of Council:** Approve the renewal liquor license for Backroads Food and Spirits

**Proposed Motion:** I Make a motion to approve the liquor license renewal for Backroads Food and Spirits.

**Summary/ Background:** Yearly renewal

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

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 07/06/2019

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF YACOLT  
(BY ZIP CODE) FOR EXPIRATION DATE OF 20191031

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 . BACKROADS FOOD AND SPIRITS LLC	BACKROADS FOOD AND SPIRITS 303 N AMBOY YACOLT WA 98675 5442	353849	SPIRITS/BR/WN REST LOUNGE -





Washington State  
Liquor and Cannabis Board  
PO Box 43098, 3000 Pacific Ave. SE, Olympia WA 98504-3098, (360) 664-1600

RECEIVED  
JUL 22 2013  
BY: ky

MAYOR OF YACOLT  
PO BOX 160  
YACOLT, WA 98675-0160



**Washington State  
Liquor and Cannabis Board**

P.O. Box 43098

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

July 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](mailto:wslcb@liq.wa.gov).

Sincerely,

*Rebecca Smith*

Rebecca Smith, Director,  
Licensing and Regulation Division

LIQ 864 07/10