



Town of Yacolt
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February 20, 2018
Town Council Agenda
Town Hall 7:00 PM

- 1. Call to Order**
- 2. Flag Salute**
- 3. Roll Call**
- 4. Minutes of Previous Meeting**
 - A. Meeting Minutes for the February 5, 2018 meeting**
- 5. Late Changes to the Agenda**
- 6. 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.**
- 7. Old Business:**
 - A. Public Hearing - Critical Areas Code Amendments**
 - B. Budget Position**
 - C. Verification of Ordinance Publication - Update.**
 - D. Personnel Policy Update**
 - E. Employee Health Insurance Benefits**
 - F. Town Clerk Position - Update on Hiring Process**
- 8. New Business:**
 - A. Mosquito Control Board Activity Update Mayor Myers**
 - B. Clark County Interlocal Agreement for Building Department Services - Discussion.**
- 9. Mayor's Comments**
- 10. Attorney's Comments**
- 11. Council's Comments**
- 12. Public Works Dept. Report**
- 13. Town Clerks Report**
- 14. Pay Bills on behalf of the Town**
- 15. Adjourn**

The Town of Yacolt is celebrating 109 Year.... '1908 - 2017'!!!



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Meeting Minutes for the February 5, 2018 meeting

Action Requested of Council:

Proposed Motion:

Summary / Background:

Governing Legislation:

Budget/Finance Impacts:

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

Minutes 2/5/2018

Staff Contact(s):

Town of Yacolt
202 W. Cushman St.
Yacolt, WA 98675

DRAFT

February 5, 2018

Town Council Meeting Minutes, (Regular Meeting)

1. Call to Order:

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

2. Flag Salute.

3. Roll Call:

PRESENT: Mayor Myers and Council members Rowe-Tice, Moseley, Boget, Noble, Town Attorney Ridenour, and Customer Service Clerk Younce.

ABSENT: Council member Bryant and Public Works Director Ross.

4. Draft Minutes of Previous Meeting:

Draft Meeting Minutes were presented for the 1/16/2018 regular meeting.

MOTION: Council member Noble moved to approve the minutes from the 1/16/2018 regular meeting.

SECOND: Council member Rowe-Tice

AYES: Council members Boget, Noble, Moseley, Rowe-Tice

ABSENT: Council member Bryant.

VOTE: Motion carried.

Draft Meeting Minutes were presented for the 1/29/2018 special meeting.

MOTION: Council member Rowe-Tice moved to approve the minutes from the 1/29/2018 special meeting.

SECOND: Council member Moseley.

AYES: Council members Rowe-Tice, Boget, Noble, Moseley.

ABSENT: Council member Bryant.

VOTE: Motion Carried.

5. Late Changes to the Agenda:

New Business Item C; Council member Rowe-Tice, Tapping town trees across from the library. New Business Item D; Mayor Myers, Lower Columbia Fish Recovery Board.

6. Citizen Communication: None.

7. Old Business:

A. Part-Time Employee Health Benefits: The Council discussed the difference between an employee's eligibility to participate in the Town's health insurance plan, and the Council's decision about whether to

contribute to the cost of an employee's premiums. The Council tabled further discussion to the next meeting so that staff could develop more information about the Town's 2018 Budget and the current review of the Town's Personnel Policy.

B. Personnel Policy Update: Attorney Ridenour informed the Council that Association of Washington Cities attorney Beth McIntyre had completed her review of the Town's Personnel Policy. Her proposed revisions will be available to the Council at the next regular meeting. Item was tabled until the next meeting.

C. Hiring Committee - Town Clerk Position: The Town and the City of Battle Ground are parties to an Interlocal Agreement through which Battle Ground is able to provide hiring support to the Town, if desired. Staff asked the Battle Ground H.R. Department to provide information about how they could help the Town develop qualified applicants for the Town Clerk position, but no response has been received yet. Acting Clerk Younce will follow up with Battle Ground before the next Council meeting. Mayor Myers asked for two Council members to be part of the Town's hiring committee. Council members Boget and Rowe-Tice volunteered. Item was tabled until the next meeting.

D. Work Session - Proposed Critical Areas Code Amendments: Gary Albrecht with Clark County Planning Services spoke with the Council regarding updates to the Critical Areas Code to bring the Town into compliance with current State law. The proposed amendments have been sent to Washington State agencies including the Department of Commerce and the Department of Ecology for review. Work continues on editing of the final document. The Council had questions for Mr. Albrecht, including the differences between "S" and "F" bodies of water.

8. New Business:

A. Fireworks: Les Clifton with the North Clark Little League was present with the Bowe brothers to discuss this year's Rendezvous Days' fireworks show and budget. The Bowe brothers let everyone know how they could see the video from last year's fireworks display. Mr. Clifton asked what the budget would be for this year's fireworks show. Acting Town Clerk Younce let Mr. Clifton know she would have that number for him by Wednesday. The Council discussed concerns about fireworks safety and clean-up.

B. Commission on Aging: Gary Albrecht with Clark County handed out the Annual Report from the Commission on Aging. The Commission is having a Summit on March 29, 2018 at Clark College.

C. Tapping Trees across from the Library: Council member Rowe-Tice asked for permission for her Father to tap the trees across from the library to make syrup. They would like to start in the next week or two. They will try to limit the taps to two per tree. Mayor Myers asked if the trees were on Town property and Public Works Maintenance Assistant Gardner let the Council know they are. The Council approved Council member Rowe-Tice's request.

D. Lower Columbia Fish Recovery Board: Mayor Myers described the Board's purpose, and announced that the Board is looking for a new Board member, with nominations due by February 19.

9. Mayor's Comments: None.

10. Town Attorney Comments: None

11. Council Comments: Council member Rowe-Tice updated the Council on the latest EMS meeting. They are getting a new power gurney and load system for one of the ambulances. They will now have a total of four ambulances. Shawn Ford is our new Fire Chief. Council member Boget asked if we could clear up the fireworks budget. Acting Town Clerk Younce explained that the fireworks budget would be what was left over after deducting other expenses from the total Rendezvous Days' budget.

12. Public Works Dept. Report: Absent.

13. Town Clerk Report: Acting Town Clerk Younce let the Council know that it is in the budget for the BIAS Annual Report workshop. BARS 514 23 41 03. She asked the council to submit ideas for a parade theme. There will be a handout for the next meeting on sick leave carryover.

14. Park Restroom Discussion: Council member Noble asked Public Works to discuss the vandalism happening in the restrooms at the Town Park. The Council decided that a Council member volunteer would lock the restrooms at night and that Public Works would unlock them in the morning. Council members Boget and Moseley volunteered to lock them at night.

15. Pay Bills on Behalf of the Town:

MOTION: Council member Boget moved to approve payment of the bills as presented.

SECOND: Council member Noble.

AYES: Council members Moseley, Noble, Boget

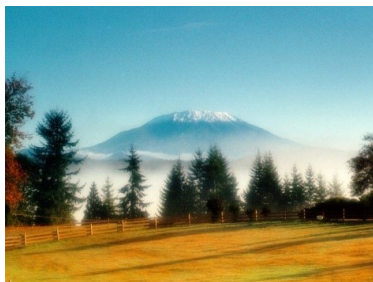
NAYS: Council member Rowe-Tice

ABSENT: Council member Bryant.

VOTE: Motion Carried.

16. Adjourn Meeting: Mayor Myers adjourned the meeting at 8:16 p.m.

<i>DRAFT</i>	<i>DRAFT</i>
Vince Myers, Mayor	Katie Younce, Acting Town Clerk
001 Current Expense	19,591.71
101 Streets	28,769.36
103 Cemetery	160.64
105 REET/Real Estate Excise Tax	55.00
<u>Storm Water</u>	<u>1,243.02</u>
Claims	31,597.35
Payroll	18,222.38



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Staff

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Address

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E-Mail Address

Item Title:

Public Hearing - Critical Areas Code Amendments

Action Requested of Council:

Proposed Motion:

Summary / Background:

The Town is conducting a public hearing on the proposal to update its Critical Areas Codes.

Governing Legislation:

Budget/Finance Impacts:

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

DRAFT - Revised Critical Areas Codes

Staff Contact(s):

Gary Albrecht, Clark County Planning Services; David W. Ridenour, Town Attorney; Devin Jackson, Town Engineer.

Chapter 16.20 GENERAL PROVISIONS

Sections:

16.20.010 - Purpose
16.20.020 - Authority
16.20.030 - Severability
16.20.040 - Administrative rules
16.20.050 - Administrative rules
16.20.060 - Interpretation
16.20.070 - Critical lands
16.20.080 - Best available science
16.20.090 - Applicability
16.20.100 - Exemptions
16.20.110 - Reasonable use exceptions
16.20.120 - Allowed activities
16.20.125 - Hazard vegetation removal permit
16.20.130 - Review required
16.20.140 - Critical area reporting evaluation requirements
16.20.150 - Critical area report – modifications to requirements
16.20.160 - Modification requirements
16.20.170 - Mitigation sequencing
16.20.180 - Mitigation plan requirements
16.20.190 - Innovative mitigation
16.20.200 - Unauthorized critical area alterations and enforcement
16.20.210 - Critical area markers, signs and fencing
16.20.220 - Critical area protective mechanism
16.20.240 - Bonds to ensure mitigation, maintenance, and monitoring
16.20.260 - Definitions

16.20.010 - Purpose.

- A. The purpose of this Title is to designate and classify ecologically sensitive and hazardous areas, and to protect these areas, their functions and values, while allowing for some reasonable use of property.
- B. The Town finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the Town of Yacolt and its residents, and/or may pose a threat to human safety, or to public and private property.
- C. Goals. By managing development and alteration of critical areas, this Chapter seeks to:
 - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or Flooding;
 - 2. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters;
 - 3. Direct activities not dependent on critical area resources to less ecologically sensitive sites, and mitigate necessary impacts to critical areas by regulating alterations in and adjacent to critical areas; and,
 - 4. Prevent cumulative adverse environmental impacts to critical aquifer recharge and Frequently Flooded Areas.
- D. The regulations of this Chapter are intended to protect critical areas in accordance with the Growth Management Act, RCW 36.70A, and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
- E. This Chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this Chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.

- F. The Town's enactment or enforcement of this Chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

16.20.020 - Authority.

As provided herein, the "Director" shall mean the Town's Public Works Director or designee. The Mayor and Director are given the authority to interpret and apply, and the responsibility to enforce this Title to accomplish the stated purpose.

16.20.030 - Relationship to other regulations.

- A. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations, including the Town of Yacolt Engineering Standards for Public Works Construction, adopted by the Town.
- B. These critical area regulations may be applied concurrently with review conducted under the State Environmental Policy Act (SEPA), or other development review as adopted.
- C. In the event of a conflict with any other provisions of this Title, that which provides more protection to the critical areas shall apply.
- D. Compliance with the provisions of this Title does not constitute compliance with other federal, state and local regulations and permit requirements that may be required (for example, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with all requirements, apart from the process established in this Title.

16.20.040 – Severability.

If any clause, sentence, paragraph, section, or part of this Title or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof, and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are declared to be severable.

16.20.050 – Administrative rules.

The Town of Yacolt may adopt such administrative rules and regulations as necessary and appropriate to implement this Title, and to prepare and require the use of such forms as necessary for its administration. The applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

16.20.060 - Interpretation.

In the interpretation and application of this Title, the provisions of this Title shall be considered to be the minimum requirements necessary, shall be liberally construed to serve its purpose, and shall be deemed to neither limit nor repeal any other provisions required by or under state statute.

16.20.070 - Critical lands.

The following critical lands are covered under this Title:

- A. Critical aquifer recharge areas (CARAs);
- B. Geologic hazard areas;
- C. Frequently Flooded Areas.

- D. Priority habitat areas; and,
- E. Wetlands;

16.20.080 – Best available science.

- A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.
- B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the Director shall:
 - 1. Limit development and land use activities until the uncertainty is sufficiently resolved; and,
 - 2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
 - a. Address funding for the research component of the adaptive management program;
 - b. Change course based on the results and interpretation of new information that resolves uncertainties; and,
 - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

16.20.090 - Applicability.

The Town will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any Structure or improvement in, over, or on critical areas, without first ensuring compliance with the requirements of this Title, including but not limited to, the following development permits:

- A. Building permit;
- B. Grading permit;
- C. Forest practices conversion permit regulated by WAC 222;
- D. Conditional use permit;
- E. Short subdivision;
- F. Subdivision;
- G. Planned unit development;
- H. Any commercial or industrial development;
- I. Site plan;
- J. Zoning variance;
- K. Any grading, filling, or clearing of land, or logging or removal of timber; or,
- L. Other activities as specified within this Title.

16.20.100 - Exemptions.

- A. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this Title; provided that they are otherwise consistent with the provisions of other local, state and

federal laws and requirements:

1. **Emergencies.** Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions;

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, an emergency response must have the least possible impact to the critical area. The person or agency undertaking such action shall notify the Town within four days following commencement of the emergency activity. If the Director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;

2. **Operation, Maintenance or Repair.** Operation, maintenance or repair of existing Structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area;
 3. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching; and,
 4. **Forest Practices.** Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from the Town of Yacolt's jurisdiction, provided that forest practice conversions are not exempt.
- B. **Exempt Activities Shall Avoid Impacts to Critical Areas.** All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

16.20.110 - Reasonable use exception.

- A. If the application of this Title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this Section.
- B. **Exception Request and Review Process.** An application for a reasonable use exception shall be made to the Town and shall include a critical area application and fee; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). A staff report shall be prepared to include a recommendation to the approval authority based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in Subsection D of this Section.
- C. **Public Hearing Required.** A request for an exception under this section shall be considered through a hearing process in accordance with YMC Chapter 18.95.
- D. **Reasonable Use Review Criteria.** The criteria for review and approval of reasonable use exceptions include the following:
 1. The application of these provisions would deny all reasonable use of the property;
 2. No other reasonable use of the property has less impact on the critical area;
 3. Any alteration is the minimum necessary to allow for reasonable use of the property; and,
 4. The inability of the applicant to derive reasonable use of the property is not the result of actions taken by

the applicant or its predecessor after the effective date of these provisions;

5. Any alteration of a critical area approved under this Section shall be subject to appropriate conditions and will require mitigation under an approved mitigation plan.
- E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

16.20.120 - Allowed activities.

- A. Critical Area Report Not Required. Activities which have been reviewed and permitted or approved by the Town, or other agency with jurisdiction, for impacts to critical or sensitive areas, do not require submittal of a new critical area report or application under this Title, unless such submittal was required previously for the underlying permit.
- B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this Code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The Town shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.
- C. Allowed Activities. The following activities are allowed:
 1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:
 - a. There have been no material changes in the potential impact to the critical area since the prior review;
 - b. There is no new information available that is applicable to any critical area review of the site or particular critical area;
 - c. No more than five years has elapsed since the issuance of the permit or approval; and,
 - d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.
 2. Modification to Existing Structures. Structural modifications, additions to, or replacement of an existing legally constructed Structure that does not further alter or increase the impact to the critical area, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of Structures substantially damaged by fire, Flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.
 3. Activities within the Improved Right-of-Way. Replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a Town-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or that result in the transport of sediment or increased stormwater.
 4. Public and Private Pedestrian Trails.
 - a. Existing public and private trails may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area.
 - b. Other public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, subject to the following:
 - (1). The trail surface shall meet all other requirements including water quality standards set forth in the Town of Yacolt Engineering Standards for Public Works Construction;

- (2). Critical area widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and,
 - (3). Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report.
5. Selective Vegetation Removal Activities. The following vegetation removal activities are allowed without a permit:
 - a. The removal of invasive plant species including Himalayan blackberry (*Rubus armeniacus*), Evergreen blackberry (*Rubus laciniatus*), and English Ivy, as well as any other noxious weed or invasive plant species acknowledged by the Town;
 - b. Invasive plant removal must be performed with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.);
 - c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and Clark County Fire District 13 fire department requirements; provided, that the removed vegetation shall be replaced in-kind by the property owner or with similar native species within one year in accordance with an approved restoration plan;
 - d. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency. More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028;
 - e. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and,
 - f. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

16.20.125 - Hazard vegetation removal permit.

- A. Vegetation and tree removal from a critical area must be approved by the Director. An application must include the following information:
 1. The applicant must submit a report from a certified arborist or professional forester that documents the hazard and provides a pruning plan or replanting plan for the replacement trees and vegetation. The report must be prepared by a professional unaffiliated with the company proposing to remove the tree(s).
 2. Tree pruning is preferred over felling. Pruning includes the removal of a hazardous branch, crown thinning or crown reduction. When pruning is insufficient to address the hazard, then trees should be removed as justified by a qualified professional.
 - a. Tree topping is prohibited. Topping is the cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role.
 - b. Reduction. Reduction reduces the size of a tree, often for utility line clearance. Reducing a tree's spread is best accomplished by pruning back the leaders and branch terminals to secondary branches that are large enough to assume the terminal roles. Compared to topping, reduction helps maintain the form and structural integrity of the tree.
 - c. Crown cleaning and thinning. Proper pruning opens the foliage of a tree, reduces weight on heavy limbs, removes dead branches, and helps retain the tree's natural shape and height.
- B. Mitigation Required. The landowner shall replace trees that are felled with new trees at a ratio of two

replacement trees for each tree felled within one year in accordance with an approved restoration plan.

1. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used.
 2. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.
- C. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed by the landowner prior to receiving written approval from the Town; provided, that within fourteen days following such action, the landowner shall submit a proof of hazard (e.g. photos) together with a restoration plan that demonstrates compliance with these provisions.

16.20.130 - Review required.

Mapping. The approximate location and extent of critical areas are shown on critical area maps that are provided Clark County Geographic Information Systems (a.k.a. "Maps Online"). These maps are to be used as a guide for the Town, project applicants, and/or property owners, and may be continually updated as new critical areas are identified. They are a reference and do not provide a final critical area designation or delineation. If the proposed activity is within, adjacent to (within two hundred feet), or is likely to impact a critical area, the Town shall require a critical area report from the applicant that has been prepared by a qualified professional. If the report concludes that there is a critical area present then the Town of Yacolt shall:

- A. Review and evaluate the critical area report;
- B. Determine whether the development proposal conforms to the purposes and performance standards of these provisions;
- C. Assess potential impacts to the critical area and determine if they are necessary and unavoidable; and,
- D. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of these provisions.

16.20.140 - Critical area reporting evaluation - Requirements.

- A. Incorporating Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance, and reference the source of science used. The critical area report shall evaluate the proposal and the likelihood of all probable adverse impacts to critical areas in accordance with these provisions.
- B. Minimum Report Contents. At a minimum, the report shall contain the following:
 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal showing identified critical areas, property lines, limits of any areas to be cleared, and a description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 3. The dates, names, and qualifications of the persons preparing the report, and documentation of any fieldwork performed on the site;
 4. Identification and characterization of critical areas, wetlands, and water bodies within the proposed project area;
 5. A description of reasonable efforts made to avoid, minimize, and mitigate impacts to critical areas;
 6. A proposal for financial guarantees to ensure compliance; and,
 7. Any additional information required for the critical area, as specified in the corresponding Chapter.
- C. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of

any reports or studies required by other laws and regulations, or previously prepared for and applicable to the development proposal site, as approved by the Director.

16.20.150 - Critical area report - Modifications to requirements.

- A. Limitations to Study Area. The Director may limit or extend the required geographic area of the critical area report as deemed appropriate, so long as it is within the proposed site. If a wetland is located off-site and is inaccessible, the best available information shall be used to determine the wetland boundary and category.
- B. Modifications to Required Contents. The applicant may consult with the Director prior to or during preparation of the critical area report to obtain Town written approval for modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the probable critical area impacts and required mitigation.
- C. Additional Information May be Required. The Director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with these provisions. Additional information that may be required, includes, but is not limited to:
 - 1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 - 2. Grading and drainage plans; and,
 - 3. Information specific to the type, location, and nature of the critical area.

16.20.160 - Mitigation requirements.

- A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in these provisions, if alteration to the critical area is necessary, all adverse impacts to or from critical areas resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.
- B. Mitigation should be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area. Mitigation shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable.
- C. Mitigation shall only be implemented after Town approval of a critical area report that includes a mitigation plan. Mitigation shall be in accordance with the provisions of the approved critical area report.

16.20.170 - Mitigation sequencing.

Applicants shall demonstrate that reasonable efforts have been examined with the intent to mitigate impacts to critical areas. When an alteration to a critical area is proposed, mitigation can be accomplished through a variety of methods. Generally, avoiding the impact altogether is the preferred option. Following this process is referred to as mitigation sequencing, and mitigation for individual actions may include a combination of the measures provided in this Section. Methods to reduce impacts and mitigate for them should follow a series of steps taken in sequential order:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action (usually by either finding another site or changing the location on the site);
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project design, developable area configuration, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or;
- F. Monitoring the impact and taking appropriate corrective measures.,

16.20.180 - Mitigation plan requirements.

When mitigation is required, the applicant shall submit to the Town a mitigation plan as part of the critical area report. The mitigation plan shall include:

- A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
 - 1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and,
 - 2. An analysis of the likelihood of success of the mitigation project.
- B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained, and whether or not the requirements of these provisions have been met.
- C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, including but not limited to, the proposed construction sequence, timing and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing and density; and, measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.
- E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

16.20.190 - Innovative mitigation.

The Town may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this Section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

- A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
- B. The group demonstrates the organizational and fiscal capability to act cooperatively;

- C. The group demonstrates that long-term management of the habitat area will be provided;
- D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and,
- E. Conducting mitigation as part of a cooperative process may not reduce or eliminate the required replacement ratios.

16.20.200 - Unauthorized critical area alterations and enforcement.

- A. When a critical area has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The Town shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.
- B. Restoration Plan Required. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the Town. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this Section. The Director may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.
- C. Minimum Performance Standards for Restoration.
 - 1. For alterations to critical aquifer recharge areas and Frequently Flooded Areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - a. The historic structural and functional values shall be restored, including water quality and habitat functions;
 - b. The historic soil types and configuration shall be replicated;
 - c. The critical area shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and,
 - d. The historic functions and values should be replicated at the location of the alteration.
 - 2. For alterations to frequently Flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;
 - b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and,
 - c. The hazard area shall be replanted with native vegetation sufficient to minimize the hazard.
- D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under YMC Chapter 8.05, YMC Title 18, and the Town's general authority to enforce laws and regulations.

16.20.210 - Critical area markers, signs and fencing.

- A. Temporary Markers. The outer perimeter of the critical areas must be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the Director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction, and shall not be removed until installation of permanent signs, if required, or final Town approval is granted.
- B. Permanent Signs. The Town may require, as a condition of any permit or authorization issued pursuant to this Title, that the applicant install permanent signs along the boundary of a critical area to Town standards.
- C. Fencing. Installation of a permanent fence at the edge of the habitat conservation area or wetland buffers is required.

1. Fencing may be waived in the following circumstances:
 - a. The applicant demonstrates to the Director's satisfaction that fencing will not prevent future impacts to the habitat conservation area; or,
 - b. The Director determines that a proposed use adjoining the buffer does not pose a threat to the critical area and buffer functions, or there is a public safety issue.
2. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed forty-two inches high and in a manner that minimizes habitat impacts. Approved fencing styles include: vinyl-coated chain link, wooden split rail, or similar, as approved by the Town.

16.20.220 - Critical area protective mechanism.

- A. Identified critical areas and their associated buffers shall be protected and preserved through a permanent protective mechanism acceptable to the Town. This may include placing the critical area in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffers to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffers.
- B. If the protective mechanism includes placing the critical area and its associated buffers in a separate tract, then the critical area tract(s) shall:
 1. Be recorded on all documents of Title of record for all affected lots;
 2. Be designated on the face of the plat or recorded drawing in a format approved by the Town. The designation shall include the following restriction:
 - a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, and protecting plants and animal habitat; and,
 - b. The right of the Town to enforce the terms of the restriction.
- C. The Town may require that any required critical area tract be dedicated to the Town, or held by an incorporated homeowner's association or other legal entity.

16.20.240 - Bonds to ensure mitigation, maintenance, and monitoring.

- A. When mitigation required pursuant to a development proposal is not completed prior to the Town final permit approval, such as final plat approval, the Town shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the Town. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the Town to ensure mitigation is fully functional.
- B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- C. The bond may be in the form of a surety bond, performance bond, case security agreement, assignment of savings account, irrevocable letter of credit guaranteed by an acceptable financial institution, or other security in a form and amount, and including such terms and conditions, as are acceptable to the Town.
- D. Bonds or other security authorized by this Section shall remain in effect until the Town determines, in writing, that the standards bonded for have been met.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the Town may demand payment of any financial guarantees and/or require other action authorized by the Town Code or any other law, including the recovery of costs and attorney's fees incurred during the enforcement measures taken by the Town.
- H. Any funds recovered pursuant to this Section shall be used to complete the required mitigation and to reimbursement to Town for its costs, fees, (including attorney's fees), and expenses of enforcement.

16.20.260 - Definitions.

"Anadromous" means species, such as salmon, which are hatched in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to reproduce.

"Best management practices (BMPs)" means conservation practices, or system of practices and management measures that avoid or minimize adverse impacts to critical areas.

"Buffer zone" means an area that is contiguous to and protects a critical area, which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Conservation covenant" means an instrument recorded with the Town that places certain restrictions or limitations on the affected parcel.

"Critical areas" means the following areas and ecosystems as defined in RCW 36.70A.030 and described in WAC 365-190:

1. Critical aquifer recharge areas;
2. Geologic hazard areas;
3. Frequently Flooded Areas;
4. Habitat conservation areas; and,
5. Wetlands.

"Engineer" means an appropriate professional who is licensed in the State of Washington as an engineer.

"Erosion hazard areas" means those areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Soil Survey Program, may experience significant erosion. Erosion hazard areas also include channel migration zones.

"Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conversation program. Forest practices are not included in this definition.

"Exotic" means any species of plants or animals that are not native to the watershed.

"Fish and wildlife habitat conservation areas" means those areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.

"Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

“Frequently Flooded Areas” means those lands in the Floodplain subject to one (1) percent or greater chance of Flooding in any given year and those lands that provide important Flood storage, conveyance, and attenuation functions, as determined in accordance with WAC 365-190-030. The most recent FEMA DFIRM is used in setting a baseline for Special Flood Hazard Area.

“Geologically hazardous areas” means lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

“Hazard tree” means any tree which, in the opinion of the responsible official, an expert approved by Yacolt (such as, but not limited to, a professional forester or landscape architect), or a similar expert employed by another public agency or utility, has a strong likelihood of causing a hazard to life or property.

“Mitigation” means avoiding, minimizing, or compensating for adverse impacts to critical areas.

“Nuisance vegetation” means noxious weeds or any plant that is highly destructive, competitive, or difficult to control by cultural or chemical practices pursuant to RCW 17.10.090 and based on the list of noxious weeds provided in WAC 16-750-005, 16-750-011 and 16-750-015.

“Qualified groundwater professional” means a hydrogeologist, geologist, engineer, or other scientist who meets the following criteria:

1. Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and,
2. Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.

“Streams” means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area, which demonstrates clear evidence of the passage of water, and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined swales. The channel or bed need not contain water year-round.

“Watershed” means an area of topographic relief that drains to a single surface water system.

“Wetland” or “wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, retention facilities, wastewater treatment facilities, farm ponds, landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

“Wetlands Delineation Manual” means the wetland delineation procedure described in WAC 173-22-035 (as amended).

“Wetland Qualified Professional” means a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

Chapter 16.25
CRITICAL AQUIFER RECHARGE AREAS (CARAS)

Sections:

- 16.25.010 - Introduction
- 16.25.020 - Standards
- 16.25.030 - Administration
- 16.25.040 - Enforcement

16.25.010 - Introduction.

- A. Purpose. This Chapter is intended to protect public health, safety, and welfare by preventing degradation, and where possible, enhance the quality of groundwater which will be, or might likely be, used in the future for drinking water or business purposes. This will be accomplished by limiting potential contaminants within designated CARAs. The requirements of this Chapter are intended to fulfill obligations of state law under Chapter 36.70A RCW, Growth Management – Planning by Selected Counties and Cities; Chapter 70.119A RCW, Public Water Systems – Penalties and Compliance; Chapter 246-290 WAC, Public Water Supplies; Chapter 173-303 WAC, Dangerous Waste Regulations; WAC 173-218, Underground Injection Control Program; and Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington.
- B. Definitions.
 - 1. CARA. “CARA” means Critical aquifer recharge areas. CARAs are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge as defined in WAC 365-190-030.
 - 2. Category I CARA. “Category I CARA” means the highest priority critical aquifer recharge area. Category I is the one-(1) year time of travel for Group A water wells, shown on the Town of Yacolt Wellhead Protection Areas Map.
 - 3. Category II CARA. “Category II CARA” means the primary critical aquifer recharge area. This area consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer, both shown on Clark County’s critical aquifer recharge areas map.
- C. Map. The Yacolt Wellhead Protection Areas map identifies CARAs within the Town’s municipal boundaries.
- D. Applicability and Exemptions.
 - 1. Applicability. This Chapter applies to all critical aquifer recharge areas as defined in Section 16.25.010B. Parcels that are partly within Category I and Category II shall be subject to the Category I provisions in this Chapter. Parcels that are partly inside Category II, but outside Category I, shall be subject to the Category II provisions in this Chapter.
 - 2. Exempt Activities. The following activities do not require a CARA permit:
 - a. Currently existing activities that legally existed on July 31, 1997;
 - b. All residential uses other than those having activities covered by 16.25.020B;
 - c. Other uses not listed in 16.25.020B or C; and,
 - d. Activities already permitted and regulated by the state and the Clark County Health Department to incorporate best management practices.
 - 3. The following underground storage tank (UST) systems, including any piping connected thereto, are exempt from the requirements of this Chapter:
 - a. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
 - b. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
 - c. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;

- d. Any UST system whose capacity is 110 gallons or less;
- e. Any UST system that contains a de minimis concentration of regulated substances;
- f. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- g. Farm or residential UST systems of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
- h. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of 1,100 gallons are subject to the release reporting requirements of WAC 173-360-372;
- i. Septic tanks;
- j. Any pipeline facility (including gathering lines) regulated under:
 - (1). The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.);
 - (2). The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.); or,
 - (3). Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in Subsection D3j(1) or (2) of this Section;
- k. Surface impoundments, pits, ponds, or lagoons;
- l. Stormwater or wastewater collection systems;
- m. Flow-through process tanks;
- n. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or,
- o. Storage tanks situated in an underground area (such as a basement, cellar, vault, mine working drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

16.25.020 - Standards.

- A. Activities or facilities requiring a CARA permit in Categories I and II include the following:
- 1. Above- and below-ground storage tanks (tanks and pipes used to contain an accumulation of regulated substances);
 - 2. Facilities that conduct biological research;
 - 3. Boat repair shops;
 - 4. Chemical research facilities;
 - 5. Dry cleaners;
 - 6. Gasoline service stations;
 - 7. Pipelines;
 - 8. Printing and publishing shops (that use printing liquids);
 - 9. Below-ground transformers and capacitors;
 - 10. Sawmills [producing over 10,000 board feet per day];
 - 11. Solid waste handling and processing;
 - 12. Vehicle repair, automotive recycling and recyclable materials;
 - 13. Funeral services;
 - 14. Furniture stripping;
 - 15. Motor vehicle service garages (both private and government);

16. Photographic processing;
 17. Chemical manufacturing and reprocessing;
 18. Creosote and asphalt manufacturing and treatment;
 19. Electroplating activities;
 20. Petroleum and petroleum products refining, including reprocessing;
 21. Wood products preserving;
 22. Golf courses;
 23. Regulated waste treatment, storage, disposal facilities that handle hazardous material;
 24. Medium quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste); and,
 25. Large quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste).
- B. Prohibited Activities or facilities in Category I. The following activities are considered high-impact uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited within Category I. These activities are permitted in Category II, but require a CARA permit:
1. Landfills;
 2. Class V injection wells in accordance with WAC 173-218;
 3. Agricultural drainage wells;
 4. Untreated sewage waste disposal wells;
 5. Cesspools;
 6. Industrial process water and disposal wells;
 7. Radioactive waste disposal;
 8. Radioactive disposal sites;
 9. Surface mining operations; and,
 10. Electroplating activities.
- C. Additional Standards. The following additional standards apply in all CARAs:
1. Pesticides, herbicides and fertilizers shall be applied in accordance with the federal law.
 2. Vehicle repair and servicing.
 - a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment if leaks occur.
 - b. No dry wells shall be allowed in CARAs on sites for vehicle repair or servicing. Dry wells on the site prior to the facility establishment must be abandoned using techniques approved by the Department of Ecology prior to commencement of the proposed facility.

16.25.030 - Administration.

- A. Permit Requirements.
1. To receive a CARA permit required by section 16.25.020, the applicant must demonstrate, through a Level 1 site evaluation report, how they will integrate necessary and appropriate best management practices (BMP) to prevent degradation of groundwater. The applicant must also meet existing local, state, and federal laws and regulations.
 2. If an applicant wants to avoid implementation of BMPs, they must submit a Level 2 site evaluation report and develop and implement a monitoring program that:

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- a. Demonstrates how the applicant will prevent degradation to groundwater. The applicant must also meet existing local, state, and federal laws and regulations; and,
- b. Includes quarterly reporting to the Public Works Department. The Public Works Department will evaluate the monitoring program and may require periodic changes based on the monitoring results, new technology, and/or BMPs.

B. Level 1 Site Evaluation Report/Approval Criteria.

1. For all proposed activities to be located in a critical aquifer recharge area, the site evaluation report shall include a Level 1 assessment by an engineer as defined in section 16.20.260.
2. The report will identify how the applicant will follow the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event hazardous material is released onto the ground or into groundwater.
3. The report will be reviewed by the Public Works Department in the same process as the primary development permit. If approved, the applicant will receive a CARA permit allowing the activity on the subject property.
4. The Public Works Department may waive the requirement for an engineer. This would be done when the site conditions or project mitigations have been, or can be, adequately addressed in the site evaluation report.

C. Level 2 Site Evaluation Report/Approval Criteria.

1. A qualified groundwater professional as defined in section 16.20.260 will determine whether the proposed activity will have any adverse impacts on groundwater in CARAs. This determination must be based upon the requirements of the Safe Drinking Water Act and the Wellhead Protection Area Program, Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; WAC 173-218, Underground Injection Control Program; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303, and 246-290 WAC, as written and hereafter updated, will be part of this Chapter.
2. The Level 2 site evaluation report will include the following:
 - a. Identification of the proposed development plan, along with potential impacts (e.g., on-site septic systems and other on-site activities) that may adversely impact groundwater quality underlying or down gradient of the project or project area;
 - b. Site plans or diagrams at an appropriate scale (one to 2,400 or one inch to 200 feet) showing the location of abandoned and active wells, springs, and surface water bodies within 1,000 feet of the project or project area; and
 - c. A description of the geologic and hydrogeologic characteristics of the subject property including the following:
 - (1). Lithologic characteristics and stratigraphic relationships;
 - (2). Aquifer characteristics including recharge and discharge areas, depth to and static water-flow patterns, and an estimate of groundwater-flow velocity;
 - (3). Contaminant fate and transport including probable migration pathways and travel time of a potential contaminant release from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s);
 - (4). Appropriate hydrogeologic cross-sections which depict lithology, stratigraphy, aquifer, units, potential or probable contaminant pathways from a chemical release, and rate of groundwater flow;
 - (5). Existing groundwater quality; and,
 - (6). A proposal for quarterly monitoring of groundwater quality to detect changes and a description of corrective actions that will be taken if monitoring results indicate contaminants from the site have entered the underlying aquifer(s).

3. The report will be reviewed by the Public Works Department, in consultation with the Clark County Health Department and/or the local water purveyor, in conjunction with the same process as the primary development permit. If approved, the applicant will receive a CARA permit allowing the activity on the subject property.
4. Penalties. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Chapter shall be subject to penalties as defined in Chapter 70.119A RCW and Chapters 173-200 and 246-290 WAC.

16.25.040 - Enforcement.

- A. Enforcement. It shall be unlawful to violate the provisions of this Chapter. Enforcement of this Chapter shall be governed by YMC Chapter 13, YMC 8.05, and the Town's general authority to enforce laws and regulations.
- B. Supplemental Enforcement Provisions for Water Resources Protection. In addition to civil and criminal enforcement as authorized under YMC 13.10 and YMC 8.05, enforcement of this Chapter may utilize the following authority:
 1. The Town of Yacolt finds that an operation not in compliance with the requirements of this Chapter constitutes a public nuisance under RCW 7.48, Nuisances, and YMC 8.05, Nuisances.
 2. The Town may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this Chapter.
 3. The Town may require the implementation of the operational or structural best management practices, as defined through the provisions of this Chapter. Implementation of remedies to meet compliance standards shall be performed on a timeline approved by the Town.
 4. The Town may also require the operator to sample and analyze any discharge, surface and storm water, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the Town. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the Town.
 5. The Town may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten water resources.
 6. Notwithstanding any other provisions of this Chapter, whenever it appears to the Town that conditions regulated by this Chapter require immediate action to protect the public health and/or safety, the Town is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.
 7. When necessary corrective actions are not undertaken as directed by the Town, an owner, operator and/or contractor can be held liable for abatement costs to remedy noncompliance together with all costs, fees, penalties, and charges described in YMC 13.10 and YMC 8.05.

Chapter 16.30 GEOLOGIC HAZARD AREAS

Sections:

- 16.30.010 - Introduction
- 16.30.020 - Standards
- 16.30.030 - Administration

16.30.010 - Introduction.

- A. Purpose. The purpose of this Chapter is to safeguard public health, safety, and welfare by placing limitations on development in geologically hazardous areas consistent with the requirements of the Growth Management Act and WAC 365-190.
- B. Applicability and Exemptions.
 - 1. Applicability. This Chapter applies to all construction, development, earth movement, clearing, or other site disturbance which requires a permit, approval or authorization from the Town in or within 100 feet of a geologic hazard area except for exempt activities listed in Subsection B2 of this Section. Regulated geologic hazards include steep slope hazard areas, landslide hazard areas, seismic hazard areas, and volcanic hazard areas.
 - 2. Exempt Activities and Uses. The following activities and uses are exempt from the provisions of this Chapter:
 - a. Emergency activities which require immediate action to prevent an imminent threat to health, safety, or property. As soon as practical, the responsible party shall provide written notification to the responsible official and obtain all applicable permits;
 - b. The expansion, remodel, reconstruction, or replacement of any Structure which will be set back from the geologic hazard area a distance which is greater than or equal to the setback of the original Structure and which will not increase the building footprint by more than 1,000 square feet inside a steep slope hazard area, landslide area, or their buffers;
 - c. Any replacement, operation, repair, modification, installation, or construction by a state or locally franchised utility company in an improved right-of-way or utility corridor;
 - d. Normal and routine maintenance and repair of existing utility facilities, equipment, and appurtenances;
 - e. Any development activity on or within 100 feet of steep slopes that have been created through previous, legal grading activities is exempt from steep slope hazard regulations; and,
 - f. All forest practices other than Class IV G (conversions).
 - 3. This section applies to Class IV G forest practices (conversions).
- C. Geologic Hazard Area Maps and Designation Criteria.
 - 1. Maps.
 - a. Adopted Maps. The following maps are adopted by reference and in the Town of Yacolt Comprehensive Growth Management Plan. GIS Map Store produces maps for free in the following link: Critical Areas Ordinances Maps, (<https://gis.clark.wa.gov/gishome/mapstore/%20-%20/mapProducts>).
 - b. Identification. Geologic hazards are usually localized individual occurrences that may affect only small, separate areas. In addition, activities such as grading and clearing can create or increase slope instability where none was previously identified. Because of this, geologic hazard areas have not been identified on a site-specific basis.
 - c. Source Data. The approximate location and extent of geologic hazard areas are shown on the geologic hazard area maps adopted herein. Clark County will adopt updated mapping as more detailed information becomes available. The maps are intended to meet the designation criteria listed in WAC 365-190-080 and are based on the best available information, including:

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- (1). Slope areas mapping for Clark County, Clark County Department of Assessment and GIS, and the Town of Yacolt;
 - (2). Slope Stability of Clark County, Washington State Department of Natural Resources, 1975, and landslides mapped in Geologic Map of the Vancouver Quadrangle, Washington and Oregon, Washington State Department of Natural Resources, 1987; Construction of Liquefaction Susceptibility and NEHRP Soil-type Maps for Clark County, Washington, Washington Department of Natural Resources, 2004;
 - (3). Volcanic hazard zonation for Mount St. Helens, Washington, U.S. Geological Survey, 1995; and,
 - (4). Natural Resources Conservation Service, Soil Survey Geographic Database (SSURGO), 2004.
 2. Designation Criteria. Along with geologic hazard area mapping, designation criteria for steep slope hazard areas, landslide areas, and seismic hazard areas are listed below. Where the geologic hazard area maps and designation criteria conflict, the designation criteria shall prevail.
 - a. Steep slope hazard areas are areas where there is not a mapped or designated landslide hazard, but there are steep slopes equal to or greater than 40 percent slope. Steep slopes which are less than 10 feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity are not regulated steep slope hazard areas. The presence of steep slope suggests that slope stability problems are possible.
 - b. Landslide hazard areas are areas that, due to a combination of slope inclination, soil type, and presence of water, are susceptible to land sliding in accordance with any of the following criteria:
 - (1). Areas of previous slope failures including areas of unstable old or recent landslides;
 - (2). Areas with all three of the following characteristics:
 - (a). Slopes steeper than 15 percent;
 - (b). Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock; and,
 - (c). Any springs or groundwater seepage.
 - (3). Areas mapped by:
 - (a). Washington State Department of Natural Resources, Open File Report: Slope Stability of Clark County, as having potential instability, historical, or active landslides, or as older landslide debris, or;
 - (b). The Washington State Department of Natural Resources Open File Report Geologic Map of the Vancouver Quadrangle, Washington and Oregon, as landslides.
- D. Reasonable Use Assurance. Nothing in this Section shall preclude the issuance of a single-family building permit on a lawfully created lot in accordance with YMC 16.020.110.

16.30.020 - Standards.

- A. General. The following requirements for development activities in geologic hazard areas list prohibited activities, buffer requirements, and setback requirements. This Section describes required buffers and setbacks, and general requirements for development activities in geologic hazard areas.
 1. Development on steep slope hazard areas is regulated to prevent potential landslide damage by placing improvements away from steep slopes and leaving steep slopes in natural vegetation.
 2. Development in landslide hazard areas is generally not allowed, and requires buffers that keep vegetation in a natural state on and around the landslide hazard area.
 3. Seismic hazards due to liquefaction, ground shaking amplification, and landslides exist for large areas of Clark County. Only detailed site analysis can determine how soils and Structures will respond at a particular site. Site investigation requirements of the Uniform Building Code are used to ensure that

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Structures are built to minimum safety standards based on existing knowledge of earthquake hazard.

4. If an applicant wishes to perform development activities not allowed by Subsections D and E of this Section, a geologic hazard area study meeting the requirements of YMC 16.30.030C must be completed. The development proposal may be approved, approved with conditions, or denied based on the responsible official's evaluation of the suitability of the mitigation measures proposed by the geologic hazard area study to protect life, safety, and slope stability on abutting properties.
- B. Erosion Requirements. All activities on hillsides subject to severe erosion hazard must minimize erosion by following up to date BMPs.
- C. Stormwater Requirements. For projects within 100 feet of steep slope hazard areas or landslide hazard areas, runoff shall not be infiltrated into the ground. Runoff should be directed through a water-tight pipe beyond the base of the slope or landslide area and discharged to a suitable drainage way. An energy dissipating device shall be placed at the discharge point.
- D. Steep Slope Hazard Areas.
 1. Except for mineral extraction practices, development activity on or within 100 feet of slopes steeper than 40 percent that do not have a mapped or designated landslide hazard shall comply with the requirements of this Section.
 2. Buffer and Setback Distances.
 - a. For slopes greater than or equal to 40 percent and less than 100 percent, buffers shall extend a distance away from the toes of the slope that is equal to the vertical height of the slope divided by two, but not to exceed 15 feet (Figure 16.30.020-1). For slopes less than 100 percent, the toe of the slope is defined as a distinct break in slope at the base of a steep slope.
 - b. For slopes greater than 100 percent, the buffer shall extend a distance back from the toe of the slope equal to the height of the slope divided by two, not to exceed 15 feet. The buffer shall be measured horizontally from a plane, drawn tangent to the top of the slope at an angle of 45 degrees to the proposed Structure (Figure 16.30.020-2).
 - c. The setback shall be eight feet (8') beyond the buffer.
 3. The responsible official may approve buffers and setbacks which differ from those required by Subsection D2 of this Section if the applicant submits a geologic hazard area study described in YMC 16.30.030C, which technically demonstrates and illustrates that the alternative buffer provides protection which is greater than or equal to that provided by the buffer required in Subsection D2 of this Section.
 4. The responsible official may increase buffers or setbacks where necessary to meet requirement of the Uniform Building Code.
 5. All portions of steep slope hazard areas and steep slope buffers on the site which areas are planned to be undisturbed by permitted development activities shall be designated as landslide protection areas in accordance with this Section.
 6. Other than for exemptions listed in YMC 16.30.010B and 16.30.030B, vegetation removal is not allowed on slopes over 40 percent without an approved geologic hazard area study described in YMC 16.30.030C.
 7. Buffers, landslide protection areas, and setbacks for steep slopes on projects having approved grading shall be based on regulated steep slopes that remain after that grading.
- E. Landslide Hazard Areas.
 1. A development proposal on a site containing a landslide hazard area shall meet the following requirements:
 - a. A minimum buffer of 50 feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety, and welfare; and,
 - b. All portions of landslide hazard areas and buffers shall be designated as landslide protection areas in accordance with YMC 16.30.030B.
 2. Other than exempt activities, clearing or alteration of a landslide is allowed only if the following conditions

are met:

- a. A development proposal does not decrease slope stability on contiguous properties;
 - b. Mitigation is based on best available engineering and geological practice and is described in an approved geologic hazard area study as specified in YMC 16.30.030C; and,
 - c. Such clearing or alteration of a landslide is certified safe as designed and under anticipated conditions by a registered geotechnical engineer or geologist licensed in the State of Washington.
3. Neither buffers nor a landslide protection area will be required if the activity meets the requirements of Subsection E2 of this Section.

Slope Setback Diagrams
Figure 16.30.020-1

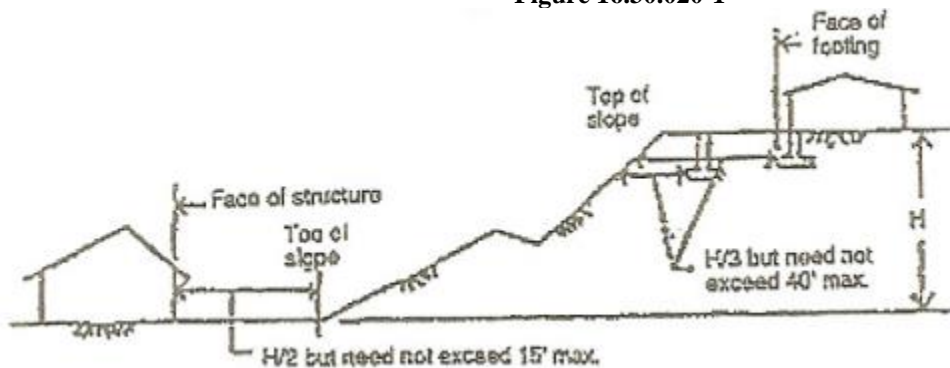
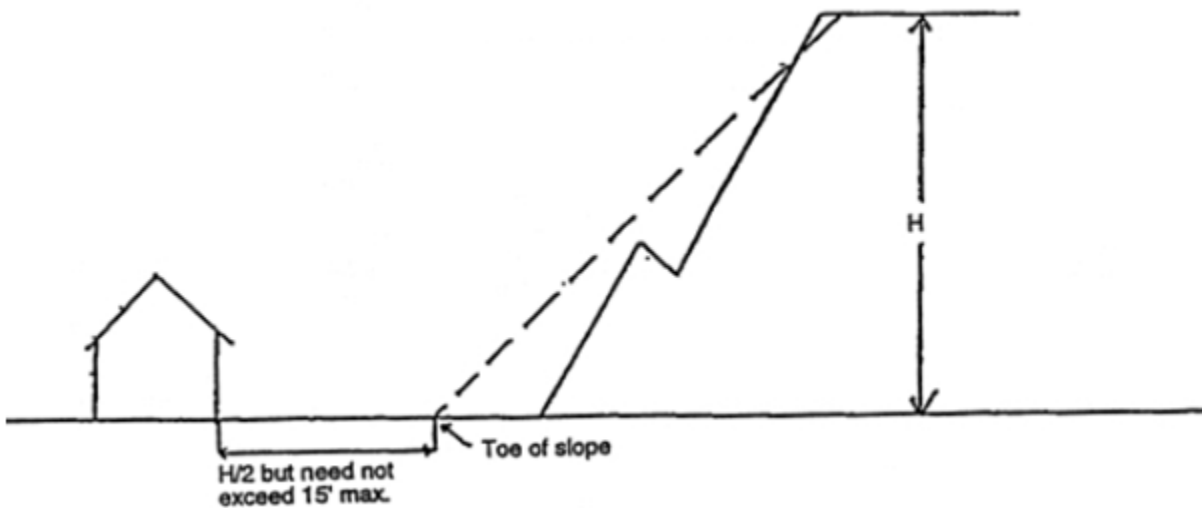


Figure 16.30.020-2



16.30.030 - Administration.

- A. Binding Predetermination. Prior to submittal of a triggering application, a person may request from the responsible official a written binding predetermination of whether a probable regulated geologic hazard area exists on or within one hundred feet (100') of any parcel less than forty (40) acres. The predetermination shall be binding on the responsible official for a period of three (3) years; provided that such predetermination shall be subject to administrative appeal upon its application in conjunction with a triggering application. A complete predetermination application shall include a list of the submittal requirements for a site description under Subsection C3 of this Section. Additional submittal requirements may later be required as a part of a geologic

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hazard area study under Subsection C4 of this Section if the proposal intends to develop within a steep slope or landslide hazard area, or their buffers.

B. Establishment of Landslide Protection Areas.

1. Steep slope hazard areas and landslide areas and buffers for which permanent protection is required pursuant to YMC 16.30.020D and E shall be designated landslide protection areas.
2. Landslide protection area requirements apply only to site plans and land divisions.
3. For all development activities subject to this Section, landslide protection areas shall be delineated on binding site plans and plots which shall be recorded with the Clark County Auditor.
4. A conservation covenant applicable to the designated landslide protection area shall be recorded in a form approved by the Town Attorney as adequate to incorporate the restrictions of this Chapter.
5. Prior to any site development activity, the applicant shall mark with temporary markers in the field the boundary of all landslide protection areas required by this Chapter, or the limits of the proposed site disturbance outside of the landslide protection areas, using methods and materials acceptable to the Town of Yacolt.
6. Landslide protection area boundaries shall be permanently marked on the site prior to final inspection using methods and materials acceptable to the Town of Yacolt.
7. Vegetation clearing requirements for development in landslide protection areas, steep slope hazard areas, and landslide hazard areas:
 - a. Clearing or vegetation removal in landslide protection areas, steep slope hazard areas, or landslide hazard areas or their buffers is prohibited except for:
 - (1). Activities included in an approved geologic hazard area study as defined in Subsection C of this Section;
 - (2). Limited vegetation removal for surveying and testing necessary for development approvals;
 - (3). Emergency or fire hazard removal authorized by the District fire chief;
 - (4). Removal of nuisance vegetation using methods which minimize disruption of soil and non-nuisance vegetation;
 - (5). Clearing necessary for placement or maintenance of fencing;
 - (6). Clearing necessary for hillside vegetation restoration;
 - (7). Clearing necessary for vegetation or resource conservation projects authorized by a public agency; and,
 - (8). Clearing for three-foot-wide or narrower foot paths surfaced with wood, soil, or gravel.
 - b. Proposals for clearing may also be subject to other critical areas regulations. Wildlife habitat near streams, which have clearing requirements under the habitat conservation regulations, often overlap with steep slopes included in geologic hazard areas.

C. Submittal Requirements.

1. For development activity regulated by this Chapter, submittal requirements will vary depending on the type of project and the type of hazard mitigations that are proposed. A review of a geologic hazard area will be conducted in conjunction with the primary development application. Projects are required to submit a basic site description sufficient to verify that the location of proposed building and access road improvements comply with buffers, setbacks, and vegetation preservation required by YMC 16.30.020D and E. If a regulated activity is proposed within a geologic hazard area, additional information in the form of a geologic hazard area study must be provided to assure the project is feasible and will not cause an increased geologic hazard. The information required for a site description is included in Subsection C3 of this Section. The requirements for a geologic hazard area study for projects wishing to build in a geologic hazard area are included in Subsection C4 of this Section.
2. The responsible official shall waive parts of these submittal requirements if it is determined that they are

not applicable to the proposed activity.

3. **Site Description.** As part of the development permit application, the following information describing the subject property and areas within 25 feet of the property lines or smaller area of concern as deemed appropriate by the responsible official, drawn to an engineering scale no larger than one inch equals 20 feet and no smaller than one inch equals 100 feet as deemed appropriate by the responsible official:
 - a. The site boundary lines;
 - b. The topography at contour interval of no greater than five feet;
 - c. The location and size of all existing and proposed site improvements including Structures, wells, drain fields, drain field reserve areas, public and private right-of-way easements, and utilities;
 - d. The location of all drainage-flow characteristics, streams, groundwater seeps, springs, and evidence of seasonal surface water runoff or groundwater;
 - e. The location and extent of all existing and proposed grading activities and existing natural or artificial drainage control facilities and systems;
 - f. The location and description of all geologic hazards located on the site and observed on properties within 100 feet of site boundaries;
 - g. The general location of all vegetation and the general location, number, and description of all trees over six-inch diameter measured three feet above the ground; and,
 - h. The location of all proposed buffers and setbacks.
4. **Geologic Hazard Area Study.** A geologic hazard area study is required if the proposed development does not comply with requirements of YMC 16.30.020D, Steep Slope Hazard Areas, or 16.30.020E, Landslide Hazard Areas. Geologic investigation may also be required in some cases to meet Uniform Building Code requirements for foundations and for seismic design. Geologic hazard area studies shall be prepared, stamped, and signed by a licensed geotechnical engineer or geologist. Based on the site characteristics and the information submitted by the applicant, the responsible official may require all or part of the following information to be included in a geotechnical report:
 - a. The requirements for the site description listed above in Subsection C3 of this Section;
 - b. Site geology information:
 - (1). Topographic contours at two-foot intervals or as specified by the responsible official;
 - (2). Subsurface data that includes the exploration method, location of soil borings, borings, logs, soil and rock stratigraphy, and groundwater levels including seasonal changes;
 - (3). The location of landslides, or down-slope soil movement, faults, and geologic contacts on the subject property and adjacent properties;
 - (4). A site history that describes any prior grading, soil instability, or slope failure; and,
 - (5). A description of the site vulnerability to seismic events.
 - c. Geotechnical information and plan requirements:
 - (1). A slope stability study and opinion of slope stability on the subject property and adjacent properties;
 - (2). Grading plan;
 - (3). Structural foundation requirements and estimated foundation settlements;
 - (4). Soil compaction criteria;
 - (5). Allowable soil-bearing pressure for foundations, minimum footing widths, piling recommendations for foundations, and design pressure for retaining walls;
 - (6). Laboratory data and soil index properties for soil samples;
 - (7). Suitability for fill;

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- (8). Lateral earth pressures;
 - (9). Description of erosion vulnerability and an erosion control plan;
 - (10). An evaluation of proposed surface and subsurface drainage in a stormwater control plan;
 - (11). Building limitations; and,
 - (12). A vegetation management and restoration plan or other means for maintaining long-term stability of slopes;
- d. A site evaluation that describes the suitability of the site to accommodate the proposed activity; and,
 - e. Such additional information describing existing physical features for the site and surrounding area as required by the responsible official to complete review of the project under standards of the Uniform Building Code.

Chapter 16.35 FREQUENTLY FLOODED AREAS

Sections:

- 16.35.010 - Introduction
- 16.35.020 - Standards
- 16.35.030 - Administration

16.35.010 - Introduction.

- A. Purpose. It is the purpose of this Chapter to safeguard public health, safety and welfare by placing limitations on development in areas susceptible to Flood waters consistent with the requirements of the Growth Management Act and WAC 365-190.
- B. Applicability. After the adoption of this Chapter, no Structure shall hereafter be constructed, substantially improved, located, extended, converted, or replaced, nor any land altered without full compliance with the terms of this Chapter and other applicable regulations.
 - 1. Frequently Flooded Areas may include lands outside of Federal Emergency Management Agency defined Special Flood Hazard Area floodplains and shall include:
 - a. Areas Identified on the Flood Insurance Map(s). Those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled The Flood Insurance Study (FIS) for Clark County and Incorporated Areas, dated January 19, 2018, with accompanying flood insurance rate maps (FIRM) and any revisions thereto. The flood insurance study and accompanying map(s) are hereby adopted by reference, declared part of this Chapter, and are available for public review at the Clark County Public Works Department.
 - b. Areas Identified by the Public Works Director. Those areas of special flood hazard identified by the Public Works Director based on review of base flood elevation and floodway data available from federal, state, county, or other valid sources when base flood elevation data has not been provided from the Federal Insurance Administration (A and V zones of the flood insurance map(s)).
 - c. Use of Additional Information. The Public Works Director may use additional flood information, such as provided by the Army Corps of Engineers, that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency to designate Frequently Flooded Areas. The flood insurance maps are to be used as a guide for the Town, project applicants and/or property owners, and the public and should be considered a minimum designation of Frequently Flooded Areas. As flood insurance maps may be continuously updated as areas are reexamined or new areas are identified, newer and more accurate information for flood hazard area identification shall be the basis for regulation, including photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
 - 2. This Chapter is not intended to repeal or impair any existing easements, covenants or deed restrictions.
 - 3. In the interpretation and application of this Chapter, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed to achieve the purposes of this Chapter; and,
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- C. Definitions. For the purposes of this Chapter and Title, the following definitions shall apply:
 - 1. Base Flood. "Base Flood" means the Flood having a one percent (1%) chance of being equaled or exceeded in any given year and is also referred to as the one-hundred-year (100-year) Flood.
 - 2. Base Flood Elevation. "Base Flood Elevation" means the height in relation to the North American Vertical Datum (NAVD) 1988 expected to be reached by the waters of the Base Flood at pertinent points in the Floodplains of coastal and riverine areas.
 - 3. Basement. "Basement" means any area of the building having its floor subgrade below ground level on all sides.

4. Critical Facility. "Critical Facility" means the following:
 - a. Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - b. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a Flood;
 - c. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for Flood response activities before, during and after a Flood; and,
 - d. Public and private utility facilities that are vital to maintaining or restoring normal services to Flooded areas before, during, and after a Flood.
5. Development. "Development" means, in addition to the definition in YMC 18.10.010, the storage of equipment and materials.
6. Elevation Certificate. "Elevation Certificate" means the official form (FEMA 81-31) used to record the elevation of a Structure on a given property relative to the NAVD 1988.
7. Encroachment. "Encroachment" means the intrusion of any building, Structure, vegetation, fill, excavation, or other Development or use into a Special Flood Hazard Area which may impede or alter the flow through or storage capacity of a Special Flood Hazard Area.
8. FEMA. "FEMA" means the Federal Emergency Management Agency.
9. Flood or Flooding. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters; and/or,
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
10. Flood Insurance Rate Maps. "Flood Insurance Rate Maps" (FIRMs) mean the official maps on which the Federal Insurance Administration has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the county.
11. Flood Insurance Study. "Flood Insurance Study" means an official report published by FEMA in conjunction with the community's Flood Insurance Rate Maps (FIRMs). The study contains such background data as the Base Flood discharges and water surface elevations that were used to prepare the FIRMs.
12. Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and Structures which reduce or eliminate Flood damages to lands, water and sanitary facilities, and Structures and their contents.
13. Floodway. "Floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one (1) foot.
14. Lowest Floor. "Lowest Floor" means the Lowest Floor of the lowest enclosed area (including the Basement). An unfinished or Flood-resistant enclosure usable solely for parking of vehicles or for building access or storage in an area other than a Basement area is not considered a building's Lowest Floor; provided, that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of YMC 16.35.020B2.
15. Special Flood Hazard Area, or Floodplain. "Special Flood Hazard Area" or "Floodplain" means any land area subject to a one percent (1%) or greater chance of Flooding in any given year.
16. Start of Construction. "Start of Construction" means, in addition to the definition in YMC 18.10.010, for a Substantial Improvement, the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
17. Structure. "Structure" means, in addition to the definition in YMC 18.10.010:
 - a. A gas or liquid storage tank that is principally above ground; and,

- b. A manufactured home.
- 18. Substantial Damage. “Substantial Damage” means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the Structure before the damage occurred.
- 19. Substantial Improvement. “Substantial Improvement” means any repair, reconstruction, or improvement of a Structure, the cost of which is equal to or greater than fifty percent (50%) of the market value of the Structure either:
 - a. Before the improvement or repair is started; or
 - b. If the Structure has been damaged and is being restored, before the damage occurred.Substantial Improvement can exclude:
 - a. Any project for improvement of a Structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions; or,
 - b. Any alteration of a Structure listed on the National Register of Historic Places or the Clark County Heritage Register.
- D. Flood Insurance Study and Maps.
 - 1. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) in a report entitled “Flood Insurance Study, Clark County, Washington and Incorporated Areas” (FIS), effective January 19, 2018, and accompanying Flood Insurance Rate Maps (FIRMs) and any revisions thereto are hereby adopted by reference. The FIS and the FIRMs are on file with the Clark County Public Works Department.
 - 2. For the FIS and the FIRMs, the vertical datum was converted from the National Geodetic Vertical Datum of 1929 (NGVD29) to the North American Vertical Datum of 1988 (NAVD88). In addition, the Transverse Mercator, State Plane coordinates, previously referenced to the North American Datum of 1927 (NAD27), are now referenced to the North American Datum of 1983 (NAD83).
 - 3. The best available information for Special Flood Hazard Area identification as outlined in YMC 16.35.010D shall be the basis for regulation until new information is incorporated into the FIRMs.
- E. Warning and Disclaimer of Liability. The degree of Flood protection required by this Chapter is considered reasonable for regulatory purpose, and is based upon scientific and engineering considerations. Larger Floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside Special Flood Hazard Areas, or uses permitted within such areas, will be free from Flooding or Flood damages. This Chapter shall not create liability on the part of the Town of Yacolt, any officer or employee thereof, or the Federal Emergency Management Agency for any Flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

16.35.020 - Standards.

- A. Uses.
 - 1. Allowed uses in Special Flood Hazard Areas.
 - a. Development may be allowed for those uses in underlying zoning district with a Flood hazard permit pursuant to YMC 16.35.030C.
 - b. Park, recreational, agricultural, and other similar open space uses allowed in the underlying zoning district, which do not involve Development as defined in this Chapter, are permitted outright in Special Flood Hazard Areas.
 - 2. Prohibited uses in Special Flood Hazard Areas.
 - a. Construction or reconstruction of residential Structures is prohibited in the Floodway, except in accordance with Chapter RCW 86.16 for repairs, reconstruction, or improvements to a lawfully-established Structure:

- (1). Which do not increase the ground floor area; and,
 - (2). That is not a Substantial Improvement.
 - b. Floodway Encroachments are prohibited unless certification by an Engineer as defined in YMC 16.20.260 is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that Encroachments shall not result in any increase in Flood levels during the occurrence of the Base Flood discharge. If it has been adequately demonstrated through calculations that the Encroachment will not result in increased Flood levels, all new nonresidential construction and nonresidential Substantial Improvements shall comply with all applicable Flood hazard reduction provisions of this Chapter.
 3. Special Flood Hazard Area with Base Flood Elevation but No Floodways. In areas with Base Flood Elevation but where a regulatory Floodway has not been designated, no new construction, Substantial Improvements, or other Development (including fill) shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the Base Flood more than one (1) foot at any point in the Town.
- B. General Construction Standards.
1. In all Special Flood Hazard Areas, the following standards are required:
 - a. Anchoring, in accordance with FEMA requirements.
 - (1). All new construction and any Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure.
 - (2). All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize Flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors, and additional techniques referenced in the current FEMA's guidebook FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.
 - b. Construction Materials and Methods, in accordance with FEMA Technical Bulletin 2.
 - (1). All new construction and any Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage.
 - (2). All new construction and any Substantial Improvements shall be constructed using methods and practices that minimize Flood damage.
 - (3). Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed, elevated or located so as to prevent water from entering or accumulating within the components during Flooding.
 - c. Utilities.
 - (1). All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system.
 - (2). New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Floodwaters into the systems and discharge from the systems into Floodwaters.
 - (3). On-site waste disposal systems shall be located or designed to avoid impairment to them or contamination from them during Flooding.
 - (4). Water wells shall not be located in the Floodway or areas subject to ponding.
 - d. Subdivision Proposals shall:
 - (1). Identify lots and portions of lots in special Flood hazard areas as part of preliminary plat submittal;
 - (2). Be designed to minimize Flood damage;
 - (3). Have any public utilities and facilities such as sewer, gas, electrical, and water systems located

- and constructed to minimize Flood damage;
- (4). Have adequate drainage provided to reduce exposure to Flood damage;
 - (5). Have roadways designed such that, in the event of a one hundred (100) year Flood, one (1) travel lane in either direction shall not be covered by more than six (6) inches of water; and,
 - (6). Have adequate drainage provided to reduce exposure to Flood damage.
2. Specific Construction Standards. In all Special Flood Hazard Areas the following construction standards are required:
- a. Residential Construction.
 - (1). New residential construction and Substantial Improvement of any residential Structure shall have the Lowest Floor, including the Basement, elevated to at least one (1) foot above Base Flood Elevation.
 - (2). Fully enclosed areas below the Lowest Floor that are subject to Flooding are prohibited, unless designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters. Designs for meeting this requirement must either be certified by a licensed engineer as defined in YMC 16.20.260 or must meet or exceed the following minimum criteria:
 - (a). A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided;
 - (b). The bottom of all openings shall be no higher than one foot above grade; and,
 - (c). Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of Floodwaters.
 - (3). Below-Grade Crawl Spaces.
 - (a). Below-grade crawl spaces will not be considered Basements if constructed to the following criteria:
 - (i). The interior grade of the crawl space is not more than two (2) feet below the lowest adjacent exterior grade.
 - (ii). The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for Flood hazard areas.
 - (iii). There must be an adequate drainage system that removes Floodwaters from the interior area of the crawl space.
 - (iv). The velocity of Floodwaters at the site should not exceed five (5) feet per second for any crawl space. For velocities in excess of five (5) feet per second, other foundation types should be used.
 - (v). Utility systems within the crawl space, particularly ductwork, must be elevated above the Base Flood Elevation, or designed so that Floodwaters cannot enter or accumulate within system components, or be damaged during Flood conditions.
 - (vi). All insulation must be located above the Base Flood Elevation.
 - (b). Buildings that have below-grade crawl spaces may have higher Flood insurance premiums than buildings that have the preferred crawl space construction with the interior elevation at or above the lowest adjacent grade.
 - (c). For additional information and diagrams see FEMA Technical Bulletin 11.
 - b. Nonresidential Construction. New construction and Substantial Improvement of any commercial, industrial, or other nonresidential Structure shall either have the Lowest Floor, including the

Basement, elevated to at least one foot above Base Flood Elevation; or, together with attendant utility facilities shall:

- (1). Be Floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water up to one (1) foot above the Base Flood Elevation;
 - (2). Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (3). Be certified by a licensed engineer as defined in YMC 16.20.260 that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be on FEMA Form 81-65 and provided to the responsible official;
 - 4). Nonresidential Structures that are elevated, not Floodproofed, must meet the same standards for space below the Lowest Floor as described in Subsection B2a(1) of this Section; and,
 - (5). Applicants Floodproofing nonresidential buildings shall be notified that Flood insurance premiums will be based on rates for Floodproofing to one foot below the Floodproofed level (e.g., a building constructed to the Base Flood level will be rated as one foot below that level).
- c. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within a Special Flood Hazard Area shall be elevated on a permanent foundation such that the Lowest Floor of the manufactured home is at least one (1) foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with the provisions of Subsection B1a(2) of this Section.
- d. **Travel Trailers and Recreational Vehicles.** Travel trailers and recreational vehicles are allowed as follows:
- (1). In the Floodway on a seasonal basis between May 1st and October 1st of the same year and within the Floodway fringe areas on a temporary basis for fewer than 180 consecutive days.
 - (2). Vehicle remains fully licensed or has a valid trip permit from the Washington State Department of Licensing and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.
- e. **Critical Facilities.**
- (1). New Critical Facilities shall be outside of Special Flood Hazard Areas unless no feasible alternative site is available.
 - (2). Critical Facilities constructed within the Special Flood Hazard Areas shall have;
 - (a). The Lowest Floor elevated three feet above the Base Flood Elevation or to the height of 500-year Flood, whichever is higher;
 - (b). Access to and from the Critical Facility should be protected to the height utilized above; and,
 - (c). Floodproofing and sealing measures to ensure that toxic substances will not be displaced by or released into Floodwaters.
3. **Floodways.** Areas designated as Floodways are located within Special Flood Hazard Areas established in YMC 16.35.010 Since the Floodway is an extremely hazardous area due to the velocity of Floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. There is a prohibition on Encroachments, including fill, new construction, Substantial Improvements, and other Development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that Encroachments shall not result in any increased Flood levels during the occurrence of the Base Flood discharge.
 - b. If it has been adequately demonstrated that the Encroachment will not result in increased Flood

levels, all new construction and Substantial Improvements shall comply with all applicable Flood hazard reduction provisions of this Section.

16.35.030 - Administration.

- A. Establishment of Floodplain Review. The Public Works Director or his/her designee is the responsible official for purposes of administering this Chapter. A review shall be obtained before construction or Development begins within any Special Flood Hazard Areas established in this Chapter.
- B. Flood Hazard Inquiry.
 - 1. Flood Plain review application forms shall be furnished by the responsible official.
 - 2. The responsible official shall review the application and other pertinent information, and make a determination as to whether the proposed Development is in a Special Flood Hazard Area and whether a Flood hazard permit is required. The responsible official shall inform the applicant in writing whether or not a permit is required. The Public Works Director shall render a decision on the proposal within 30 days after receiving the application unless additional information is needed from the applicant, in which case a decision shall be made within 30 days after receiving the information necessary to complete the review.
- C. Flood Hazard Permit.
 - 1. A Flood hazard permit must be obtained before construction or Development begins within any Special Flood Hazard Area. The review shall be for all Structures and Development as defined in YMC 18.10.010 and this Chapter.
 - 2. For land divisions, a Flood hazard permit will be issued as part of the land division review process. The following information is required:
 - a. Floodplain and Floodway limits;
 - b. Finished grading;
 - c. Building envelopes; and,
 - d. Hydrologic and hydraulic calculations used to determine the impact of the proposed Development on Base Flood Elevation. Where Base Flood Elevation data is not available from the Flood Insurance Study, FIRMs, or from another authoritative source, it shall be provided by the applicant for subdivisions and other proposed Development which contain at least fifty (50) lots or five (5) acres, whichever is less. This documentation shall be prepared by an engineer as defined in YMC 16.20.260.
 - 3. For building permits, a Flood hazard review will be done as part of the building permit review process. The following information is required:
 - a. Floodplain and Floodway limits;
 - b. Finished grading;
 - c. Building envelopes; and,
 - d. Hydrologic and hydraulic calculations used to determine the impact of the proposed Development on Base Flood Elevation. Where Base Flood Elevation data is not available from the Flood Insurance Study, FIRMs, or from another authoritative source, the applicant shall assure that proposed construction will be reasonably safe from Flooding. The test of reasonableness shall be a judgment of the responsible official who shall consider historical data, high water marks, and photographs of past Flooding, where available. This documentation shall be prepared by a licensed professional engineer registered in the state of Washington. Failure to elevate the Lowest Floor at least two (2) feet above the highest adjacent grade in these zones may result in higher insurance rates.
 - 4. Application for a Flood hazard permit shall be made to the responsible official on a form furnished by the responsible official.
 - 5. The application shall include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, and existing or proposed Structures, fill,

storage of materials, and drainage facilities. Specifically, the following information is required:

- a. Elevation, in relation to mean sea level as determined by the National Geodetic Vertical Datum (NGVD) of 1988, of the Lowest Floor (including Basement) of all Structures;
 - b. Elevation, in relation to NGVD of 1988, to which any Structure has been Floodproofed;
 - c. Certification by a licensed engineer as defined in YMC 16.20.260 that the Floodproofing methods for any nonresidential Structure meet the Flood-proofing criteria in YMC 16.35.020B2b;
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed Development; and,
 - e. Hydrologic and hydraulic calculations used to determine the impact of the proposed Development on Base Flood Elevation. If hydraulic modeling software is utilized for these calculations, all electronic files shall be submitted prior to Flood hazard permit approval.
6. Responsibilities of the Responsible Official. The responsible official will:
- a. Review all proposed Developments with respect to the Flood Insurance Study and accompanying maps and zoning district boundaries;
 - b. Make interpretations where needed as to the exact location of Special Flood Hazard Area boundaries;
 - d. When Base Flood Elevation data has not been provided in accordance with YMC 16.35.030C shall obtain, review and reasonably utilize any Base Flood Elevation and Floodway data available from an agency of federal or state government, or other sources, in order to enforce the provisions of this Chapter;
 - e. Review all proposals to determine that the requirements of this Chapter have been satisfied;
 - f. Review all proposals to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and,
 - g. Issue a Flood hazard permit with any conditions necessary to ensure that the Development meets the requirements of this Chapter.
7. Elevation Certificates Required. Elevation Certificates are required to verify elevations of Structures and above-ground equipment, and shall be submitted prior to receiving an inspection for footing, framing and certificate of occupancy. Elevation Certificates shall be prepared by a licensed professional surveyor registered in the State of Washington.

D. Variances.

1. Generally, variances may be issued for new construction and Substantial Improvements to be erected on a lot of one-half acre or less in size, abutting and surrounded by lots with existing Structures constructed below the Base Flood level, provided items in YMC 16.35.030E1 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of Structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
3. Variances may be granted pursuant to the National Flood Insurance Program and applicable state law, and shall only be issued if the following are met:
 - a. The proposal has been designed to reasonably minimize the impact on the floodplain and its functions;
 - b. No increase in Flood levels during the Base Flood discharge would result;
 - c. The variance is the minimum necessary, considering the Flood hazard, to afford relief;
 - d. Failure to grant the variance would result in exceptional hardship to the applicant;
 - e. The hardship is not created by the property owner or its immediate predecessor in the title; and,

- f. The granting of a variance will not result in increased Flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
 4. Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the Structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the Flood elevations should be quite rare.
 5. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of Flood-proofing than watertight or dry Flood-proofing, where it can be determined that such action will have low damage potential and otherwise complies with Subsection 16.35.020B2b.
 6. Any applicant to whom a variance is granted shall be given written notice that the Structure will be permitted to be built with a Lowest Floor elevation below the Base Flood Elevation, and that the cost of Flood insurance will be commensurate with the significantly increased risk resulting from the reduced Lowest Floor elevation.
 7. Variances may be issued for new construction and Substantial Improvements to be erected on a lot that is one-half (½) acre or less in size, abutting and surrounded by lots with existing Structures constructed below the Base Flood level, provided that the items in YMC 16.35.030 have been fully considered.
 8. The Public Works Director shall report any variances to the Federal Emergency Management Agency upon request.
- E. Appeals. Administrative decisions rendered by the responsible official or the Public Works Director are subject to appeal according to the Town of Yacolt appeals process.
 1. In acting on appeals, the hearings examiner shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, as well as:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to Flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to Flood damage, and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to Flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated Development;
 - h. The relationship of the proposed use to the comprehensive plan and Floodplain management program for that area;
 - i. The safety of access to the property in times of Flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the Floodwaters, and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after Flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 2. Upon consideration of the factors of Subsection E1 of this Section and the purposes of this Chapter, the hearings examiner may attach such conditions to actions on appeals as it deems necessary to further the purpose of this Chapter.
 3. The responsible official shall obtain and/or maintain the following:
 - a. Where Base Flood Elevation data is provided through the Flood Insurance Study, FIRMs, or as

required in YMC16.35.030, obtain and record the actual elevation (in relation to mean sea level based on the NAVD 1988) of the Lowest Floor (including the Basement) of all new or substantially improved Structures, and whether or not the Structure contains a Basement.

- b. For all new or substantially improved Flood-proofed nonresidential Structures, verify and record the actual elevation (in relation to mean sea level based on the NAVD 1988) to which the Structure was Flood-proofed, and maintain the Flood-proofing certifications required in YMC 16.35.030C5c.
- c. All records for public inspection pertaining to the provisions of this Chapter.

Chapter 16.40 PRIORITY HABITAT AREAS

Sections:

- 16.40.010 - Introduction
- 16.40.020 - Applicability
- 16.40.030 - Standards and nonregulatory measures
- 16.40.040 - Agricultural uses in riparian priority habitat
- 16.40.050 - Habitat permit applications

16.40.010 - Introduction.

The purpose of this Chapter is to further the goal of no net loss of habitat functions and values within designated habitat areas by protecting environmentally distinct, fragile and valuable fish and wildlife habitat areas, as defined in YMC 16.40.020C, for present and future generations, while also allowing for reasonable use of private property. This Chapter intends to conserve the functional integrity of the habitats needed to perpetually support fish and wildlife populations.

- A. General - Basic Criteria. Applicants proposing activities subject to this Chapter shall demonstrate that the activity:
 - 1. Results in no net loss in the level of habitat functions and values as characterized and documented using best available science;
 - 2. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal; and,
 - 3. Includes mitigation sequencing in YMC 16.20.170.
- B. Within areas designated by this Chapter, development or clearing activities which degrade habitat should generally be avoided where possible. However, activities listed as exempt in this Chapter can be undertaken in habitat areas without additional review. Activities not listed as exempt can be undertaken following Town review if they do not substantially diminish the habitat functions and values present.
- C. The provisions of this Chapter dealing with existing agricultural activities are designed to balance conflicting Growth Management Act goals to preserve both agricultural uses and habitat areas, and recognize:
 - 1. That the maintenance and enhancement of natural resource-based industries, including agriculture, is a goal of the state Growth Management Act;
 - 2. That any regulation should be consistent with WAC-395-196-830;
 - 3. That agricultural lands can provide habitat;
 - 4. That habitat protection must relate to the baseline of existing functions and values given historic agricultural practices, rather than seeking to restore pre-agricultural conditions;
 - 5. That since agricultural activities are dynamic, habitat functions and values can be expected to fluctuate during the course of an agricultural cycle, which fluctuation must be considered in identifying existing functions and values; and,
 - 6. That it is expected that continuation of existing agriculture will not degrade existing functions and values unless sediment, nutrients, or chemicals are allowed to enter streams, or existing beneficial canopy in close proximity to streams is significantly degraded.

16.40.020 - Applicability.

- A. General. Review under the standards of this Chapter shall apply to any proposed development or nondevelopment clearing activities within designated habitat areas as defined in Subsection C of this Section.
 - 1. Development activities are those proposals already subject to existing Town land division, building, grading, or other review processes.
 - 2. Nondevelopment clearing activities are proposals which are not otherwise subject to Town review, but involve the alteration or removal of native vegetation in designated habitat areas.

B. Exempt Activities.

1. All proposed activities outside designated habitat areas are exempt from review under this Chapter, except where noted in Subsection A of this Section.
2. Within designated habitat areas exempt activities are listed in YMC 16.40.020G. These do not require review.

C. Habitat Areas Covered by This Chapter. This Chapter shall apply to nonexempt activities as defined in Subsection A of this Section that are proposed within the following habitat areas:

1. Riparian, Priority Habitat. Areas extending outward from the ordinary high water mark of a river, stream, or creek to the edge of the 100-year Floodplain, or the following distances, whichever is greater:
 - (a). DNR Type S waters, two hundred fifty (250) feet;
 - (b). DNR Type F waters, two hundred (200) feet;
 - (c). DNR Type Np waters, one hundred (100) feet;
 - (d). DNR Type Ns waters, seventy-five (75) feet.

Water types are defined and mapped based on WAC 222-16-030, (Forest Practices Rules). Type S streams include shorelines of the state and have flows averaging twenty (20) or more cubic feet per second; Type F streams are those that are not Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. Ns streams must connect to another stream above ground. Seasonal or intermittent streams are surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.

2. Other Priority Habitats and Species (PHS). Areas identified by and consistent with the Washington State Department of Fish and Wildlife priority habitats and species criteria, including areas within 1,000 feet of individual species point sites. The Town shall defer to the Washington State Department of Fish and Wildlife in regard to classification, mapping, and interpretation of priority habitat species.
<http://wdfw.wa.gov/conservation/phs/>.

D. Mapping. The above habitat areas are mapped on a Town-wide basis in the adopted Yacolt Critical Lands Priority Habitats and Species Map. Maps are on file with the Town and are available for public viewing and circulation. Maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately. Under law, this information is not available for widespread public distribution unless authorized by the Washington State Department of Fish and Wildlife. GIS Map Store produces maps for free in the following link: Critical Areas Ordinances Maps. (<https://gis.clark.wa.gov/gishome/mapstore/%20-%20/mapProducts>) Official maps will be updated by the Town as warranted by the availability of new information.

E. Best Available Science. Definitions and maps of habitat areas are based on best available science described in the documents listed below. (Best available scientific data supporting this Chapter may be updated and/or re-evaluated as part of future Title 16 updates.)

1. Washington State Department of Fish and Wildlife Priority Habitats and Species List, (most up to date version);
2. Management Recommendations for Washington's Priority Habitats and Species, (most up to date version). Best available scientific data supporting this Chapter may be updated and/or reevaluated as part of future amendments; and,
3. Associated GIS data files maintained by Clark County Department of Assessment and GIS.

F. Determining Site Specific Applicability. In the event of inconsistencies, official habitat area definitions and on-site assessments shall prevail over Town-wide maps in determining applicability of this Chapter. The Town shall follow the recommendations of the Washington State Department of Fish and Wildlife in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.

G. Activities Reviewed Under this Chapter applies to activities within designated priority and locally important habitat areas as described in Table 16.40.020-01.

Table 16.40.020-1. Exempt and Reviewed Activities		
Proposal	Is a clearing review required?	Are any additional fees or review timelines required?
Land division or lot reconfiguration entirely outside habitat areas, except as subject to YMC 16.40.020C1a.	No. Exempt	Fees pursuant to Chapter 18.110
Land division or lot reconfiguration containing habitat areas, except as subject to YMC 16.40.020C1a.	Exempt if impacted lots establish building and clearing envelopes outside of habitat	Fees pursuant to Chapter 18.110
Any activities on lots not in habitat areas, except as subject to YMC 16.40.020C1a.	Exempt	None
Any activities on portions of lots not containing habitat areas, except as subject to YMC 16.40.020C1a.	Exempt	None
Remodeling, replacement of, or additions to existing homes and associated appurtenances that expand the original footprint by no more than 900 square feet within the outer 50 percent of the riparian habitat area and do not require clearing of native trees or shrubs.	Exempt	None
Clearing as minimally necessary for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical or utility connections in habitat areas, where practical alternatives do not exist.	Exempt	None
Clearing as minimally necessary for stream bank restoration, for native replanting or enhancements in habitat areas.	Exempt	None
Clearing as minimally necessary for routine road maintenance activities in habitat areas consistent with Regional Road Maintenance ESA Program Guidelines.	Exempt	None
Clearing as minimally necessary for soil, water, vegetation or resource conservation projects having received an environmental permit from a public agency in habitat areas.	Exempt	None
Clearing as minimally necessary for creating a 4-foot or narrower path using natural, wood-based, or	Exempt	None

Table 16.40.020-1. Exempt and Reviewed Activities		
Proposal	Is a clearing review required?	Are any additional fees or review timelines required?
vegetated pervious surfacing in habitat areas.		
Clearing as minimally necessary for surveying or testing in habitat areas	Exempt	None
Clearing or development in riparian habitat areas which is at least one hundred (100) feet from the waterline and separated by a continuous public or private roadway serving three (3) or more lots.	Exempt	None
Clearing of defined nuisance vegetation in habitat areas which utilizes methods that minimize disturbance of soils and non-nuisance vegetation. Replanting with native vegetation should be pursued to prevent re-infestation.	Exempt	None
Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of a hazard tree as is minimally necessary to remediate the hazard. Cut wood should be left in the habitat area.	Exempt	None
Existing agricultural uses within non-riparian habitat areas.	Exempt	None
Existing agricultural uses within riparian habitat areas.	Reviewed under YMC16.40.020A2.	None
New home or other construction in habitat areas.	Review required	No additional timelines. Applicable review (building permit, etc.) must comply with Code standards. Fees pursuant to Chapter 18.110.
All other vegetation clearing in habitat areas.	Review required	Fees pursuant to Chapter 18.110. Applicable review, if any, must comply with Code standards. If no other review involved, clearing request will be reviewed administratively.

16.40.030 - Standards and nonregulatory measures.

- A. Approval Criteria. Approval shall be granted for all proposals demonstrating compliance with the following criteria. Approval shall be required prior to clearing or development.

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1. Intent. Designated habitats are to be protected through avoidance or reduction of the impacts of activities. This Section provides standards for the review of proposed nonexempt activities within designated habitat areas.
2. Mitigation Measures.
 - a. Disrupted functions and values shall be mitigated on-site as a first priority, and off-site thereafter.
 - b. An up-to-date science-based guide should be used to guide on-site mitigation. Off-site mitigation should be guided by applicable watershed, fish recovery, sub-basin or other science-based plans. Any science used to guide mitigation actions, whether on-site or off-site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the “best available science”), or the state standards in effect at the time of application.
 - c. Mitigation sequencing shall follow YMC 16.20.170, and the following:
 - (1). Exploring alternative on-site locations to avoid or reduce impacts of activities; and,
 - (2). Preserving important vegetation and natural habitat features by establishing buffers or by limiting clearing or alteration;
 - d. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:
 - (1). Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publication for guidance);
 - (2). Prohibiting introduction of invasive plant species in habitat areas;
 - (3). Enhancing, restoring or replacing vegetation or other habitat features and functions. In riparian areas, this may include riparian zone averaging as specified in Chapter 16.40.030C;
 - (4). Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publication for guidance);
 - (5). Managing access to habitat areas, including exclusionary fencing for livestock if needed;
 - (6). Stream crossings:
 - (a). Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability and economics indicate the existing crossing is feasible; or,
 - (b). Constructing new stream crossings, when necessary, in conformance to the water crossing Structure standards in WAC 220-660-190 (Hydraulic Code Rules), which are incorporated by reference;
 - (7). Seasonally restricting construction activities;
 - (8). Implementing best management practices and integrated management practices;
 - (9). Monitoring or review of impacts and assurance of stabilization of the area;
 - (10). Establishing performance measures or bonding;
 - (11). Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;
 - (12). Utilizing low impact development techniques;
 - (13). Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas;
 - (14). Avoiding topsoil removal and minimizing topsoil compaction; and,
 - (15). Providing off-site mitigation, subject to the following conditions:
 - (a). When the combination of on-site and off-site mitigation fails to substantially maintain functions and values within the stream system, the application shall be denied;
 - (b). All reasonable on-site mitigation alternatives have been exhausted;

- (c). Off-site mitigation is functionally equivalent to the impacts;
 - (d). Off-site mitigation is appropriate in size and scale to the impacts that are not fully mitigated on the original site;
 - (e). Proposed off-site mitigation is reviewed by the Town on a case-by-case basis with input from Washington Department of Fish and Wildlife (WDFW);
 - (f). Off-site mitigation may be in the form of:
 - i. The purchase of credits from a permitted habitat bank, or
 - ii. A specific mitigation project:
 - [a]. Specific off-site mitigation projects for all habitat areas must be in an area as close as possible to the original site,
 - [b]. Public regional development activities that are reviewed and approved by federal and state agencies are exempt from these geographic restrictions; and,
 - (g). Adequate enforcement authority must be delegated to the Town, as approved by the Town Attorney.
 - 3. The responsible official shall approve, approve with conditions or deny proposals based on compliance with the criteria and the adequacy of proposed mitigation measures to ensure compliance, and applicable reasonable use assurances of YMC 16.40.030B.
 - 4. The responsible official shall retain final authority for such determinations, which shall be issued consistent with the review timelines of YMC 18 and shall be based on best scientific information and analysis available within those timelines.
 - 5. Modifications to conservation covenants established under this Title shall be consistent with the standards of this Chapter and will be processed subject to the following:
 - a. Modification to a covenant approved by the Town Council following public notice of the action and a hearing:
 - (1). Does not increase the potential adverse impact to habitat;
 - (2). Does not involve an issue of broad public interest, based on the record of the decision; and,
 - (3). Does not require further SEPA review.
 - b. Modification requests submitted with other applications will be processed as specified in YMC 18.
 - 6. Removal of conservation covenants shall be approved by the Town Council.
 - 7. The responsible official shall consult with and substantially follow the resulting recommendations of Washington Department of Fish and Wildlife (WDFW), unless alternative determinations are supported by scientific analysis.
- B. Reasonable Use Assurances. The Town assures property owners of the reasonable use of their property, as long as impacts are mitigated to the maximum extent practicable. Permit conditions limiting locations and requiring mitigations may be imposed, and erosion control measures may be required:
 - 1. This Chapter shall not be used to prohibit:
 - a. Placement of a single-family residence and residential accessory Structures on an otherwise legally buildable lot of record;
 - b. Expansion of a home existing prior to 2006, not to exceed twenty-five percent (25%) of the 2006 footprint;
 - c. Replacement of a single-wide mobile home with another dwelling, not to exceed twice the footprint of the original mobile home; or,
 - d. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.

2. This Chapter shall not be used to deny all reasonable economic use of private property. These criteria must be met in order to verify denial of all reasonable economic use:
 - a. The application of this Chapter would deny all reasonable economic use of the property;
 - b. No other reasonable economic use of the property has less impact on the habitat area; and,
 - c. Any habitat alteration is the minimum necessary to allow for reasonable economic use of the property.
3. This Chapter shall not be used to deny a development proposal from a public agency or public utility, if:
 - a. There is no practical alternative to the proposed project with less impact on the habitat area;
 - b. The ability of the public agency or utility to provide services to the public would be unreasonably restricted; and,
 - c. The application is approved through the Public Hearing Procedures process pursuant to YMC Chapter 18.95. Fees are subject to the fee schedule in Chapter 18.110.
- C. Regulatory alternative to the standards of this Chapter. Required riparian zone widths on clearing proposals on existing lots may be varied through the use of internal riparian zone averaging. Subject to review under this Chapter, for clearing proposals on existing lots, portions of the riparian zone can be reduced up to fifty percent (50%) from the normal standards of this Chapter if riparian zone widths are correspondingly increased elsewhere within the applicant parcel, such that the overall size and function and values of the riparian zone are maintained in the parcel. Riparian zone averaging proposals must clearly identify the existing riparian functions and values on the parcel and any impacts that the proposed averaging may have upon them.

16.40.040 - Agricultural uses in riparian priority habitat.

- A. Agricultural Uses. Where applicable, the following options are available to be used for compliance with this Section.
 1. Agricultural/Habitat Protection Plan Option.
 - a. Regulated Area. For the purposes of an agricultural/habitat protection plan, the regulated riparian area shall be one hundred (100) feet from the ordinary high-water mark of Type F streams, and seventy-five (75) feet from the ordinary high water mark of Type Ns streams. The plan may include practices and other mitigation measures on land outside the regulated riparian area to achieve the standard set forth in Subsection A1b of this Section.
 - b. Standard. An agricultural/habitat protection plan shall be approved if its implementation will not substantially degrade habitat functions and values that existed within the area designated in Subsection A1a of this Section on July 11, 2006, considering normal fluctuations due to the agricultural cycle. A plan may be submitted by a group of neighborhood owners whose properties are in close proximity in which case the foregoing standard shall be applied to the common plan.
 - c. Plan Contents. Agricultural/habitat protection plans shall, at a minimum, include the following:
 - (1). An approximate mapping of existing and proposed structures, roads, driveways, utilities, property lines, and agricultural uses;
 - (2). A map of regulated riparian habitat areas;
 - (3). Identification of existing habitat functions and values within the regulated habitat area on July 11, 2006, taking into account agricultural cycles that involve varying intensity of agricultural use;
 - (4). A description of best management practices and other mitigation measures to be undertaken in order to achieve the standard in Subsection A1b of this Section;
 - (5). The owner's signature attesting that the information in the plan is accurate to the best of the owner's knowledge, and the mitigation measures specified in the plan will be implemented; and,

- (6). The signature of an ag-habitat technician certified by the Town attesting that he/she has inspected the area covered by the plan and that the plan satisfies the standard in Subsection A1b of this Section.
 - d. Guidelines. The responsible official shall follow Clark County's Guide for Agricultural Technicians.
 - e. Approval. Agricultural/habitat protection plans shall be prepared or reviewed and approved by an ag-habitat technician certified by the responsible official to have completed a training program on application of the guidelines. An ag-habitat technician shall approve the plan as meeting the standard and content requirements of YMC 16.40.040A1b and c. An owner dissatisfied with the review by an ag-habitat technician may seek approval of the proposed management plan by the responsible official whose decision may be appealed under the provisions of YMC 8.05 and YMC 18.
 - f. Filing. The ag-habitat technician shall notify the Town responsible official of the adoption of an approved agricultural/habitat protection plan by a property owner indicating the property covered by the plan and, at the choice of the property owner, either providing a copy of the plan or summarizing the contents of the plan. Notice of such approval shall also be recorded with the Clark County Auditor and run with the land unless the plan is modified or rescinded.
 - g. Modification/Rescission. Agricultural/habitat protection plans may be modified by the owner at any time utilizing the same process as applicable to initial approval. Plans may be rescinded by the owner with approval of the responsible official if the owner certifies either that future agricultural activity will be undertaken utilizing the default option or agricultural activities have ceased. Notice of modification/rescission shall be recorded with the Clark County Auditor.
- 2. Default Option.
 - a. Regulated Area. For the purposes of the default option, the regulated riparian area is divided into two zones. Except as provided below, the inner zone, closest to the stream, extends from the ordinary high-water mark outward fifty (50) feet on Types S and F streams and thirty (30) feet on Type N streams. The outer zone extends an additional fifty (50) feet on Types S and F streams and forty-five (45) feet on Type N streams. Where slopes exceed twenty-five percent (25%), the inner zone is the greater of the prescribed zone or the top of the slope break. Where wetlands are present within the inner zone, the zone is extended to the greater of the prescribed width of the inner zone or the wetland buffer as designated in Chapter 16.45 (Wetlands). However, in no case is the inner zone greater than the combined widths prescribed for in the inner and outer zones for that stream type. Where there is an existing road within the inner zone, the zone stops at the edge of the road improvement that is closest to the stream and the outer zone extends outward from that edge.
 - b. Standard. Clearing within the inner zone is allowed only to enhance habitat functions and values. Animal husbandry within the inner zone is prohibited. Clearing and animal husbandry within the outer zone shall not substantially degrade habitat functions and values as they existed on July 11, 2006, after considering normal fluctuations due to the agricultural cycle. Although it is presumed that continuation of agricultural activities within the outer zone that existed on July 11, 2006, will not substantially degrade existing habitat functions and values, evidence of substantial degradation, such as excess sediment, nutrients or chemicals moving from the outer zone into the stream resulting from agricultural activities, constitute grounds for enforcement action which may require restoration of lost functions and values. Pesticide application within the outer zone must conform to label specifications and application within the inner zone must be by a licensed applicator.
 - c. Reasonable Use. If the inner zone impacts more than fifty percent (50%) of a parcel that is ten (10) acres or less in area, or more than twenty-five percent (25%) of a parcel that is five (5) acres or less in area, the responsible official may approve a reasonable use reduction to the width of the inner zone. In such case, clearing and animal husbandry may be allowed up to ten (10) feet from the ordinary high water mark; provided, that reasonable practices and other appropriate mitigation measures are employed to limit sediment, nutrients and chemicals from entering the stream.
- B. Administration.
 - 1. No application fees apply to the approval of agriculture/habitat protection plans.
 - 2. No Town review is associated with the default option unless the owner seeks approval of a reasonable use reduction of the inner zone, which application shall be processed without application fees.

3. Evidence of violation of the standards in YMC 16.40.030A shall be grounds for enforcement action under YMC Chapter, 8.05, YMC Title 18, and the Town's general authority to enforce laws and regulations.

16.40.050 - Habitat permit applications.

- A. The applicant shall provide the following information in support of a Habitat Permit Application:
 1. Name, address, and contact information for the Applicant;
 2. Location, address / parcel number of the proposed site;
 3. Description of existing conditions, information, natural and manmade features on the site;
 4. Description and mapping of proposed activities and how this would change existing conditions on the site;
 5. Where required by state law, a completed environmental checklist pursuant to the State Environmental Policy Act (SEPA) shall also be submitted unless categorically exempted by the SEPA Rules; and,
 6. Report(s) or other assistance from a biologist, botanist, ecologist, or other similarly qualified or trained professional are encouraged and may be required by the responsible official.
- B. Permit Authority and Timelines.
 1. An approval granted under this Chapter shall remain valid until proposed activities are undertaken and completed. An approved permit not acted upon shall be valid for two (2) years, and upon showing of good cause, may be extended for an additional twelve (12) months.
 2. Approval for habitat area activities as part of other Town development approvals shall be valid for a time period specified by the other permit(s) involved.
- C. Appeals. Appeals of Town decisions under this Chapter may be filed under the provisions of YMC 8.05 and YMC 18.95.
- D. Enforcement. At such time as a violation of this Chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of YMC Chapter 8.05 and YMC Title 18. Applications for Town land use permits on sites that have been found to be in violation of this Chapter pursuant to the process set forth in YMC 16, YMC 8.05 or YMC 18 shall not be processed until three (3) years after the violation. The three (3) year period may be reduced upon approval and implementation of a restoration or mitigation plan, to include the following:
 1. A plan for the replanting of trees, brush and groundcover of a type and distribution comparable to that existing prior to clearing; provided, that the responsible official may approve alternative species in order to promote expedient soil stabilization, and may require additional tree planting as mitigation for the loss of mature trees;
 2. A monitoring plan to assure at least a ninety percent (90%) survival rate of re-established plantings after at least three (3) but not more than eight (8) growing seasons;
 3. Where fish and wildlife habitat areas are cleared in violation of this Chapter, a plan to restore habitat functionality, as it existed prior to the violation, subject to the review and evaluation of Washington Department of Fish and Wildlife, (WDFW);
 4. Satisfaction of the terms and conditions of any judgement or order entered based upon the violation; and,
 5. Financial assurances in the form of a bond or other security acceptable to the Town, in an amount sufficient to re-establish the mitigation in the event of failure or subsequent disturbance may be required by the responsible official. The financial assurances shall remain in place for the length of the time specified for monitoring in the plan and shall be released after a request by the applicant and a final inspection. In the event of failure of the mitigation, failure to fully execute the mitigation plan, or subsequent disturbance, forfeiture of the financial assurances shall be required and the funds shall be used to re-establish the mitigation or to complete the execution of the plan, and to reimburse the Town for its costs, fees, (including attorney's fees), and expenses of enforcement and abatement. In the event that such re-establishment or completion is deemed impractical by the Director, the funds shall accrue to the established cumulative effects fund for the watershed within which the site is located.

Chapter 16.45 WETLANDS

Sections:

- 16.45.010 - Introduction
- 16.45.020 - Wetland rating
- 16.45.030 - Standards
- 16.45.040 - Wetland permits

16.45.010 - Introduction.

- A. It is the purpose of this Chapter to provide balanced wetland protection measures pursuant to the Washington State Growth Management Act (GMA, RCW 36.70A.172) that:
 - 1. Include best available science to protect the functions and values of wetlands with special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
 - 2. Further the goal of no net loss of wetland functions;
 - 3. Encourage restoration and enhancement of degraded and low quality wetlands;
 - 4. Provide a high level of protection for higher-quality wetlands;
 - 5. Complement state and federal wetland protective measures; and,
 - 6. Allow reasonable use of property.
- B. Applicability.
 - 1. The provisions of this Chapter apply to all land uses and development activity, and all Structures and facilities in the Town, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the Town. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this Chapter.
 - 2. The Town will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any Structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this Chapter, including, but not limited to, the following development permits:
 - a. Building permit;
 - b. Grading permit;
 - c. Forest practices conversion permit regulated by WAC 222;
 - d. Conditional use permit;
 - e. Short subdivision;
 - f. Subdivision;
 - g. Planned unit development;
 - h. Site plan; or,
 - i. Zoning variance.
 - 3. Reasonable Use Exceptions. The responsible official will use the following exceptions that shall apply in implementing the standards of this Chapter, although the standards shall be applied to the maximum extent practicable to avoid and minimize impacts on wetland functions and values. Mitigation for unavoidable adverse impacts shall be required. The standards of this Chapter shall not be used to preclude the following activities in wetland areas:
 - a. The placement of a single-family residence and normal accessory Structures on an otherwise legally buildable lot of record. The following standards may be applied on established properties to limit the

proposed location and size of Structures, and proposed removal of vegetation:

- (1). The expansion of a home on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, shall not to exceed twenty-five percent (25%) of the existing building footprint. Expansion should only be allowed on the upland side; i.e., not encroaching farther towards the wetland;
 - (2). The replacement of single-wide mobile home with another dwelling and normal accessory Structures. Expansion should only be allowed on the upland side; i.e., not encroaching farther towards the wetland; and,
 - (3). Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.
 - b. The standards of this Chapter shall not be used to deny all reasonable economic use of private property. The following criteria must be met in order to verify that all reasonable economic use of the property has been denied:
 - (1). The application of this Chapter would deny all reasonable economic use of the property;
 - (2). No other reasonable economic use of the property has less impact on the wetland and buffer area;
 - (3). Any wetland or buffer alteration is the minimum necessary to allow for reasonable economic use of the property; and,
 - (4). The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the date of adoption of this Code provision.
 - c. The application of this Chapter shall not be used to deny a development proposal for a linear facility from a public agency or public utility provided the agency or utility meets the following criteria:
 - (1). There is no practical alternative to the proposed project with less impact on the wetland and buffer area; and
 - (2). The application of this Chapter would unreasonably restrict the ability to provide public utility services to the public.
 - d. Approval of a development permit application pursuant to the provisions of this Chapter does not discharge the obligation of the applicant to comply with the provisions of this Chapter.
4. Exempted Activities. All exempted activities shall use reasonable methods to avoid potential impacts to wetlands and buffers. Exemptions from permits are not exemptions from wetland stewardship responsibilities. The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter; provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:
- a. Reconstruction of damaged or destroyed Structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt wetland or wetland buffer is subject to the provisions of this Title. Such expansion or reconstruction shall occur in a 1-year time limit.
 - b. The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.
 - c. Existing agricultural activities and Structures:
 - (1). Agricultural activities and Structures in operation at the time of adoption of this Code provision that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this Chapter;
 - (2). Changes in agricultural practices within the same “footprint” as the existing agricultural activities in Subsection B4c(1) of this Section, including reconstruction of existing agricultural Structures, or construction of new agricultural Structures, are exempt from regulation under this Chapter; and,
 - (3). Agricultural activities and Structures in operation at the time of adoption of this Code provision

that are affecting wetlands associated with riparian corridors shall be regulated through Chapter 16.40, Priority Habitat Areas.

- d. The removal or eradication of Nuisance Vegetation or other exotic nuisance plants including non-native blackberries; provided, that ground disturbing heavy machinery (scrapping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed.
 - e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.
 - f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard.
 - g. Clearing necessary for the emergency repair of utility or public facilities. Emergency work that causes substantial degradation to functions and values must be reported to the Town in a timely manner.
 - h. Clearing for operation, maintenance, or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within, the wetland or wetland buffer.
 - i. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical, or utility connections in wetland buffers, where practical alternatives do not exist.
 - j. Clearing, as minimally necessary, for stream bank restoration, for native replanting or enhancements in wetlands and wetland buffers.
 - k. Clearing in wetlands and wetland buffers, as minimally necessary, for soil, water, vegetation and resource conservation projects having received an environmental permit from a public agency.
 - l. Clearing in wetlands and wetland buffers, as minimally necessary, for creating a four (4) foot or narrower path using natural, wood-based or vegetated pervious surfacing.
 - m. Land disturbance in wetlands and wetland buffers cumulatively less than five (5) cubic yards in volume and three hundred (300) square feet in area; provided, that the wetland hydroperiod is not significantly affected.
5. Exempted Wetlands. This Chapter shall not apply to the following wetlands:
- a. All isolated Category IV wetlands less than 4,000 square feet that:
 1. Are not associated with riparian areas or their buffers;
 2. Are not associated with shorelines of the state or their associated buffers;
 3. Are not part of a wetland mosaic;
 4. Do not score 5 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology); and,
 5. Do not contain a Priority Habitat Area or a Priority Area [1] for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance identified in Chapter 16.40.
 - b. Buffer provisions for wetlands less than 1,000 square feet that meet the criteria described in Subsection 5a above, and do not contain federally listed species or their critical habitat.
 - c. Artificial. Wetlands intentionally created from nonwetland upland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, stormwater management facilities, farm ponds, landscape amenities, and unintentionally created wetlands created as a result of the construction of a public or private road, street, or highway after July 1, 1990; provided, that wetlands created as mitigation shall not be exempted.
 - d. Riparian. Wetlands less than five (5') feet measured horizontally, of bank-full width for streams.
6. Interpretation.

- a. This Chapter shall apply in addition to zoning and other regulations adopted by the Town.
- b. When there is a conflict between any provisions of this Chapter or any other regulations adopted by Yacolt, the regulations providing the most protection to affected critical areas shall apply.
- c. Compliance with this Chapter does not constitute compliance with other federal, state and local regulations and permit requirements (for example, shoreline substantial development permits, hydraulic project approval (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System (NPDES) permits, or DOE Section 401 Water Quality Certification). The applicant is responsible for complying with all requirements, apart from the provisions of this Chapter.

16.45.020 - Wetland rating.

- A. Rating System Document. Wetlands shall be rated according to the Washington State Department of Ecology's wetland rating system found in the *Washington State Wetland Rating System for Western Washington - 2014 Update*, (Ecology Publication #14-06-029, October 2014).
- B. Wetland Rating System. The rating system contains a general description of each wetland category followed by specific criteria. If the specific criteria conflict with the general description, the Town shall determine the most appropriate classification as applied to a particular site. The Rating System Document contains the definitions and methods for determining if the criteria below are met:
 1. Category I. Category I wetlands represent unique or rare wetland types; are more sensitive to disturbances than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or, provide a high level of functions. Category I wetlands are:
 - a. Relatively undisturbed estuarine wetlands larger than one (1) acre;
 - b. Wetlands that are identified by scientists of the Washington Natural Heritage Program as high-quality wetlands;
 - c. Bogs;
 - d. Mature and old-growth forested wetlands larger than one acre; or,
 - e. Wetlands that function at high levels (scoring twenty-three (23) points or more) on the rating form. These wetlands:
 2. Category II. Category II wetlands are wetlands that perform functions well, as characterized by a score of twenty (20) through twenty-two (22) on the rating form.
 3. Category III. Category III wetlands are wetlands with a moderate level of functions (scoring between sixteen (16) and nineteen (19) points on the rating form); Generally, wetlands in this category have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 4. Category IV wetlands have the lowest levels of functions (scoring less than sixteen (16) points on the rating form) and are often heavily disturbed. These are wetlands that should be replaceable, or in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.
- C. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by Clark County, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

16.45.030 – Standards.

- A. General. The standards apply whenever a nonexempt project (see YMC 16.45.010B4) is proposed on a parcel of real property containing a nonexempt wetland or wetland buffer (see YMC 16.45.010B5).
 1. For the purpose of computing the processing limitation period applicable to a development permit application, the application shall not be deemed fully complete until completion (if required) of the wetland determination pursuant to YMC 16.45.030C, the wetland delineation pursuant to YMC 16.45.030D, and the buffer designation pursuant to YMC 16.45.030E. This Subsection shall not be construed in any way to

delay vesting under Washington law.

2. Administrative appeals of determinations made under YMC 16.45.030 must be filed in conjunction with, and within the limitation period applicable to, an available administrative appeal of the development permit application; provided, that an aggrieved party may appeal preliminary decisions deciding an exemption, determining or delineating a wetland, determining a buffer, or otherwise finally applying the provisions of this Chapter, in the same manner, and within the limitation period applicable to, appeals from responsible official decisions under YMC 16.05.220.
- B. Binding Pre-Determination. Prior to submittal of a triggering application, a person may request from the responsible official, a written binding pre-determination of whether a probable regulated wetland area exists on or within one hundred feet (100') of any parcel less than forty (40) acres. The pre-determination shall be binding on the responsible official for a period of three (3) years; provided that such pre-determination shall be subject to administrative appeal upon its application in conjunction with a triggering application.
- C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the parcel involved in the development permit application. If wetlands or wetland buffers are found to exist on a parcel, wetland delineation is required.
- D. Wetland Delineation.
1. Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation in accordance with the approved federal wetland delineation manual and applicable regional supplements. If a wetland is located off-site and is inaccessible, the best available information shall be used to determine the wetland boundary and category.
 2. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the Public Works Department. The report shall include the following information:
 - a. USGS quadrangle map with site clearly defined;
 - b. Topographic map of area;
 - c. National wetland inventory map showing site;
 - d. Soil Conservation Service soils map showing site;
 - e. Site map, at a scale no smaller than one (1) inch equals one hundred (100) feet, (1" = 100', a scaling ratio of 1:1,200), if practical, showing the following information:
 - (1). Wetland boundaries;
 - (2). Sample sites and sample transects;
 - (3). Boundaries of forested areas; and,
 - (4). Boundaries of wetland classes if multiple classes exist;
 - f. Discussion of methods and results with special emphasis on technique used from the Wetlands Delineation Manual;
 - g. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design; and,
 - h. All completed field data sheets per the Wetlands Delineation Manual, numbered to correspond to each sample site.
 3. Responsibility. The wetland delineation is the responsibility of the applicant. The responsible official shall verify the accuracy of the boundary delineation within twenty eight (28) working days of receiving the delineation report. This review period may be extended when excessively dry conditions prohibit the confirmation of the wetland delineation. If the delineation is found to not accurately reflect the boundary of the wetland, the responsible official shall issue a report, within twenty eight (28) working days of receiving the applicant's delineation report, citing evidence (for example, soil samples) that demonstrates where the delineation is in error. The applicant may then revise the delineation and submit another report or administratively appeal.

- E. Buffers. Wetland buffer widths shall be determined by the responsible official in accordance with the standards below:
1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as surveyed in the field.
 2. Buffer widths, which are based on wetland category and modified by the intensity of the impacts from the proposed land uses, are as follows:

Table 16.45.030-1 Buffers Required to Protect Water Quality Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

3. Buffer widths to protect habitat functions in Category I, II, and III wetlands, which are based on wetland category and modified by the intensity of the impacts from the proposed land uses, are as follows:

Table 16.45.030-2 Buffers Required to Protect Habitat Functions in Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 16.45.030-1	See Table 16.45.030-1	See Table 16.45.030-1
5 points	70 ft.	105 ft.	140 ft.
6 points	90 ft.	135 ft.	180 ft.
7 points	110 ft.	165 ft.	220 ft.
8 points	130 ft.	195 ft.	260 ft.
9 points	150 ft.	225 ft.	300 ft.

4. See Table below for types of land uses that can result in low, moderate, and high impacts to wetlands.

Table 16.45.030-3 Land Use Intensity Matrix

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial
	• Urban
	• Industrial
	• Institutional
	• Retail sales
	• Residential (more than 1 unit/acre)

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
	• Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
	• High-intensity recreation (golf courses, ball fields, etc.)
	• Hobby farms
Moderate	• Residential (1 unit/acre or less)
	• Moderate-intensity open space (parks with biking, jogging, etc.)
	• Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)
	• Paved trails
	• Building of logging roads
	• Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	• Forestry (cutting of trees only)
	• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
	• Unpaved trails
	• Utility corridor without a maintenance road and little or no vegetation management

F. Buffer Standards and Authorized Activities. The following additional standards apply for regulated activities in a wetland buffer:

1. Reduced Width Based on Modification of Land Use Intensity. The required buffer width shall be decreased if design techniques are used that reduce the land use intensity category delineated in Table 16.45.030-2. Eligible design measures include the following in a and b below:
 - a. General Site Design Measures. High intensity buffers may be reduced to moderate intensity buffers if all of the following mitigation measures are applied to the greatest extent practicable:
 - (1). Buffer Enhancement. Improve the function of the buffer such that buffer areas with reduced function can function properly. This could include the removal and management of noxious weeds and/or invasive vegetation or specific measures to improve hydrologic or habitat function.
 - (2). Shielding of High Intensity Uses.
 - (a). Lights. Direct all lights away from wetlands;
 - (b). Noise. Locate activity that generates noise away from wetlands. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer;

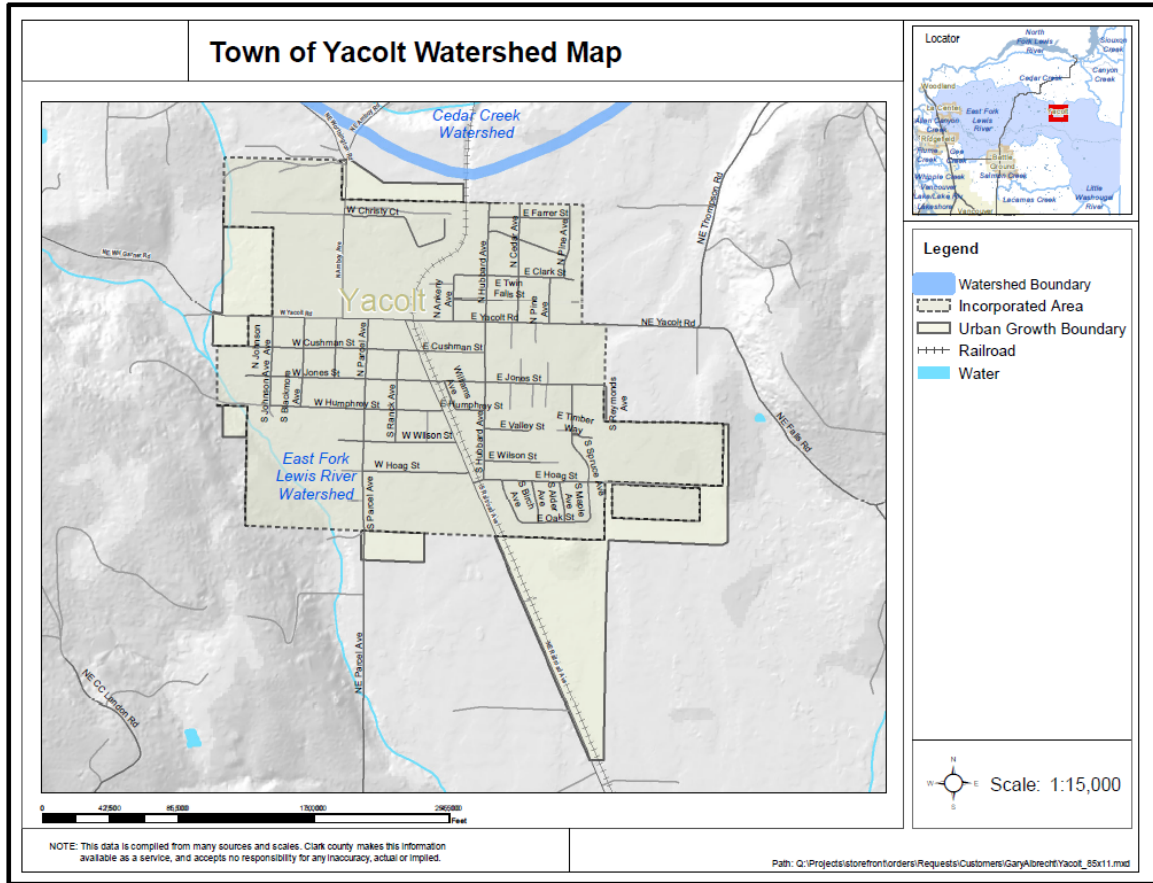
- (c). Pets and Human Disturbance. Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the eco-region. Place wetland and its buffer in a separate tract;
 - (d). Toxic runoff. Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management;
 - (e). Stormwater runoff. Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual). Use Low Intensity Development techniques (for more information refer to the Department of Ecology's 2012 Stormwater Management Manual for Western WA), (as amended in 2014);
 - (f). Change in water regime. Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns; and,
 - (g). Dust. Use best management practices to control dust.
 - b. Habitat Corridors. Establishment of a minimum one hundred (100) foot wide functioning or enhanced vegetated corridor between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife reduces a high land use intensity buffer to a moderate land use intensity buffer provided both of the following conditions are met:
 - (1). Applies only to wetlands with habitat function scores higher than four (4) on the rating system form;
 - (2). The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement.
 - c. The responsible official may determine that proposed measures, other than those specifically listed in YMC 16.45.030F1a and b, will effectively reduce land use intensity and protect or enhance and values of wetlands and, therefore, allow buffer modifications where appropriate.
- 2. Buffer Averaging. The boundary of the buffer zone may be modified by averaging buffer widths. Averaging may not be used in conjunction with any of the other provisions for reduction. If buffer averaging is used, the following conditions must be met:
 - a. A maximum of twenty-five percent (25%) of the total required buffer area on the site (after all reductions are applied) may be averaged; and,
 - b. The total area contained in the buffer, after averaging, shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging.
- 3. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all of the following conditions are met:
 - a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced according to the ratios determined in YMC 16.45.030 based on the quality of the impacted buffer type;
 - b. Impacts to the buffer and wetland are minimized; and,
 - c. The use of best management practices in maintaining existing utility corridors where such maintenance activities do not expand further into the critical area.
- 4. Stormwater Management Facilities. Stormwater management activities should be allowed only if they do not alter the hydroperiod of the wetland or adversely affect water quality. Category I and II wetlands should never be used for regional detention, and Category III and IV should be used only under certain conditions. At a minimum, stormwater facilities should be limited to dispersion outfalls and bioswales and should be allowed in the outer 25% of the buffer of Category III or IV wetlands only, except as allowed in wetlands approved for hydrologic modification and/or treatment in accordance with Guide Sheet 2 in Appendix I-D: Guidelines for Wetlands when Managing Stormwater
<<https://fortress.wa.gov/ecy/madcap/wq/2014SWMMWWinteractive/Content/Topics/VolumeI2014/VolI>

[%20AppD%202014.htm](#)> of the Department of Ecology's 2012 (as amended in 2014) Stormwater Management Manual for Western WA.

5. Other Activities in a Wetland Buffer. Regulated activities not involving stormwater management facilities or road and utility crossings are allowed provided all of the following conditions are met:
 - a. The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
 - b. The activity will not result in a permanent Structure in or under the buffer;
 - c. The activity will not result in the reduction of buffer acreage, type, or functions; and,
 - d. The activity will not result in a reduction of wetland acreage, classification, or functions.
- G. Standards – Wetland Activities. The following additional standards apply to the approval of all activities permitted within wetlands under this Chapter:
 1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:
 - a. Avoid impacts to wetlands providing the responsible official finds that, for Category III and IV wetlands, avoiding all impact will result in a project that is either:
 - (1). Inconsistent with the Town of Yacolt Comprehensive Growth Management Plan;
 - (2). Inconsistent with county-wide critical area conservation goals; or,
 - (3). Not feasible to construct.
 - b. Minimize impacts to wetlands if complete avoidance is infeasible. The responsible official must find that the applicant has limited the degree or magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:
 - (1). Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
 - (2). Seeking reasonable relief that may be provided through application of other Town zoning and design standards;
 - (3). Site design; and,
 - (4). Construction techniques and timing.
 - c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:
 - (1). The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
 - (2). Unavoidable impacts are mitigated in accordance with this subsection; and
 - (3). The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.
 2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
 - a. On-site. Locate mitigation according to the following priority:
 - (1). Within or adjacent to the same wetland as the impact;
 - (2). Within or adjacent to a different wetland on the same site;
 - b. Off-site. Locate mitigation within the same watershed, as shown on Figure 16.45.030-1, or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
 - c. In-kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic

- (HGM) classification based on a reference to a naturally occurring wetland system; and,
- d. Out-of-kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference. The ratios presented are based on the type of compensatory mitigation proposed (e.g., restoration, creation, and enhancement). In the 2008 Federal Mitigation Rule, the U.S. Army Corps of Engineers provided definitions for these types of compensatory mitigation. For consistency, this document uses the same definitions which are provided below:
- a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland is restoration. For the purpose of tracking net gains in wetland acres, restoration is divided into:
 - (1). Reestablishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland is reestablishment. Reestablishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
 - (2). Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland is rehabilitation. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a Floodplain or return tidal influence to a wetland.
 - b. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deep water site where a wetland did not previously exist is creation. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.
 - c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present is enhancement. Enhancement is undertaken for specified purposes such as water quality improvement, Floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

Figure 16.45.030-1
Town of Yacolt Watershed Map



- d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.
- e. Wetland Mitigation Ratios
 - (1). Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in Table 16.45.030-4 apply:

MITIGATION RATIOS
Table 16.45.030-4 Standard Wetland Mitigation Ratios

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	Case-by-case	4:1 Rehabilitation of an estuarine	Case-by-case	Case-by-case	Case-by-case

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Estuarine		wetland			
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible	R/C Not considered possible	Case-by-case
Category I Bog	Not considered possible	6:1 Rehabilitation of a bog	R/C Not considered possible	R/C Not considered possible	Case-by-case
Category I Estuarine	Case-by-case	6:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case

- (2). The responsible official has the authority to reduce wetland mitigation ratios under the following circumstances:
- (a). Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;
 - (b). Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;
 - (c). The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;
 - (d). In wetlands where several HGM classifications are found within one (1) delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:
 - i. The wetland does not meet any of the criteria for wetlands with “Special Characteristics,” as defined in the rating system;
 - ii. The rating and score for the entire wetland is provided as well as the scores and ratings for each area with a different HGM classification;
 - iii. Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category; and
 - iv. The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty (50) feet outside of the

footprint of the impacts.

4. Wetland Buffers Required for Mitigation. Wetland mitigation shall be protected by a buffer that is wide enough to protect the most sensitive function, according to Tables 16.45.030-1 and 2:
 - a. Reductions to the required buffers may be applied in accordance with YMC 16.45.030F;
 - b. All wetland buffers shall be included within the mitigation site and subject to the conservation covenant required under YMC 16.45.030H3.
- H. Standard Requirements. Any action granting or approving a development permit application shall be conditioned on the following:
1. Marking buffer during construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit;
 2. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

Wetland and Buffer –
Please retain in a natural state
 3. A conservation covenant shall be recorded in a form approved by the Town Attorney as adequate to incorporate the other restrictions of this Section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer; and,
 4. In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer and a reference to the separately recorded conservation covenant provided for in YMC 16.45.030H3.
- I. Standard Requirements – Waivers. The responsible official shall waive the requirements of YMC 16.45.030D, E and H in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:
1. Residential building permits and home businesses;
 2. Land divisions:
 - a. Development envelopes shall be required for a fully complete preliminary application;
 - b. Development envelopes shall be shown on the final plat; and,
 - c. A note referencing the development envelopes shall be placed on the final plat.
 3. Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:
 - a. Development envelopes shall be required for a fully complete preliminary application;
 - b. Development envelopes shall be shown on the final site plan; and,
 - c. A note referencing the development envelopes shall be placed on the final site plan.
- J. Mitigation Plans.
1. General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant.
 2. Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application listed in YMC 16.45.010B. The preliminary mitigation plan consists of two (2) parts:

baseline information for the site and a conceptual plan. If off-site wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.

- a. Baseline information shall include:
 - (1). Wetland delineation report as described in YMC 16.45.030D2;
 - (2). Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;
 - (3). Description and maps of vegetative conditions at the site;
 - (4). Description and maps of hydrological conditions at the site;
 - (5). Description of soil conditions at the site based on a preliminary on-site analysis;
 - (6). A topographic map of the site; and,
 - (7). A functional assessment of the existing wetland and buffer.
 - (a). Application of the rating system in YMC 16.45.020B will generally be considered sufficient for functional assessment.
 - (b). The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions.
 - (c). Alternate functional assessment methodologies used shall be scientifically valid and reliable.
- b. The contents of the conceptual mitigation plan shall include:
 - (1). Goals and objectives of the proposed project;
 - (2). A wetland buffer width reduction plan, if width reductions are proposed, that includes:
 - (a). The land use intensity, per Table 16.45.030-2, of the various elements of the development adjacent to the wetlands;
 - (b). The wetland buffer width(s) required by Tables 16.45.030-1 and 16.45.030-2;
 - (c). The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with YMC 16.45.040F;
 - (3). A wetland mitigation plan that includes:
 - (a). A sequencing analysis for all wetland impacts;
 - (b). A description of all wetland impacts that require mitigation under this Chapter; and,
 - (c). Proposed mitigation measures and mitigation ratios;
 - (4). Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this Chapter;
 - (5). Site plan;
 - (6). Discussion and map of plant material to be planted and planting densities;
 - (7). Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
 - (8). Discussion of water sources for all wetlands on the site;
 - (9). Project schedule;
 - (10). Discussion of how the completed project will be managed and monitored; and,
 - (11). A discussion of contingency plans in case the project does not meet the goals initially set for the

project.

3. Final Mitigation Plan. The contents of the final mitigation plan shall include:

- a. The approved preliminary mitigation plan and all conditions imposed on that plan. If the preliminary mitigation plan requirement is waived, the final plan shall include the content normally required for the preliminary plan listed in YMC 16.45.030J2a, J2b(1), and J2b(2).
- b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
- c. Detailed Construction Plans. Written specifications for the mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- d. Monitoring Program. The mitigation plan shall include a description of a detailed program for monitoring the success of the mitigation project.
 - (1). The mitigation project shall be monitored for a period necessary to establish that the mitigation is successful, but not for a period of less than five (5) years. Creation and forested wetland mitigation projects shall be monitored for a period of at least ten (10) years;
 - (2). Monitoring shall be designed to measure the performance standards outlined in the mitigation plan and may include but not be limited to:
 - (a). Establishing vegetation plots to track changes in plant species composition and density over time;
 - (b). Using photo stations to evaluate vegetation community response;
 - (c). Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions, (pH, nutrients, heavy metals);
 - (d). Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate;
 - (e). Measuring sedimentation rates, if applicable; and,
 - (f). Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity;
 - (3). A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;
 - (4). Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period; and,
 - (5). Monitoring reports shall analyze the results of monitoring, documenting milestones, successes, problems, and recommendations for corrective and/or contingency actions to ensure success of the mitigation project.
- e. Associated Plans and Other Permits. To ensure consistency with the final mitigation plan, associated plans and permits shall be submitted, including, but not limited to:
 - (1). Engineering construction plans;
 - (2). Final site plan or proposed plat;
 - (3). Final landscaping plan;
 - (4). An as-built plan for projects that require wetland creation or wetland construction;

- (5). Final drainage plan;
 - (6). Final erosion and sediment control plan;
 - (7). Habitat permit;
 - (8). WDFW HPA;
 - (9). USACE Section 404 permit; and,
 - (10). WDOE Administrative Order or Section 401 certification.
- f. Evidence of Financial and Scientific Proficiency. A description of how the mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly at the end of the specific monitoring period.
- g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

16.45.040 - Wetland permits.

A. General.

1. A wetland permit is required for any development activity that is not exempt pursuant to YMC 16.45.010B4 and B5 within wetlands and wetland buffers.
2. Standards for wetland permits are provided in YMC 16.45.030.
3. All wetland permits require approval of a preliminary and final mitigation plan in accordance with the provisions of YMC 16.45.030J unless the preliminary mitigation plan requirement is waived under the provisions of YMC 16.45.030J1 or J2.
4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in YMC 16.45.040C and D.
5. Provisions for programmatic permits are provided by YMC 16.45.040E.
6. Provisions for emergency wetland permits are provided by YMC 16.45.040F.

B. Standards – General. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:

1. The proposed activity shall not cause significant degradation of wetland functions; and,
2. The proposed activity shall comply with the Town of Yacolt's Stormwater Management Plan, YMC 13.10.

C. Wetland Permit – Applications.

1. Applications for wetland permits shall be made to the Town on forms furnished by the Town. The Town shall process a wetland permit application as a request for land use approval pursuant to existing land use review procedures.
2. Wetlands Permit Applications shall include:
 - a. Wetland delineations and required buffer width;
 - b. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than one inch equals 400 feet showing the location, width, depth, and length of all existing and proposed Structures, roads, stormwater management facilities, sewage treatment, and installations within the wetland and its buffer;
 - c. The exact sites and specifications for all regulated activities including the amounts and methods; and,
 - d. A proposed preliminary mitigation plan meeting the requirements of this Chapter.

D. Wetland Permit – Approval.

1. The Town shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:
 - a. Submittal and approval of a final mitigation plan;
 - b. Installation and approval of the required field markings; and,
 - c. The recording of a conservation covenant.
 2. Conditions. An approval of a wetland permit shall incorporate the following conditions:
 - a. Posting of a cash performance bond or other security acceptable to the Town in an amount and with surety and conditions sufficient to fulfill the initial (first year) requirements of the required final plan and mitigation plan, and to secure compliance with other conditions and limitations set forth in the permit.
 - (1). The Town shall release the performance bond upon determining that all initial (first year) activities, including any required compensatory mitigation, have been completed in accordance with the terms and conditions of the permit and the requirements of this Chapter.
 - (2). Upon forfeiture of a performance bond, the proceeds thereof shall be utilized either to correct deficiencies which resulted in forfeiture or, if such correction is deemed by the Town to be impractical or ineffective, to enhance other wetlands in the same watershed.
 - b. Posting of a cash maintenance bond or other security acceptable to the Town in an amount and with surety and conditions sufficient to fulfill the requirements of the required final plan and mitigation plan and to secure compliance with other conditions and limitations set forth in the permit for the duration (beyond one year) of the required monitoring and maintenance time period.
 - (1). The Town shall release the maintenance bond at the end of the approved monitoring and maintenance time period upon determining that all activities, including any required compensatory mitigation, have been completed in accordance with the terms and conditions of the permit and the requirements of this Chapter.
 - (2). Upon forfeiture of a performance or maintenance bond, the proceeds thereof shall be utilized either to correct deficiencies which resulted in forfeiture or, if such correction is deemed by the Town to be impractical or ineffective, to enhance other wetlands in the same watershed.
 3. Duration. Wetland permit final approval shall be valid for a period of two years from the date of issuance unless:
 - a. A longer period, not to exceed five years, is specified in the permit; or,
 - b. The Town grants an extension upon the written request of the original permit holder or successor in title demonstrating to the satisfaction of the Town:
 - (1). That the original intent of the permit would not be altered or enlarged by the extension;
 - (2). That relevant circumstances and standards have not changed substantially since the permit application; and,
 - (3). That the applicant has complied with the terms of the permit.
 4. Revocation. In addition to other remedies provided for elsewhere, the Town may suspend or revoke a permit if the applicant or permittee has not complied with any of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.
- E. Programmatic Permits for Routine Maintenance and Operations of Utilities and Public Facilities. The responsible official may issue programmatic wetland permits for routine maintenance and operations of utilities and public facilities within wetlands and wetland buffers, and for wetland enhancement programs. It is not the intent of the programmatic permit process to deny or unreasonably restrict a public agency or utility's ability to provide services to the public. Programmatic permits only authorize activities specifically identified in and limited to the permit approval and conditions.
1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with YMC 16.45.030J2 and J3, applications for programmatic

wetland permits shall include a programmatic permit plan that includes the following:

- a. A discussion of the purpose and need for the permit;
 - b. A description of the scope of activities in wetlands and wetland buffers;
 - c. Identification of the geographical area to be covered by the permit;
 - d. The range of functions and values of wetlands potentially affected by the permit;
 - e. Specific measures and performance standards to be taken to avoid, minimize and mitigate impacts on wetland functions and values including:
 - (1). Procedures for identification of wetlands and wetland buffers;
 - (2). Maintenance practices proposed to be used;
 - (3). Restoration measures;
 - (4). Mitigation measures and assurances;
 - (5). Annual reporting to the responsible official that documents compliance with permit conditions and proposes any additional measures or adjustments to the approved programmatic permit plan;
 - (6). Reporting to the responsible official any specific wetland or wetland buffer degradations resulting from maintenance activities when the degradation occurs or within a timely manner;
 - (7). Responding to any Public Works Department requests for information about specific work or projects;
 - (8). Procedures for reporting and/or addressing activities outside the scope of the approved permit; and,
 - (9). Training all employees, contractors and individuals under the supervision of the applicant who are involved in permitted work.
2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this Chapter.
 3. Approval Conditions. Approval of a programmatic wetland permit shall incorporate at least the following as conditions:
 - a. The approved programmatic permit plan;
 - b. Annual reporting requirements; and,
 - c. A provision stating the duration of the permit.
 4. Duration and Re-authorization.
 - a. The duration of a programmatic permit is for five (5) years, unless:
 - (1). An annual performance-based re-authorization program is approved within the permit; or,
 - (2). A shorter duration is supported by findings.
 - b. Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.
 - (1). Re-authorization is reviewed and approved through the process described in YMC 16.45.040E1.
 - (2). Permit conditions and performance standards may be modified through the re-authorization process.
 - (3). The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.
- F. Emergency Wetland Permit.

1. Authorization. Notwithstanding the provisions of this Chapter, the Mayor or his or her designee may issue a temporary emergency wetland permit prospectively or, in the case of imminent threats to public health, safety, or welfare, retroactively, where the anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this Title and other applicable laws.
2. Prior to issuing an emergency wetland permit, the Mayor or his or her designee shall issue a finding that extraordinary circumstances exist and that the potential threat to public health, safety, or welfare from the emergency situation is clearly significant and substantial.
3. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this Chapter and shall:
 - a. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days; and,
 - b. Require, within this 90-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete the restoration. If the restoration takes more than one year to complete, or if it is a forested system, then mitigation for temporal loss may be required.
4. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the Town of Yacolt not later than 21 days after issuance of such permit.
5. Termination. The emergency permit may be terminated at any time without process upon a determination by the Town that the action is no longer necessary to protect human health or the environment.



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Katie Younce, Acting Town Clerk

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Budget Position

Action Requested of Council:

Proposed Motion:

Summary / Background:

Governing Legislation:

Budget/Finance Impacts:

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

Treasurers Report 12-2017
Budget Position as of 2-12-2018

Staff Contact(s):

Katie Younce, Acting Town Clerk

TREASURERS REPORT

Fund Totals

Town Of Yacolt
MCAG #: 0254

12/01/2017 To: 12/31/2017

Time: 15:37:19 Date: 02/09/2018

Page: 1

Fund	Previous Balance	Revenue	Expenditures	Ending Balance	Claims Clearing	Payroll Clearing	Outstanding Deposits	Adjusted Ending Balance
001 Current Expense	703,658.09	70,465.84	32,093.27	742,030.66	10,241.82	5,642.26	-319.00	757,595.74
002 Current Expense Reserve Fund	115,332.54	0.00		115,332.54	0.00	0.00	0.00	115,332.54
101 Streets	-16,952.75	7,756.97	16,734.43	-25,930.21	0.00	8,693.12	0.00	-17,237.09
103 Cemetery	33,214.20	500.00	99.06	33,615.14	0.00	44.15	0.00	33,659.29
105 REET/Real Estate Excise Tax	126,374.85	5,733.32		132,108.17	0.00	0.00	0.00	132,108.17
114 Park Impact Fees	49,656.40	5,104.57		54,760.97	0.00	0.00	0.00	54,760.97
115 Transportation Impact Fees	58,841.92	6,103.29		64,945.21	0.00	0.00	0.00	64,945.21
403 Storm Water	68,217.00	0.00	3,173.44	65,043.56	0.00	1,459.47	0.00	66,503.03
	1,138,342.25	95,663.99	52,100.20	1,181,906.04	10,241.82	15,839.00	-319.00	1,207,667.86

TREASURERS REPORT

Account Totals

Town Of Yacolt
MCAG #: 0254

12/01/2017 To: 12/31/2017

Time: 15:37:19 Date: 02/09/2018
Page: 2

Cash Accounts	Beg Balance	Deposits	Withdrawals	Ending	Outstanding Rec	Outstanding Exp	Adj Balance
9 USBank 6765	697,082.17	95,786.42	52,222.63	740,645.96	-319.00	26,080.82	766,407.78
12 Investco MMA	325,927.54	0.00	0.00	325,927.54	0.00	0.00	325,927.54
13 Voya Financial	115,332.54	0.00	0.00	115,332.54	0.00	0.00	115,332.54
Total Cash:	1,138,342.25	95,786.42	52,222.63	1,181,906.04	-319.00	26,080.82	1,207,667.86
	1,138,342.25	95,786.42	52,222.63	1,181,906.04	-319.00	26,080.82	1,207,667.86

2018 BUDGET POSITION

Town Of Yacolt
MCAG #: 0254

Time: 15:23:25 Date: 02/12/2018

Page: 1

001 Current Expense 01/01/2018 To: 12/31/2018

Revenues	Amt Budgeted	Revenues	Remaining	
308 80 00 01 Beginning Balance	0.00	0.00	0.00	0.0%
308	0.00	0.00	0.00	0.0%

310 Taxes

311 10 00 00 Property Tax Revenue	66,680.41	0.00	66,680.41	0.0%
313 11 00 00 Sales & Use Tax Ce	110,000.00	12,258.63	97,741.37	11.1%
313 71 00 00 Local Criminal Justice Fund	22,000.00	2,123.55	19,876.45	9.7%
316 41 00 00 Electricity Taxes	52,000.00	0.00	52,000.00	0.0%
316 47 00 00 Telephone Tax	33,000.00	5,217.22	27,782.78	15.8%
310 Taxes	283,680.41	19,599.40	264,081.01	6.9%

320 Licenses & Permits

321 99 00 00 Business Licenses	5,000.00	430.00	4,570.00	8.6%
322 10 00 00 Building Permits	30,000.00	13,674.99	16,325.01	45.6%
322 30 00 00 Animal Licences	450.00	120.00	330.00	26.7%
322 90 00 00 Engineering Pass Thru	5,000.00	0.00	5,000.00	0.0%
320 Licenses & Permits	40,450.00	14,224.99	26,225.01	35.2%

330 State Generated Revenues

336 00 98 00 City Assistance	35,000.00	0.00	35,000.00	0.0%
336 06 21 00 Crim Jus Pop	1,000.00	250.00	750.00	25.0%
336 06 25 00 Mvet-criminal Justice Funding-program Area 4	2,400.00	2,788.71	(388.71)	116.2%
336 06 26 00 Crim Just Special Programs	1,500.00	440.27	1,059.73	29.4%
336 06 51 00 Dui-cities	250.00	63.39	186.61	25.4%
330 State Generated Revenues	40,150.00	3,542.37	36,607.63	8.8%

340 Charges For Services

341 43 00 01 Collections Fees	0.00	0.00	0.00	0.0%
345 85 00 02 Impact Fees BG School Dist	5,000.00	13,579.36	(8,579.36)	271.6%
346 20 00 00 Wellness	50.00	0.00	50.00	0.0%
347 30 00 01 Spring Clean Up Fee	2,000.00	0.00	2,000.00	0.0%
347 30 00 02 Big Foot Fun Run	4,100.00	0.00	4,100.00	0.0%
347 30 00 03 Egg Hunt	25.00	250.00	(225.00)	1000.0%
340 Charges For Services	11,175.00	13,829.36	(2,654.36)	123.8%

350 Fines & Forfeitures

359 00 00 01 Criminal Fines	0.00	0.00	0.00	0.0%
359 90 00 00 Animal Control Fines	0.00	0.00	0.00	0.0%
350 Fines & Forfeitures	0.00	0.00	0.00	0.0%

360 Misc Revenues

341 81 00 01 Notary	25.00	0.00	25.00	0.0%
341 81 01 01 Cash Over Counter:Copies/Faxes, Ect.	100.00	19.40	80.60	19.4%
347 30 00 00 Rendezvous Days	300.00	0.00	300.00	0.0%

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Town Of Yacolt
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001 Current Expense

01/01/2018 To: 12/31/2018

Revenues	Amt Budgeted	Revenues	Remaining
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360 Misc Revenues

359 90 03 00	Nsf Fee	35.00	0.00	35.00	0.0%
361 11 00 01	Investment Interest	0.00	0.00	0.00	0.0%
361 40 00 00	Interest On Contracts, Notes, Taxes & Loans	50.00	0.00	50.00	0.0%
362 40 00 00	Town Hall Rental Fee	100.00	0.00	100.00	0.0%
362 50 00 00	Equipment & Library Lease	3,400.00	400.00	3,000.00	11.8%
367 11 00 00	Private Donation/contributi	1,750.00	0.00	1,750.00	0.0%
367 11 00 01	AWC Grants	7,000.00	0.00	7,000.00	0.0%
369 10 00 00	Sale Of Surplus Items	0.00	0.00	0.00	0.0%
369 81 00 00	Cashiers Over/under	50.00	0.00	50.00	0.0%
369 91 00 02	Misc. Reimbursements	1,000.00	50.00	950.00	5.0%
360 Misc Revenues		13,810.00	469.40	13,340.60	3.4%

380 Non Revenues

386 00 00 01	Rental Agreement Deposit	100.00	0.00	100.00	0.0%
386 60 00 00	Developer Pass Thru Fees	0.00	0.00	0.00	0.0%
389 00 00 02	Revenues Pending Classification	0.00	765.92	(765.92)	0.0%
380 Non Revenues		100.00	765.92	(665.92)	765.9%

390 Other Revenues

395 10 00 00	Sale Of Surplus Equipment	0.00	0.00	0.00	0.0%
395 20 00 00	Compensation Capitol Loss	0.00	0.00	0.00	0.0%
390 Other Revenues		0.00	0.00	0.00	0.0%

397 Interfund Transfers

397 10 01 00	Transfer-In	0.00	0.00	0.00	0.0%
397 Interfund Transfers		0.00	0.00	0.00	0.0%

Fund Revenues:

389,365.41 52,431.44 336,933.97 13.5%

Expenditures	Amt Budgeted	Expenditures	Remaining
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511 Legislative

511 30 44 00	Advertising: Newspaper/Media	3,300.00	305.60	2,994.40	9.3%
511 60 10 00	Council Salary	4,300.00	486.70	3,813.30	11.3%
511 60 20 00	Legislative Services-personnel Benefits	900.00	37.49	862.51	4.2%
511 60 43 00	Legislative Travel/Training	1,200.00	0.00	1,200.00	0.0%
514 40 41 00	Voter Registration Costs-professional Services	500.00	1,961.81	(1,461.81)	392.4%
514 41 41 00	Election Costs-professional Services	2,000.00	0.00	2,000.00	0.0%
511 Legislative		12,200.00	2,791.60	9,408.40	22.9%

513 Executive

513 10 10 00	Mayor Salary	6,300.00	515.26	5,784.74	8.2%
513 10 20 00	Mayor Benefits	500.00	39.43	460.57	7.9%

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Town Of Yacolt
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001 Current Expense 01/01/2018 To: 12/31/2018

Expenditures	Amt Budgeted	Expenditures	Remaining	
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513 Executive

513 10 41 00 AWC Dues	900.00	0.00	900.00	0.0%
513 10 43 00 Executive Administration-travel	0.00	0.00	0.00	0.0%
513 Executive	7,700.00	554.69	7,145.31	7.2%

514 Finance

514 23 10 00 Admin. Salary: Town Clerk	43,000.00	9,991.08	33,008.92	23.2%
514 23 10 01 Assistant Clerk Wages	10,520.00	1,349.17	9,170.83	12.8%
514 23 20 00 Admin Benefits: Town Clerk	24,000.00	975.94	23,024.06	4.1%
514 23 20 01 Admin Benefits: Asst. Clerk Benefits (Taxes)	1,700.00	288.73	1,411.27	17.0%
514 23 31 00 Office & Operating Supplies	5,000.00	165.12	4,834.88	3.3%
514 23 31 01 Postage	650.00	98.00	552.00	15.1%
514 23 41 00 Professional Building Service	10,000.00	4,096.05	5,903.95	41.0%
514 23 41 02 Technical Writing/Grants,etc.	400.00	432.00	(32.00)	108.0%
514 23 41 03 Professional Services: Budgeting,Acct.,computer	500.00	0.00	500.00	0.0%
514 23 41 04 Financial & Record Services - Professional Services	6,000.00	0.00	6,000.00	0.0%
514 23 42 00 Telephone And Dsl	4,200.00	806.25	3,393.75	19.2%
514 23 46 00 Insurance	7,300.00	7,927.00	(627.00)	108.6%
514 23 48 00 Repair & Maint: Town Hall Bldgs.	8,000.00	184.74	7,815.26	2.3%
514 23 49 00 Dues And Memberships	1,000.00	507.00	493.00	50.7%
514 23 51 00 State Auditor Fees	14,000.00	0.00	14,000.00	0.0%
514 30 00 03 Impact Fees BG School Dist	5,000.00	0.00	5,000.00	0.0%
514 81 48 00 Permits/Licenses: Buildings & Structures	200.00	0.00	200.00	0.0%
514 89 43 00 Travel & Training	1,800.00	49.95	1,750.05	2.8%
514 89 49 01 Misc, Int, Bank Fees	600.00	34.10	565.90	5.7%
518 30 47 00 Power, Water/sewer, Garbage	8,000.00	1,405.31	6,594.69	17.6%
518 80 35 00 Office Hardware & Equipment	9,500.00	0.00	9,500.00	0.0%
542 10 41 01 Cleaning Services: Town Halls	4,200.00	640.00	3,560.00	15.2%
542 10 41 03 Engineering Services	18,000.00	0.00	18,000.00	0.0%
514 Finance	183,570.00	28,950.44	154,619.56	15.8%

515 Legal Services

515 31 41 00 Legal Services	65,000.00	15,021.00	49,979.00	23.1%
515 Legal Services	65,000.00	15,021.00	49,979.00	23.1%

517 Employee Benefit Programs

517 90 20 00 Wellness Program	100.00	0.00	100.00	0.0%
517 Employee Benefit Programs	100.00	0.00	100.00	0.0%

518 Central Services

518 80 41 01 Central Services - Professional Services	700.00	205.26	494.74	29.3%
518 Central Services	700.00	205.26	494.74	29.3%

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001 Current Expense

01/01/2018 To: 12/31/2018

Expenditures		Amt Budgeted	Expenditures	Remaining	
519 General Government Services					
514 23 42 04	Communication Services	1,900.00	411.50	1,488.50	21.7%
514 23 49 01	Other GGS Misc.: Community, Etc.	2,200.00	198.35	2,001.65	9.0%
514 23 53 03	Other GGS:External Taxes & Operating	1,300.00	1,167.39	132.61	89.8%
514 81 41 00	Animal Control: Professional Services	750.00	0.00	750.00	0.0%
518 30 48 01	Repair & Maintenance- Town Hall 202 W. Cushman	3,500.00	0.00	3,500.00	0.0%
519 General Government Services		9,650.00	1,777.24	7,872.76	18.4%
521 Law Enforcement					
521 20 41 00	Law Enforcement Services	47,251.00	0.00	47,251.00	0.0%
521 Law Enforcement		47,251.00	0.00	47,251.00	0.0%
524 Protective Inspections					
524 20 48 00	Inspections/Permits	129.00	0.00	129.00	0.0%
524 Protective Inspections		129.00	0.00	129.00	0.0%
551 Welfare					
557 20 49 00	Welfare Services-Intergovernmental Professional Services	500.00	0.00	500.00	0.0%
551 Welfare		500.00	0.00	500.00	0.0%
566 Substance Abuse					
566 00 51 00	Alcoholism-intergovernmental Professional Services	250.00	0.00	250.00	0.0%
566 Substance Abuse		250.00	0.00	250.00	0.0%
573 Spectator & Community Events					
573 90 31 00	Event: Rendezvous	4,500.00	0.00	4,500.00	0.0%
573 90 31 01	Event: Christmas Tree Lighting	500.00	0.00	500.00	0.0%
573 90 31 02	Event - Events Decorations	250.00	0.00	250.00	0.0%
573 90 31 03	Event - National Night Out	950.00	0.00	950.00	0.0%
573 90 31 04	Event - Spring Clean-up Day	2,000.00	0.00	2,000.00	0.0%
573 90 31 06	Big Foot Fun Run	3,200.00	0.00	3,200.00	0.0%
573 90 31 07	Event Easter Egg Hunt	500.00	0.00	500.00	0.0%
573 Spectator & Community Events		11,900.00	0.00	11,900.00	0.0%
576 Park Facilities					
576 67 49 01	Parks/Grant Parks Foundation	500.00	0.00	500.00	0.0%
576 80 31 00	Parks Supplies	1,000.00	0.00	1,000.00	0.0%
576 80 47 00	Parks Utility Services	2,300.00	0.00	2,300.00	0.0%
576 80 48 00	Insurance	7,300.00	7,500.00	(200.00)	102.7%
576 80 48 01	Park : Repair & Maintenance	6,600.00	0.00	6,600.00	0.0%

2018 BUDGET POSITION

Town Of Yacolt
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001 Current Expense		01/01/2018 To: 12/31/2018			
Expenditures		Amt Budgeted	Expenditures	Remaining	
576 Park Facilities					
594 76 64 01	Parks: Capital Expense Equipment & Machinery	1,500.00	0.00	1,500.00	0.0%
576 Park Facilities		19,200.00	7,500.00	11,700.00	39.1%
594 Capital Expenditures					
594 14 63 00	Capital Expenditures/Expenses - GMA Infrastructure	17,000.00	0.00	17,000.00	0.0%
594 Capital Expenditures		17,000.00	0.00	17,000.00	0.0%
597 Interfund Transfers					
597 00 00 02	Reserve/Contingency Fund/Transfer Out	0.00	0.00	0.00	0.0%
597 00 01 00	Transfers-Out - Depreciation/Amortization/Depletion Expense	0.00	0.00	0.00	0.0%
597 00 01 01	Transfers-Out - Streets	0.00	0.00	0.00	0.0%
597 00 01 05	Transfer Out To REET	0.00	0.00	0.00	0.0%
597 00 01 14	Transfer Out To Park Impact	0.00	0.00	0.00	0.0%
597 00 01 15	Transfer Out To Transportation	0.00	0.00	0.00	0.0%
597 Interfund Transfers		0.00	0.00	0.00	0.0%
999 Ending Balance					
508 00 01 00	Ending Balance	0.00	0.00	0.00	0.0%
999 Ending Balance		0.00	0.00	0.00	0.0%
Fund Expenditures:		375,150.00	56,800.23	318,349.77	15.1%
Fund Excess/(Deficit):		14,215.41	(4,368.79)		

2018 BUDGET POSITION

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002 Current Expense Reserve Fund

01/01/2018 To: 12/31/2018

Revenues		Amt Budgeted	Revenues	Remaining	
308 80 00 02	Beginning Balance	115,332.54	0.00	115,332.54	0.0%
308		115,332.54	0.00	115,332.54	0.0%

360 Misc Revenues

361 11 00 02	Investment Interest	0.00	0.00	0.00	0.0%
360 Misc Revenues		0.00	0.00	0.00	0.0%

397 Interfund Transfers

397 00 00 02	Transfer In /current Expense	0.00	0.00	0.00	0.0%
397 00 04 01	Transfer In From Water	0.00	0.00	0.00	0.0%
397 Interfund Transfers		0.00	0.00	0.00	0.0%

Fund Revenues:		115,332.54	0.00	115,332.54	0.0%
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Expenditures		Amt Budgeted	Expenditures	Remaining	
591 Debt Service					
590 00 01 00	Investment	0.00	0.00	0.00	0.0%
591 Debt Service		0.00	0.00	0.00	0.0%

Fund Expenditures:		0.00	0.00	0.00	0.0%
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Fund Excess/(Deficit):		115,332.54	0.00		
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2018 BUDGET POSITION

Town Of Yacolt
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101 Streets		01/01/2018 To: 12/31/2018			
Revenues		Amt Budgeted	Revenues	Remaining	
308 80 01 01	Beginning Net Cash & Investments	0.00	0.00	0.00	0.0%
308		0.00	0.00	0.00	0.0%
310 Taxes					
311 10 01 01	Real & Personal Property Tax	135,381.43	0.00	135,381.43	0.0%
310 Taxes		135,381.43	0.00	135,381.43	0.0%
330 State Generated Revenues					
334 03 80 00	TIB Grant	10,000.00	0.00	10,000.00	0.0%
336 00 71 00	Multimodal Transp.City	2,400.00	0.00	2,400.00	0.0%
336 00 87 00	Motor Vehicle Fuel Tax - City Streets	34,500.00	0.00	34,500.00	0.0%
336 06 94 00	Liquor Excise Tax	8,000.00	1,952.19	6,047.81	24.4%
336 06 95 00	Liquor Profits	13,500.00	(69.80)	13,569.80	0.5%
330 State Generated Revenues		68,400.00	1,882.39	66,517.61	2.8%
340 Charges For Services					
345 85 00 03	Impact Fees	2,750.00	0.00	2,750.00	0.0%
340 Charges For Services		2,750.00	0.00	2,750.00	0.0%
360 Misc Revenues					
344 10 00 01	Misc.: Street Repair Income	0.00	0.00	0.00	0.0%
361 11 01 01	Investment Interest	0.00	0.00	0.00	0.0%
360 Misc Revenues		0.00	0.00	0.00	0.0%
397 Interfund Transfers					
397 00 00 00	Transfer In From General	0.00	0.00	0.00	0.0%
397 Interfund Transfers		0.00	0.00	0.00	0.0%
Fund Revenues:		206,531.43	1,882.39	204,649.04	0.9%
Expenditures		Amt Budgeted	Expenditures	Remaining	
514 Finance					
514 23 41 01	Financial & Record Services - Professional Services	3,500.00	0.00	3,500.00	0.0%
514 Finance		3,500.00	0.00	3,500.00	0.0%
535 Sewer					
535 80 49 00	Septic: Reporting Fees: Clk. Cty. & E-onsite	0.00	0.00	0.00	0.0%
535 80 49 02	Septic: Training & Conferences	700.00	0.00	700.00	0.0%
535 Sewer		700.00	0.00	700.00	0.0%

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101 Streets		01/01/2018 To: 12/31/2018			
Expenditures		Amt Budgeted	Expenditures	Remaining	
539 Other Environment Services					
554 90 49 01	Other Environmental Services - Miscellaneous	0.00	0.00	0.00	0.0%
539 Other Environment Services		0.00	0.00	0.00	0.0%
542 Streets - Maintenance					
541 30 48 05	TIB Grant Yacolt And Amboy Rd	0.00	0.00	0.00	0.0%
542 30 10 00	Road & Street Maint.: Salaries	85,000.00	6,633.77	78,366.23	7.8%
542 30 20 00	Road & Street Maint : Benefits	49,000.00	3,602.80	45,397.20	7.4%
542 30 31 01	Safety Equipment	500.00	0.00	500.00	0.0%
542 30 41 00	Roadway:Professional Services	2,000.00	0.00	2,000.00	0.0%
542 30 48 00	Road & Street Maintenance	30,000.00	8.56	29,991.44	0.0%
542 30 49 00	Roadway:Misc.	0.00	0.00	0.00	0.0%
542 61 48 00	Sidewalks:Repairs & Maintenance	7,500.00	0.00	7,500.00	0.0%
542 63 47 00	Street Lighting	8,800.00	0.00	8,800.00	0.0%
542 64 31 00	Traffic Control Devices:Office & Operating Supplies	400.00	0.00	400.00	0.0%
542 64 41 00	Traffic Control Devices:Professional Services	300.00	0.00	300.00	0.0%
542 64 48 00	Traffic Control Devices:Repairs & Maintenance	1,800.00	0.00	1,800.00	0.0%
542 70 10 00	Roadside:Salaries & Wages	28,000.00	4,064.13	23,935.87	14.5%
542 70 20 00	Roadside:Personnel Benefits	17,000.00	796.72	16,203.28	4.7%
542 70 35 00	Roadside-Small Tools & Minor Equipment	2,500.00	0.00	2,500.00	0.0%
543 30 31 00	Roadside:Office & Operating Supplies	600.00	0.00	600.00	0.0%
542 Streets - Maintenance		233,400.00	15,105.98	218,294.02	6.5%
543 Streets Admin & Overhead					
543 30 46 00	General Services-insurance	7,300.00	7,500.00	(200.00)	102.7%
543 Streets Admin & Overhead		7,300.00	7,500.00	(200.00)	102.7%
544 Road & Street Operations					
543 30 31 02	P/W:Clothing Allowance	800.00	216.00	584.00	27.0%
543 30 43 05	P/W:Travel & Training	2,000.00	0.00	2,000.00	0.0%
543 30 49 00	P/W: Licenses & Permits	0.00	0.00	0.00	0.0%
544 Road & Street Operations		2,800.00	216.00	2,584.00	7.7%
548 Municipal Vehicles/Equipment					
542 30 32 00	Fuel Consumed: Regular	2,500.00	403.24	2,096.76	16.1%
542 30 32 01	Fuel Consumed: Diesel	1,800.00	220.88	1,579.12	12.3%
542 30 32 02	Reimburse:Sales Tax On Fuel To NCMS	300.00	18.55	281.45	6.2%
543 30 31 01	P/W:Office & Supplies	600.00	49.84	550.16	8.3%
543 50 48 00	Repair & Maint.: Vehicles & Equipment	4,750.00	244.43	4,505.57	5.1%
543 50 48 01	Equipment Maintenance	5,500.00	304.26	5,195.74	5.5%
548 Municipal Vehicles/Equipment		15,450.00	1,241.20	14,208.80	8.0%

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101 Streets		01/01/2018 To: 12/31/2018			
Expenditures		Amt Budgeted	Expenditures	Remaining	
594 Capital Expenditures					
594 44 01 00	Capital Expenditure - Equipment & Machinery	11,000.00	0.00	11,000.00	0.0%
595 30 63 06	Roadway Improvements: Right-of-way Acquisitions	0.00	0.00	0.00	0.0%
595 30 63 07	Roadway: Right-of-way	0.00	0.00	0.00	0.0%
595 30 63 08	Roads/Streets Const. & Other Infrastructure	4,500.00	19,815.00	(15,315.00)	440.3%
594 Capital Expenditures		15,500.00	19,815.00	(4,315.00)	127.8%
597 Interfund Transfers					
597 10 01 00	Transfers-Out - Depreciation/Amortization/Depletion Expense	0.00	0.00	0.00	0.0%
597 Interfund Transfers		0.00	0.00	0.00	0.0%
Fund Expenditures:		278,650.00	43,878.18	234,771.82	15.7%
Fund Excess/(Deficit):		(72,118.57)	(41,995.79)		

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Town Of Yacolt
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103 Cemetery		01/01/2018 To: 12/31/2018			
Revenues		Amt Budgeted	Revenues	Remaining	
308 80 01 03	Beginning Net Cash & Investments	0.00	0.00	0.00	0.0%
308		0.00	0.00	0.00	0.0%
330 State Generated Revenues					
335 00 91 00	Pud Privilege Tax	7,500.00	0.00	7,500.00	0.0%
330 State Generated Revenues		7,500.00	0.00	7,500.00	0.0%
340 Charges For Services					
343 60 00 00	Cemetery Services/Plot Sales	500.00	2,500.00	(2,000.00)	500.0%
340 Charges For Services		500.00	2,500.00	(2,000.00)	500.0%
Fund Revenues:		8,000.00	2,500.00	5,500.00	31.3%
Expenditures		Amt Budgeted	Expenditures	Remaining	
536 Cemetary					
536 10 49 00	Cemetery Archieve Costs	0.00	0.00	0.00	0.0%
536 20 10 00	Cemetery : Salaries & Wages	1,000.00	48.56	951.44	4.9%
536 20 20 00	Cemetery: Personnel Benefits	1,000.00	44.34	955.66	4.4%
536 20 31 00	Office & Operating Supplies	250.00	103.77	146.23	41.5%
536 20 46 00	Cemetery Services-insurance	2,000.00	2,300.00	(300.00)	115.0%
536 20 47 00	Utility Services: Electric/Water	200.00	0.00	200.00	0.0%
536 Cemetary		4,450.00	2,496.67	1,953.33	56.1%
594 Capital Expenditures					
594 00 01 03	Capital Expenditures:Machinery & Vehicles	0.00	0.00	0.00	0.0%
594 Capital Expenditures		0.00	0.00	0.00	0.0%
001 Public Works					
536 Cemetary					
536 20 31 03	Operations/Maint./Ground Improvements	1,800.00	0.00	1,800.00	0.0%
536 Cemetary		1,800.00	0.00	1,800.00	0.0%
001 Public Works		1,800.00	0.00	1,800.00	0.0%
Fund Expenditures:		6,250.00	2,496.67	3,753.33	39.9%
Fund Excess/(Deficit):		1,750.00	3.33		

2018 BUDGET POSITION

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105 REET/Real Estate Excise Tax		01/01/2018 To: 12/31/2018			
Revenues		Amt Budgeted	Revenues	Remaining	
308 80 01 05	Beginning Balance	0.00	0.00	0.00	0.0%
308		0.00	0.00	0.00	0.0%
310 Taxes					
318 34 01 05	REET	20,000.00	0.00	20,000.00	0.0%
310 Taxes		20,000.00	0.00	20,000.00	0.0%
397 Interfund Transfers					
397 00 01 05	Transfer In For REET	0.00	0.00	0.00	0.0%
397 Interfund Transfers		0.00	0.00	0.00	0.0%
Fund Revenues:		20,000.00	0.00	20,000.00	0.0%
Expenditures		Amt Budgeted	Expenditures	Remaining	
541 Road & Street Preservation					
541 61 63 05	Roads & Streets Preservation Activities - Other Improvements	20,000.00	187.94	19,812.06	0.9%
541 Road & Street Preservation		20,000.00	187.94	19,812.06	0.9%
Fund Expenditures:		20,000.00	187.94	19,812.06	0.9%
Fund Excess/(Deficit):		0.00	(187.94)		

2018 BUDGET POSITION

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114 Park Impact Fees		01/01/2018 To: 12/31/2018			
Revenues		Amt Budgeted	Revenues	Remaining	
308 80 00 14	Beginning Balance	0.00	0.00	0.00	0.0%
308		0.00	0.00	0.00	0.0%
340 Charges For Services					
345 85 01 14	Park Impact Fees	2,300.00	6,246.50	(3,946.50)	271.6%
340 Charges For Services		2,300.00	6,246.50	(3,946.50)	271.6%
397 Interfund Transfers					
397 00 01 14	Transfer In For Park Impact Fees	0.00	0.00	0.00	0.0%
397 Interfund Transfers		0.00	0.00	0.00	0.0%
Fund Revenues:		2,300.00	6,246.50	(3,946.50)	271.6%
Expenditures		Amt Budgeted	Expenditures	Remaining	
594 Capital Expenditures					
594 76 63 14	Capital Expenditures/Expenses	0.00	0.00	0.00	0.0%
594 Capital Expenditures		0.00	0.00	0.00	0.0%
Fund Expenditures:		0.00	0.00	0.00	0.0%
Fund Excess/(Deficit):		2,300.00	6,246.50		

2018 BUDGET POSITION

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115 Transportation Impact Fees			01/01/2018 To: 12/31/2018	
Revenues	Amt Budgeted	Revenues	Remaining	
308 80 00 15 Estimated Beginning Balance	0.00	0.00	0.00	0.0%
308	0.00	0.00	0.00	0.0%
340 Charges For Services				
345 85 01 15 Traffic Impact Fees	2,750.00	7,468.65	(4,718.65)	271.6%
340 Charges For Services	2,750.00	7,468.65	(4,718.65)	271.6%
397 Interfund Transfers				
397 00 01 15 Transfer In For Transportation	0.00	0.00	0.00	0.0%
397 Interfund Transfers	0.00	0.00	0.00	0.0%
Fund Revenues:	2,750.00	7,468.65	(4,718.65)	271.6%
Expenditures	Amt Budgeted	Expenditures	Remaining	
594 Capital Expenditures				
594 41 63 15 Capital Expenditures/Expenses	0.00	0.00	0.00	0.0%
594 Capital Expenditures	0.00	0.00	0.00	0.0%
Fund Expenditures:	0.00	0.00	0.00	0.0%
Fund Excess/(Deficit):	2,750.00	7,468.65		

2018 BUDGET POSITION

Town Of Yacolt
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403 Storm Water 01/01/2018 To: 12/31/2018

Revenues	Amt Budgeted	Revenues	Remaining	
308 80 04 03 Beginning Net Cash & Investments	0.00	0.00	0.00	0.0%
308	0.00	0.00	0.00	0.0%

340 Charges For Services

343 10 00 00 Storm Drainage Fees/Collected	50,000.00	0.00	50,000.00	0.0%
340 Charges For Services	50,000.00	0.00	50,000.00	0.0%

397 Interfund Transfers

397 40 03 00 Transfer-In	0.00	0.00	0.00	0.0%
397 Interfund Transfers	0.00	0.00	0.00	0.0%

Fund Revenues:	50,000.00	0.00	50,000.00	0.0%
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Expenditures	Amt Budgeted	Expenditures	Remaining	
514 Finance				
514 23 40 05 Financial & Record Services - Other Services And Charges	3,000.00	0.00	3,000.00	0.0%
514 Finance	3,000.00	0.00	3,000.00	0.0%

538 Other Utilities/Activities

531 38 10 00 Storm Drainage: Salaries & Wages	24,000.00	1,874.58	22,125.42	7.8%
531 38 20 00 Storm Drainage-personnel Benefits	15,500.00	1,010.41	14,489.59	6.5%
531 38 46 00 Storm Drainage-insurance	7,300.00	7,600.00	(300.00)	104.1%
531 38 48 00 Storm Drainage-repairs & Maint.	2,500.00	0.00	2,500.00	0.0%
531 38 49 00 Storm Drainage-miscellaneous	250.00	7.49	242.51	3.0%
531 91 47 00 Storm Drainage Fees	0.00	0.00	0.00	0.0%
538 38 31 00 Storm Drainage-Office & Operating Supplies	0.00	0.00	0.00	0.0%
538 Other Utilities/Activities	49,550.00	10,492.48	39,057.52	21.2%

594 Capital Expenditures

594 04 03 00 Capital Expenditures	0.00	0.00	0.00	0.0%
594 38 64 00 Capital Expenditures-storm Drainage-machinery & Equipment	0.00	0.00	0.00	0.0%
594 Capital Expenditures	0.00	0.00	0.00	0.0%

597 Interfund Transfers

597 40 03 00 Transfers-Out - Stormwater	0.00	0.00	0.00	0.0%
597 Interfund Transfers	0.00	0.00	0.00	0.0%

Fund Expenditures:	52,550.00	10,492.48	42,057.52	20.0%
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2018 BUDGET POSITION

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403 Storm Water

01/01/2018 To: 12/31/2018

Fund Excess/(Deficit):	(2,550.00)	(10,492.48)
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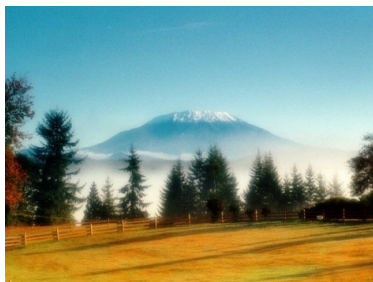
2018 BUDGET POSITION TOTALS

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Fund	Revenue Budgeted	Received		Expense Budgeted	Spent	
001 Current Expense	389,365.41	52,431.44	13.5%	375,150.00	56,800.23	15.1%
002 Current Expense Reserve Fund	115,332.54	0.00	0.0%	0.00	0.00	0.0%
101 Streets	206,531.43	1,882.39	0.9%	278,650.00	43,878.18	15.7%
103 Cemetery	8,000.00	2,500.00	31.3%	6,250.00	2,496.67	39.9%
105 REET/Real Estate Excise Tax	20,000.00	0.00	0.0%	20,000.00	187.94	0.9%
114 Park Impact Fees	2,300.00	6,246.50	271.6%	0.00	0.00	0.0%
115 Transportation Impact Fees	2,750.00	7,468.65	271.6%	0.00	0.00	0.0%
403 Storm Water	50,000.00	0.00	0.0%	52,550.00	10,492.48	20.0%
	<u>794,279.38</u>	<u>70,528.98</u>	<u>8.9%</u>	<u>732,600.00</u>	<u>113,855.50</u>	<u>15.5%</u>



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Council and Staff.

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Verification of Ordinance Publication - Update.

Action Requested of Council:

Discussion only.

Proposed Motion:

Discussion only.

Summary / Background:

Council members have been working to verify that notice of adopted Ordinances have been published in the Town's legal newspaper - The Reflector. This item is on the agenda to provide the Council and staff an opportunity to review the status of this work.

Governing Legislation:

Budget/Finance Impacts:

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

Staff Contact(s):



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Staff

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Personnel Policy Update

Action Requested of Council:

Review and consider proposed changes to the Town's Personnel Policy. Direct staff on desired changes to be made so that a revised Personnel Policy may be presented to the Council at a future meeting for adoption.

Proposed Motion:

Summary / Background:

A cover letter summarizing the major issues to be considered by the Council will follow after the Council packets are finalized. A current working draft of the Personnel Policies showing changes and comments is attached.

Governing Legislation:

(See attached.)

Budget/Finance Impacts:

Changes to leaves and benefits policies may impact the Town's costs. Changes to the Town's practices for establishing wages and benefits levels would impact the Town's budget. Specific impacts will depend on the decisions made by the Council.

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

Personnel Policy - Working Draft With Proposed Changes and Comments

Staff Contact(s):

Mayor Vince Myers; David Ridenour, Town Attorney; Katie Younce, Acting Town Clerk.

TOWN OF YACOLT

PERSONNEL POLICIES & PROCEDURES MANUAL

PREAMBLE

The provisions of this Personnel Policies & Procedures Manual are intended for informational purposes only and are neither a contract nor a promise of how the Town will address a particular situation. They are intended to be illustrative and the Town reserves the right to deviate from these policies in the event of an emergency, the need to preserve public confidence, or for the convenience of the employer when necessary to preserve the efficient administration of the Town. The Town also reserves the right to amend these policies at its sole discretion.

DATES OF ADOPTION AND REVISIONS

This Manual has an original adoption date at which time the policy took effect. It is sometimes necessary to revise or update the Manual. When using this Manual, please be sure that you are referring to the most current policy information. The date of adoption of this Manual is located in the lower left corner of each Page of the Manual. If you are not able to determine whether policy information is current, please contact the Town Clerk or the Mayor.

This version of the
Town of Yacolt - Personnel Policies & Procedures Manual
was adopted by the Yacolt Town Council in
October, 2010

TOWN OF YACOLT PERSONNEL POLICIES & PROCEDURES MANUAL

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CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

These personnel policies serve as a general guide to the Town's current employment practices and procedures. As such, the Town hopes they will help you better understand how the Town operates and what is expected of you as an employee. These policies also describe what the Town provides you in terms of compensation, benefits, and other support.

This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Town of Yacolt may add to the policies in the Manual, revoke, or modify them from time to time. The Town will try to keep the Manual current, but there may be times when policy will change before this material can be revised. The Town has sole discretion to unilaterally make changes to the policies described in this Manual without prior notice.

These personnel policies shall apply to all Town employees. They shall not apply to elected officials, the Mayor, or independent contractors.

You must read these policies. If you have any questions, please ask your supervisor or the Mayor.

1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. The employer has sole discretion whether to apply handbook policies in a particular case. The Town can and will exercise flexibility and discretion with regard to the policies described in this manual, and to act apart from any procedures described herein. The Town has the right to completely disregard the contents of this policy.

UNLESS SPECIFIC RIGHTS ARE GRANTED TO YOU IN EMPLOYMENT CONTRACTS, CIVIL SERVICE RULES, OR ELSEWHERE, ALL EMPLOYEES OF THE TOWN ARE CONSIDERED AT-WILL EMPLOYEES AND EITHER PARTY MAY TERMINATE THE RELATIONSHIP ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE.

No supervisor, manager, or representative of the Town other than the Mayor, in writing and with the Town Council's approval, has the authority to enter into any agreement with you for employment for any specific period or to make any written or verbal commitments contrary to the foregoing.

1.3 SCOPE OF POLICIES

These personnel policies apply to all Town employees. In cases where these policies conflict with any Town ordinance, Civil Service rules and regulations, the provisions of a collective bargaining agreement, or state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply.

1.4 CHANGING THE POLICIES

As the need arises, the Mayor may modify these policies, except that the Town Council, by ordinance, shall enact any changes in compensation or benefit levels. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the Town's citizens. Employees may request specific changes to these policies by submitting suggestions to the Mayor or Town Council.

1.5 EMPLOYMENT AGREEMENTS

The Town of Yacolt may execute written employment agreements with certain employees. The Mayor, with Town Council approval, is the only representative authorized to enter into a written employment agreement on behalf of the Town with any employee. Employees are encouraged to review carefully any employment agreement and to consult with legal counsel if necessary to understand the terms of the agreement.

Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions may generally include:

- (a) The length of time that the agreement will last and how, if at all, it can be renewed;
- (b) The job title, duties, and description, reserving to the Town of Yacolt the right to change the employee's duties as the Town of Yacolt's interests require;
- (c) The frequency of salary adjustments and reviews;
- (d) Any other provisions relating to vacation, sick leave, retirement, Social Security contributions, holidays, other benefits, working conditions, and insurance benefits; and,
- (e) Provisions for the termination of employment.

1.6 DEFINITIONS

Immediate Family: Includes the employee's spouse, domestic partner, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

Regular Full-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works less than forty (40) but at least twenty (20) hours a week.

Temporary Employees: Employees who hold jobs of limited duration due to special projects, abnormal work loads, seasonal needs (Seasonal Employees), or emergencies. Temporary employees are not eligible for Town benefits.

Trial Employees: Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include trial employees.

CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town is an equal employment opportunity employer. The Town employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, political ideology, or disability.

2.2 DISABILITY AND MEDICAL CONDITION DISCRIMINATION PROHIBITED

The Town will not discriminate against qualified applicants or employees with a sensory, physical, or mental disability, or medical condition or diagnosis, unless the disability or condition cannot be reasonably accommodated without undue hardship to the Town, prevents proper performance of an essential element of the job, or poses a risk to themselves or co-workers.

2.3 ANTI-HARASSMENT POLICY

It is the Town's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the Town will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as unwelcome verbal or physical conduct directed toward or relating to a person on the basis of the person's race, creed, color, national origin, age, religion, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability where the conduct is sufficiently pervasive and severe as to alter the terms or conditions of employment. Such conduct may take many forms including unwelcome slurs, comments, jokes, touching, innuendo, gestures, displays or transmissions of materials, and other similar conduct. Employees who engage in harassment will be subject to discipline, up to and including termination of employment.

2.4 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Town.

Sexual harassment is behavior of a sexual nature that is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats, squeezes, or repeatedly brushing against someone's body. Other

conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- It is part of a manager's or supervisor's decision to hire or fire;
- It is used to make other employment decisions like pay, promotion, or job assignments;
- It creates an intimidating, hostile, or offensive work environment.

Employees engaging in improper harassment are subject to discipline, including termination.

2.5 DISCRIMINATION COMPLAINT PROCEDURE

Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.

Should you believe that you have been harassed or are the victim of discrimination, you should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, you should discuss your concern immediately with the Mayor or a supervisor. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.

If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination. Employees may additionally be required to participate in appropriate training.

2.6 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the Town Clerk's office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have the right to review their files. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the Town denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine

verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information, unless such disclosure is required by the Public Records Act or other legal mandate.

2.7 EMPLOYMENT REFERENCES

Only the Mayor will provide employment references on current or former Town employees. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

CHAPTER 3 RECRUITING AND HIRING

3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications, and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical handicap, disability, age, medical condition or diagnosis, sexual orientation, or political ideology.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the Town's official application.

Any applicant supplying false or misleading information is subject to immediate termination, if hired.

3.2 HIRING

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Mayor shall review the position, its job description, and the need for such a position. The position will be posted and/or advertised only after the Mayor has approved the request.

The Town may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the Town. The Town may contract with any agency or individual to prepare and/or administer examinations. The Town may also conduct certain background procedures to determine if the applicant is qualified for the position as required by law.

Residency within the Town shall not be a condition of employment; provided, however, that an employee's selection of residence shall not interfere with daily performance of his/her duties and responsibilities.

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the Town, may be disqualified for employment with the Town in positions requiring driving.

After an offer of employment has been made and prior to commencement of employment, the Town may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety, or well being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace without undue hardship to the Town); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of alcohol and or controlled substances.

3.3 TEMPORARY EMPLOYEES

The Town may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, health insurance, holidays, or any other benefits during their employment. [All employees, including temporary employees, will earn sick leave, in accordance with the Town's sick leave policy, Section 8.2.](#)

Temporary employees pay contributions to the Social Security system, as does the town on their behalf. Temporary employees will normally not be enrolled in the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

3.4 TRIAL PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal trial period is six months from the employee's date of hire, rehire, or promotion. The Mayor may authorize an extension to extend the trial period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the Town for a specified duration. The terms of Chapter 1.2 of this Personnel Policy & Procedures Manual remain in full force and effect, regardless of whether an employee has completed a trial period of employment with the Town. Nothing in this Chapter 3 is designed or intended to change the "at will" nature of the employment relationship.

Use of Sick Leave/Vacation During Trial Period: Trial employees may use their accrued sick leave from the beginning of their employment, but may not use earned vacation or personal Floating Holiday time until they have successfully completed their trial period.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

The Immediate Family of current Town employees or elected officials will not be employed by the Town where:

- (1) One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material which may create the appearance of improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other;
- (4) The employment would create either a direct or indirect supervisor/subordinate relationship with the family member; or,
- (5) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

Change in Circumstances: If two employees marry, become Immediate Family members or begin living together as domestic partners, and in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the Town, unless reasonable accommodations, as determined by the Mayor, can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become Immediate Family members, or begin sharing living quarters with each other. If no decision is made during this time, the Town reserves the right to terminate either employee.

Temporary Employees: This policy may be suspended with respect to Temporary Employees hired during times of abnormal workloads or emergency situations that justify a relaxation of the policy in the judgment of the Mayor or Town Council

3.6 PROMOTIONS

The Town encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Mayor may choose to circulate a promotional opportunity within the Town.

The Town reserves the right to seek qualified applicants outside of the organization at its discretion.

New Trial Period: After promotion to a new position, a new trial period of six (6) months must

be completed, unless waived or reduced by the Mayor. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee.

CHAPTER 4 HOURS AND ATTENDANCE

4.1 WORKING HOURS

The Town's standard workweek is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period. Due to the nature of the Town's operations, longer hours may be necessary in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of police and fire employees, may be established by the Town to meet job assignments and provide necessary Town services. Each employee's supervisor will advise the employee regarding his/her specific working hours.

Part-time and temporary employees will work hours as specified by their supervisor.

4.2 HOURS OF WORK AND OVERTIME

All Town positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the Town.

For most Town employees, the established work period is forty (40) hours within a seven (7) day workweek. All personnel are responsible for accurately reporting all hours worked on forms supplied by the Town. Employees failing to accurately record time worked are subject to discipline.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period. All overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty hours during the established work period. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

CHAPTER 5 COMPENSATION

5.1 SALARY CLASSIFICATION AND GRADES

Each job title within the Town is classified into one of the Town's classifications for salary purposes. Each classification is designated a particular salary or salary range shown on the Town's salary and wage schedule, which is approved annually by the Town Council.

5.2 EMPLOYEE PAY RATES

Employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training, or proven capability warrant, or when prevailing market conditions require a starting rate higher than the minimum.

Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the Mayor may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

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 within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

An employee promoted to a position in a higher classification and salary range shall receive the next highest available pay step in the new range.

5.3 PAY DAYS

Town employees are paid monthly on the last day of each month. If a regularly scheduled payday falls on Saturday or Sunday, paychecks will be distributed on Friday; if it falls on a holiday, paychecks will be distributed on the previous regularly scheduled working day.

5.4 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The Town will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, by applicable union contract, or by statute.

Commented [DR1]: The Town does not have a formal salary and wage schedule. Is one necessary? One option is for the Town to actually establish a Salary and Wage Schedule that is to be "approved annually" as written. Or the Council could simply revise this line so that it is consistent with the Town's actual practice. The practice is to set salaries and benefits by Council action from time to time as the Council deems appropriate. (This has typically been in conjunction with the annual budget process, but compensation packages also come up any time that there is turnover and the Town is considering a new employee.) Shouldn't the Council be able to tailor wages and benefits to particular people being hired? There isn't a one-size-fits-all salary, even for a single position in a city. Different potential employees with different skill levels, education, training, experience, etc., may be offered different levels of compensation. Do you have a particular recommendation in this regard? Should the Town adopt a salary and wage schedule? Why would we make the Council approve their schedule annually? Wouldn't it just be a matter of deciding when to give employees a move up to a higher rung on the ladder? The Council could amend the entire schedule on an as-needed basis. Or is it sufficient to say something that gives the Town Council even more flexibility. Yes, if you lower a salary, an employee might leave. What I want to consider is more about trying to describe the Council's true maximum authority and discretion. If budget concerns dictate a discussion with employees about a reduction in salaries, is that against the law? Nobody is thinking about doing something like that. I'm just trying to leave the client's discretion intact. Frankly, I would be more comfortable if 5.1 and 5.2 said something like this: The Town sets wages and salaries (and benefits) for its employees as it deems appropriate. If you can provide some guidance about any minimum limits to that authority, I can work with the Mayor and Council on appropriate language.

Commented [DR2]: Ditto...

Commented [BM3R2]: Most cities and towns that I work with have step and grade salary structures for various positions classifications; but they also have many more employees than Yacolt so maybe that is not a practical endeavor for a town with so few employees. There are salary surveys that can be done for the salary classifications that the Town has—either formally or informally—to develop an appropriate salary range for the various positions.

5.5 TRAVEL AWAY FROM THE TOWN

All travel away from the Town must be approved in advance by the Mayor. If private automobiles are used, employees will be reimbursed at a rate consistent with the Town's mileage reimbursement policy.

5.6 COMPENSATORY TIME

Public employers are not required to, but may allow compensatory time off in lieu of overtime pay for hourly employees. Non-exempt employees may request compensatory time off in lieu of overtime payment. Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. Compensatory time will be given at the rate of one and one half times the employee's hours worked in excess of 40 hours in a work week. Employees must use compensatory time within one year after the month in which it is earned. If not taken in that time frame, compensatory time will be converted back to hourly pay at a ratio of 1 hour of compensation time to 1 hour of compensation, (since the compensation time was increased when granted to 1.5 hours for each overtime hour worked). Compensatory time is not available for exempt employees.

5.7 TRAVEL EXPENSE REIMBURSEMENT

Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town, including food, lodging, and travel expenses while away, but excluding any expenses for alcoholic beverages. Reasonable tips will be reimbursed. For tips that are paid based on the price of a service (e.g., restaurant meals, taxi service), reimbursement will not exceed 15% of the price. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable. [NOTE: THIS IS A MINOR POINT, BUT AS WRITTEN, THE REIMBURSEMENT FOR TIPS FOR BAGGAGE HANDLERS IS LIMITED TO 15% OF THE PRICE, WHICH DOESN'T REALLY MAKE SENSE.]

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the supervisor.

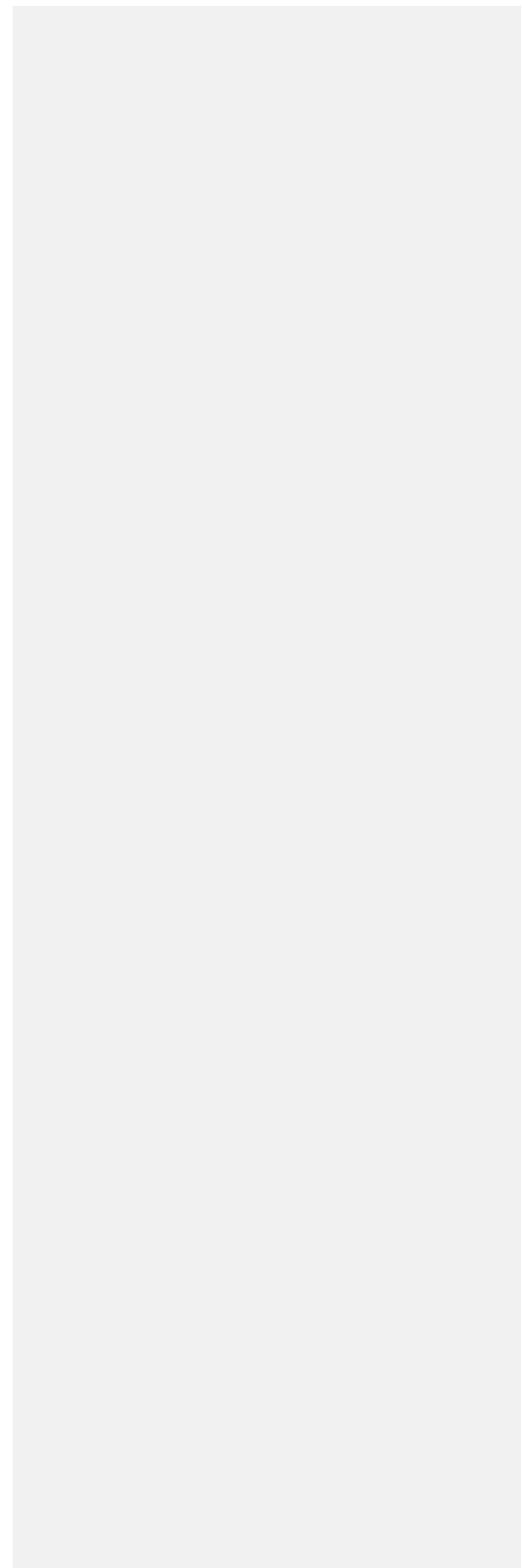
5.8 COMPENSATION UPON TERMINATION

When an employee's employment with the Town is terminated, (whether the employee is terminated, resigns or retires), the employee will receive the following compensation on the next regularly scheduled payday:

- (1) Regular wages for all hours worked up to the time of termination which have not already been paid.
- (2) Any overtime and holiday pay due.
- (3) A lump sum payment of any accrued but unused vacation and compensatory time.

Commented [DR4]: What about eliminating the problem? The State Auditor can go crazy over things like undocumented tip reimbursement. It's not worth the hassle. We could leave tips for meals because a record is created. Maybe remove the references to the other kinds of tips. This is such a rare occurrence anyway. Over the 15 years I've been working with the Town, I don't recall anybody needing a baggage handler or a taxi. Agree?

Commented [BM5R4]: Absolutely agree! OK to limit tips to meals and other things that can be documented.



CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING

6.1 PERFORMANCE EVALUATIONS

To achieve the Town's goal to train, promote, and retain the best-qualified employee for every job, the Town conducts periodic performance evaluations for all positions. The Mayor is responsible for developing and maintaining the Town's performance evaluation program. Employees are to be evaluated by their supervisors prior to completion of their trial period and usually once every 12 months thereafter.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

6.2 TRAINING POLICY

The Town seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to Town employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

CHAPTER 7 BENEFITS

7.1 RETIREMENT BENEFITS

The Town makes contributions on behalf of all eligible employees to the Social Security system in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Eligibility, benefit levels and contribution rates are determined by the State of Washington.

Employees intending to retire should notify their supervisor of their intent to retire at least 3 months prior to the date of retirement.

7.2 DISABILITY BENEFITS (WORKERS' COMPENSATION)

All employees, other than police and fire employees in the LEOFF I retirement system, are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the Town will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to ensure that the employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

The Town may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

7.3 HEALTH INSURANCE BENEFITS

Regular full-time employees, regular part-time employees, and their dependents are eligible to participate in the Town's various insurance programs on the first day of the month following employment. The programs and criteria for eligibility will be explained upon hire. The Town

may contribute toward the cost of premiums in amounts authorized by the Town Council, which may or may not include any contribution for dependents' premiums. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Temporary employees are not eligible for insurance coverage.

7.4 CONTINUATION OF INSURANCE COVERAGE

Workers' Compensation Leave: An employee receiving Workers' Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The Town also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Mayor makes an exception based on criteria stated in Section 1.4 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers' Compensation benefits. [The employee may be entitled to an increase in temporary total disability payments \(also called "time loss"\) from the Department of Labor & Industries to help offset the cost of the health insurance premiums.](#)

COBRA Rights: Upon an employee's termination from Town employment or upon an unpaid leave of absence, ~~at the employer's option and expense,~~ the employee may be eligible to continue Town health insurance benefits ~~at the employee's option and expense,~~ to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged the employee of his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire, or are on an approved leave of absence, the Town will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

7.5 UNEMPLOYMENT COMPENSATION

Town employees may qualify for State Unemployment Compensation after termination from Town employment depending on the reason for termination and if certain qualifications are met.

Commented [DR6]: Under discussion. Considering a better description of the Council's authority and discretion here, and more specific description of how much notice must be given before a change in the benefit. Any thoughts? Especially regarding notice? We should either say "without notice" or describe how much notice will be given before a reduction in the Town's contribution or a change in plan would take effect. I'm thinking something like 60-90 days, but if it's appropriate, I prefer more general statements of employer authority to make changes.

Commented [BM7R6]: I would be very hesitant to yank existing benefits from employees—at least without a lot of notice. Even if there is a legal basis for doing so; you may find yourself losing employees or, at the very least, having employees who have lost their commitment and loyalty to the town. It is hard to ask someone to work the same amount for less money, even if you believe they were making too much before. If the Town feels the need to cut back on its health benefits costs; it should consider at least providing employees sufficient advance notice (I would say 90 days minimum) so they can find replacement coverage. Also, I am assuming the town already has set up a cafeteria-type plan that allows employees to make payments with pre-tax dollars? IF not, it should be set up as well.

Commented [DR8]: This is that typo that needed to be corrected...

CHAPTER 8 LEAVES

8.1 VACATION LEAVE

Each regular full-time employee is entitled to vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
0-4 years	6.67 hours/month
5-9 years	10 hours/month
10+ years	13.33 hours/month

All new employees must satisfactorily complete their trial period to be entitled to use accrued vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

The Mayor is responsible for scheduling employees' vacations. Leave requests shall be submitted at least two weeks prior to taking vacation leave.

The maximum number of vacation hours that may be carried over from one year to the next is 80 hours. Once a year, on the anniversary of the employee's start date, accrued vacation hours in excess of 80 hours will be cashed out at that employee's pay rate for the immediately preceding pay period, and paid with the employee's next regular pay check. Employees will be paid for unused vacation time upon termination of employment.

8.2 SICK LEAVE

All full-time regular employees, except LEOFF I employees, accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rata basis.

All other employees, including temporary employees, accrue sick leave at the rate of one hour for every forty hours worked.

Employees accrue but may not use sick leave until their 90th day of employment with the Town during their trial periods.

~~Temporary employees do not earn sick leave benefits.~~ Employees do not accrue sick leave benefits during a leave without pay.

Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is

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absent from work due to:

- An employee's mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as medical/dental/optical appointment;
- Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
- Use of a prescription drug which impairs job performance or safety;
- Additional leave beyond bereavement for death in the employee's immediate family, to be authorized by the Mayor;
- Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, as described in more detail below.

For purposes of this policy, a "family member" includes an employee's child (including stepchild); parent (including stepparent and spouse's parent); spouse; registered domestic partner; grandparent; grandchild; and sibling.

Authorized use of paid sick leave for domestic violence, sexual assault, or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault, or stalking.
- To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

REASONABLE NOTICE FOR USE OF PAID SICK LEAVE:

Employees must provide reasonable advance notice of an absence from work for the use of paid sick leave to care for themselves or a family member. Such notice must be provided to the Mayor and, if applicable, his or her immediate supervisor. Any information provided will be kept confidential.

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Reasonable Notice for Foreseeable Use of Paid Sick Leave:

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If an employee's absence is foreseeable, the employee must provide notice at least ten (10) days, or as early as possible, before the first day paid sick leave is used.

If possible, notification should include the expected duration of the absence.

Reasonable Notice for Unforeseeable Use of Paid Sick Leave:

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If an employee's absence is unforeseeable, the employee must contact the Mayor and his/her supervisor as soon as possible. If the need for paid sick leave is unforeseeable, and arises before the required start of the employee's shift, notice should be provided no later than one (1) hour before the employee's required start time.

In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.

If possible, the notification should include the expected duration of the absence.

- (1) — Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
- (2) — The need to care for the employee's dependent children under the age of 18 who are ill.
- (3) — Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- (4) — Exposure to a contagious disease where on the job presence of the employee would jeopardize the health of others;
- (5) — Use of a prescription drug which impairs job performance or safety;
- (6) — Additional leave beyond bereavement for a death in the immediate family, to be authorized by the Mayor.

VERIFICATION REQUIREMENTS:

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If an employee is seeking to use or has used paid sick leave for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes that the use of paid sick leave is for an authorized purpose. When the absence is due to illness or injury of an employee or family member, acceptable verification may include a doctor's note or signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or family member. The Town will not require that the verification provide information regarding the nature of the

condition necessitating the use of sick leave, and will treat any health information about an employee or an employee's family member in a confidential manner consistent with applicable privacy laws.

When the absence is due to circumstances falling under the Domestic Violence, Sexual Assault, and Stalking leave provisions, the employee's choice of any of the following documents, or any combination thereof, will satisfy this verification requirement:

- A written statement that the employee or an employee's member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues.
- A police report indicating that the employee or the employee's family member was a victim of domestic violence;
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order of protection;
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
 - An advocate for victims of domestic violence, sexual assault, or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

Verification must be provided to your supervisor within ten (10) calendar days of the first day employee used paid sick leave.

Unreasonable Burden of Expense for Verification.

The verification required under this provision will not result in an unreasonable burden and expense on the employee. If an employee anticipates that the required verification will result in an unreasonable burden or expense, he or she will be permitted to provide an oral or written explanation to the Mayor which asserts:

- That the employee's use of paid sick leave was for an authorized purpose; and
- How the verification requirement creates an unreasonable burden or expense on the employee.

Within ten calendar days of the employee providing an explanation to the Mayor about the existence of an unreasonable burden or expense, the Mayor must either accept the employee's written verification that the use of leave was for an authorized purpose or he/she must make a reasonable effort to identify alternatives for the employee to meet the Town's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee.

~~A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The Town may also request the opinion of a second doctor at the Town's expense to~~

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~~determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the Town.~~

The maximum number of sick leave hours that may be carried over from one year to the next is 960 hours. Employees who use all their accumulated sick leave and require time off work due to illness or injury may, with their supervisor's prior approval, request a leave without pay. (See Leave Without Pay Policy.)

Employees will not be paid for any unused sick leave upon leaving Town service for any reason.

8.3 LEAVE WITHOUT PAY

The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4 JURY AND WITNESS LEAVE

Jury Duty. The Town provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. Payment provided by the courts during periods of paid jury duty leave must be turned over to the Town, excluding expense reimbursements, such as mileage. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service.

Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless you are a witness in a case involving the Town. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

8.5 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Town may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the Town (as determined by the Mayor) during the pendency of an investigation or other administrative proceeding or for any reason as may be determined by the Mayor.

8.6 MILITARY LEAVE FOR ACTIVE DUTY IN THE ARMED FORCES.

Commented [DR9]: The Council noticed this number, and suspects that it is a typo. There was much discussion about what is appropriate. Employees sometimes think of sick leave as additional paid vacation. They don't like the fact that a "carry-over" limit might result in the loss of accrued sick time. They want to treat the paid time off as "use it or lose it".

That's not the purpose of sick leave, as I understand it. We talked about the policy for several minutes at the last special Council meeting.

I think the Council is satisfied that there should be some limit to the number of accrued sick time that is carried over to the next year. The Council proposed a carry-over maximum of 40 hours. They noted that at the Town's accrual rate of 1 hour per week, a carry-over of 40 hours would mean an employee could have and use as many as 92 hours in the following year.

No decision was reached. The Council wanted to know more about "industry standard" for the carry-over provision, and your thoughts on the matter. Can you explain your experience with the carry-over provision? What is the range you've seen? What seems to be the most normal range? Is there any policy reason to make it higher or lower?

Now that I think about it, the whole carry-over process looks a little crazy to me. Because of an arbitrary point on the calendar, an employee could go from 92 hours to 40 hours? In December, a 2-year employee might get 92 hours paid sick leave, but the very next month, that same employee could only get 40 hours of paid sick leave? That makes no sense.

What makes more sense to me is a rolling cap. Call it 40 hours, or 52 hours, or whatever you want, but once you reach that maximum, no additional hours are accrued. You simply carry that maximum until you eventually get sick and use some of the accrued time. As soon as you use it, you are eligible to accrue sick leave again, up to the cap.

I'm guessing that this annual cap and adjustment method was designed to simplify recordkeeping. Maybe it does that. Maybe it doesn't. But it certainly creates an incentive to use a boat-load of paid sick leave before the "benefit" will be lost, or when an employee knows that they will be leaving soon or retiring or whatever. We've all seen the abuse, I'm sure.

By the way, do people accrue sick leave while they are on sick leave? On vacation? My understanding based on what you have ...

Commented [BM10R9]: The cap on "carryover" of sick leave hours is a new thing implemented with this new Mandatory Paid Sick Leave law; but it is and has been quite common for cities, towns, and counties to have caps on sick leave accruals which are now impermissible under the new law. The 960 hours in this policy is a pretty standard limit for municipal employee sick leave hours. I have seen some that are even higher. Some employers do not impose any cap at all.

Now that employers cannot cap sick leave accruals, they are generally dealing with this by capping the carryover—so rather than saying an employee is capped at 960 hours of sick leave, they will only be permitted to carryover 960 hours each year.

It is not unusual to see longstanding municipal employees with excessively large sick leave banks such as this particularly when they often accrue at least 8 hours per month of sick leave. It would take only 10 years to reach 960 hours at that rate if no sick leave was used.

Though it's easy to imagine the danger of end-of-year abuses of the sick leave for those employees fearing that they will "use it or lose it"; there are limitations on the authorized use of sick leave and employees can be subject to discipline for using sick leave for an unauthorized purpose.

If the council were to consider significantly reducing the cap on carried-over sick leave hours from 960 to 40; I would suggest grandfathering in existing employees so that they do not lose their already accrued leave banks. That is, you could have the cap on carryover applied to sick leave hours earned beginning in 2018.

Unpaid Reemployment Following Military Leave:

The Town will comply with the requirements of RCW 73.16 and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, with respect to unpaid leave of absence and return rights for employees who leave Town service to serve in the Armed Forces of the United States.

(a) "Day" shall mean the employee's normal workday for purposes of paid military leave, except that when a normal workday begins before midnight and ends after midnight, the hours before midnight count as 1 day and the hours after count as another.

(b) An employee who takes a military leave of absence from Town employment may choose to run out his or her unused vacation balance, compensatory time off, and personal holidays, as applicable, prior to going on unpaid status.

(c) An employee who leaves a job, voluntarily or involuntarily, to enter active duty in the United States armed forces, shall be granted a military leave of absence with guaranteed restoration to his or her position upon release from active duty as long as:

(1) The position is a regularly budgeted, non-temporary position;

(2) The reason the employee leaves the position is to report for active duty;

(3) The length of the employee's military leave of absence does not exceed five (5) years except at the request of the federal government;

(4) The employee is honorably discharged from the military; and

(5) The employee applies for reemployment within a reasonable period of time following separation from active duty. The USERRA defines a reasonable period of time as:

(A) ~~For service less than 31 days, the beginning of the first regularly scheduled work day after release from active duty, allowing time to travel from the duty arena to the employee's residence, to rest, and to travel to the place of employment;~~

(B) For service between 31 and 180 days, no more than 14 days following release from active duty; and

(C) For service longer than 180 days, no more than 90 days following release from active duty.

(6) An employee on military leave of absence shall continue to accrue service credit for purposes of salary step increments and seniority, but will not accrue sick leave, vacation leave, or other types of leave while on military leave of absence.

(7) An employee's vacation accrual rate and unused vacation and sick leave balances accrued

Commented [DR11]: I saw your heading for "paid military leave" below. Added this for consistency? Is this incorrect?

Commented [BM12R11]: Yes, that's fine—though employees may use their accrued vacation while on military leave so it may or may not be "unpaid". I changed the heading to clarify that this is about the reemployment rights of employees following military leave.

Commented [DR13]: Delete this parenthesis, right?

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Commented [DR14]: Which Yacolt does not have....

Commented [BM15R14]: It might adopt such a system. And including this language will allow for this eventuality.

prior to taking military leave shall be restored upon return from military leave of absence.

(8) An employee who interrupts his or her probation or trial service with a military leave of absence shall complete the remainder of the probationary or trial service period upon return. However, an employee returning from military leave of absence cannot be discharged except for cause for 1 year following his or her return if the military leave of absence was for 181 days or longer, or for 6 months following his or her return if the military leave of absence was at least 30 days but less than 181 days.

(9) An employee on unpaid military leave of absence may continue to make his or her normal contributions to their retirement system (as allowed by that system), or may, upon return from such leave, make full or monthly payments equal to the amount of contributions missed while on leave, in order that the leave shall count as creditable service (as allowed by that system).

(d) **The provisions of this rule apply to full-time and part-time employees but not to temporary employees.**

~~(e) For full-time employees who are represented under the terms of a collective bargaining agreement, this rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.~~

Paid Military Leave:

State law (RCW 38.40.060) requires that Town employees be granted up to twenty-one (21) working days, exclusive of normal days off, of paid leave per year without loss of service credit for required military duty, training, or drills. Such military leave of absence shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. The twenty-one (21) days are counted on an annual basis, October 1st through September 30th inclusive, and need not be used consecutively.

Each day of paid military leave is the equivalent of a regularly scheduled workday, except when an employee's regularly scheduled workday spans 2 calendar days (i.e., third or "graveyard" shift" or firefighter shifts). In those instances, one workday ends at midnight and the next begins at 12:01 a.m. (For an employee who works 10 p.m. to 6:30 a.m., for example, 10 p.m. to midnight would be day 1 of his or her military leave, and 12:01 a.m. to 6:30 a.m. and 10 p.m. to midnight the following day would constitute day 2 of his or her military leave.)~~The Town provides all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to 15 working days per year for military service. In general, if military service extends beyond 15 working days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period~~

Commented [DR16]: As in, they do not apply to part-time employees on a pro-rata basis, as the Policy dictates elsewhere? If that's true, can we clarify that here?
Or is the Town allowed to grant the same benefit to part-timers on a pro-rata basis?

Commented [BM17R16]: I clarified my original language—it applied to full time and part time; not to temporary. I also deleted (e) since you do not have union members.

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of their military service.

Military service includes active military duty and Reserve or National Guard training. You are required to provide your supervisor with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law. [See also Policy Section “Reemployment Following Military Leave”.](#)

8.7 BEREAVEMENT LEAVE

The Town provides regular, full-time and part-time employees with paid leave for up to three (3) days in the event of the death of an immediate family member.

8.8 SHARED LEAVE PROGRAM

The Mayor may authorize employees to donate their accrued leave to another Town employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. The donating employee may donate accrued vacation leave, compensatory time, sick leave, and/or floating holiday time. All donations of leave are strictly voluntary. The following conditions apply:

- Leave Donation Requirements:

Employees may donate four (4) or more hours of accrued vacation leave, four (4) or more hours of accrued compensatory time, and four (4) or more hours of accrued floating holiday time.

Employees may donate four (4) or more hours of accrued sick leave, as long as they retain a balance of sick leave of at least ten (10) days after the donation is made.

- The employee receiving donated leave shall have exhausted all his/her accumulated vacation leave, sick leave, compensatory time, and floating holiday time.
- While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.
- Returning Unused Shared Leave: Any unused shared leave must be returned at its original value to the donor(s) when the leave is no longer needed. Unused shared leave hours donated to an individual employee will be returned to the donor(s) on a pro rata basis.
- Administrative Considerations. Leave donation value is calculated as follows:

(Donor's hourly salary rate) x (total leave hours donated) = total donation value

Commented [DR18]: First two sentences: Are these general terms that apply to both paid and unpaid military leave above? (If so, we could move this to the very beginning of the section, before a heading for “unpaid military leave”.)

Commented [DR19]: Reinstatement: Okay, but this seems general and redundant (and potentially problematic) since you seem to have carefully described reinstatement in the sections above. As a reminder that those statutes may be amended someday, I suppose it's okay... I leave up to you...

Commented [BM20R19]: I think referring back to the policy and law works. I have recently dealt with a difficult situation involving a fire captain serving in the national guard who could not grasp the distinction between his USERRA reemployment rights and his right to 21 days of paid military leave. This can be confusing for some.

The hours of shared leave credited to the shared leave recipient is calculated as follows:

$$(\text{Total donation value})/(\text{recipient's hourly salary rate}) = \text{total shared leave hours received}$$

8.9 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday	1 additional day during each year of service for regular part-time employees
Floating Holiday	2 additional days during each year of service for regular full-time employees

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Commented [DR21]: Re-name "personal holidays" consistent with the statute? Establish by days, or by "hours" similar to the example below borrowed from Anacortes?

Commented [BM22R21]: I like personal holidays—consistent with the statute.

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday, (other than a personal Floating Holiday). Such time must be pre-authorized by the Mayor except in the case of an emergency that requires action to prevent a loss of life or damage to property. Temporary employees will be paid at their regular hourly rate for hours worked on a holiday.

All new employees must satisfactorily complete their trial period to be entitled to use personal Floating Holiday time.

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Employees may select three (3) personal holidays each year. On January 1st each year, 24 hours of personal holiday are added to an employee's record. Personal holidays are prorated for employees who work less than 12 months of the year or a part time schedule. Personal holidays are prorated according to the employee's full-time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. At the end of the year, unused personal holiday hours are forfeited.

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Commented [DR23]: Copied from Anacortes Personnel Policy – as potential regulation for Personal Holidays under RCW 1.16.050(2). I can clean this up to be consistent with Yacolt's plan, if you think the general concepts are okay...

Commented [BM24R23]: Three or two personal holidays? The list above appears to provide two.

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8.10 RELIGIOUS HOLIDAYS

~~If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with the Mayor's approval, take the day off using vacation, compensatory time, or leave without pay. Employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.~~

Comment:

~~1) Employees may select the days on which the employee desires to take the two unpaid holidays after consultation with their supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.~~

~~2) If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 14 days prior to the requested day. **Approval of the unpaid holiday shall not be deemed approved** unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management. The employee's supervisor will then make a decision whether to authorize the request based on his/her consideration of these factors.~~

~~3) The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.~~

Commented [DR25]: Awkward...

Commented [BM26R25]: Agree. How about deleting that sentence and adding the final sentence.

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Commented [DR27]: I added this from the Anacortes policy as proposed 'regulation' for 8.10...(?)

8.11 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

Regular Part-Time Employees: Compensation in the form of all leaves and paid holidays are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week.

Temporary Employees: Temporary employees are eligible to receive paid sick leave in accordance with Section 8.2 of these policies. Temporary employees are not normally ~~are not~~ eligible to receive other benefits, including leaves, holidays, and insurance, with the exception of paid sick leave in accordance with Section 8.2 of these policies..

Commented [DR28]: Revision okay?

Commented [BM29R28]: Yes

CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT

All Town employees are expected to represent the Town to the public in a professional manner, which is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and the Mayor.

Since the proper working relationship between employees and the Town depends on each employee's on-going job performance, professional conduct and behavior, the Town has established certain minimum standards of personal conduct. Among the Town's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to Town policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the Town's equipment, grounds, facilities, and resources; and providing orderly and cost efficient services to its citizens.

Employees should not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality, or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create the appearance of:

- (a) Use of public office or public position for private gain;
- (b) Giving preferential treatment to any person or entity;
- (c) Losing impartiality;
- (d) Adversely affecting the confidence of the public in the integrity of the Town.

The Town is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly "menial" duties outside your regular assignments. It is no reflection on your worth to the Town, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change your work conditions and the duties originally assigned. If these arrangements become necessary, the Town expects your full cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

Employees shall not, directly or indirectly, engage in any outside employment or financial interest that may conflict, in the Town's opinion, with the best interests of the Town or interfere with the employee's ability to perform his/her assigned Town job. Examples include, but are not limited to, outside employment which:

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's work hours;
- (3) utilizes Town telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) is employment with a firm which has contracts with or does business with the Town; or
- (5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

An employee, who chooses to have an additional job, contractual commitment, or self-employment, may do so only after obtaining prior approval from the Mayor.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, [Chapter 42.41 RCW-42.41.050](#), this policy is created to encourage employees to disclose any improper governmental action taken by Town officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Town, with a process provided for speedy dispute resolution.

Key Definitions:

Improper Governmental Action: any action by a Town officer or employee that is:

- (1) undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
- (2) in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
- (3) "improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, and reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

Retaliatory Action: any material adverse change in the terms and conditions of an employee's employment.

Emergency: a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action: Town employees who become aware of improper governmental action should follow this procedure:

- (1) Bring the matter to the attention of his/her supervisor, if non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (2) Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor.
- (3) The Mayor or his designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed, (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the Town to determine whether an improper government action occurred, or that insufficient action was taken by the Town to address the improper action or that for other reasons the improper action is likely to recur.

In accordance with RCW 42.41.030(3), the following is a list of appropriate agencies to whom reports of improper governmental actions may be made. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Mayor.

<u>Clark County Prosecutor</u>	<u>State Department of Ecology</u>
<u>1013 Franklin Street</u>	<u>Northwest Regional Office</u>
<u>Vancouver, WA 98660</u>	<u>3190 - 160th Ave SE</u>
<u>360.249.3951</u>	<u>Bellevue, WA 98008-5452</u>
	<u>425.649.7000</u>

Attorney General's Office	State Auditor's Office
Consumer Protection	Capital Campus
800 5th Ave, Suite 2000	302 Sid Snyder Ave SW
Seattle, WA 98104	P.O. Box 40021
206.464.6684	Olympia, WA 98504-0021
	360.902.0370
State Department of Health	Washington State
Health Consumer Assistance	Human Rights Commission
P.O. Box 47890	711 South Capitol Way, Suite 402
Olympia, WA 98504-7890	Olympia, WA 98504-2490
360.236.4030	360.753.6770
Department of Labor & Industries	Washington State
P O Box 44000	Department of Natural Resources
Olympia, WA 98504	P.O. Box 47000
360.902.5800	Olympia, WA 98504-7000
	360.902.1000

Protection Against Retaliation: It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

Procedure for Seeking Relief Against Retaliation:

- (1) Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. If the Mayor is involved, the notice should go to the Town Council. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Mayor or appropriate official, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the Town's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the Town's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor or Council for response.
- (4) Within five (5) working days of receipt of a request of hearing the Town shall apply to the State Office of Administrative Hearings for an adjudicative

proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Mayor (or designee) is responsible for implementing these policies and procedures. This includes posting the policy on the Town's bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

9.4 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties, may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

Except as noted in this policy, Town employees are otherwise free to fully exercise their constitutional First Amendment rights.

9.5 NO SMOKING POLICY

For health and safety considerations, the Town prohibits smoking by employees in all Town facilities, including Town-owned buildings, vehicles, and offices or other facilities rented or leased by the Town, including individual employee offices.

9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS

The Town furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The Town does not assume responsibility for any theft or damage to the personal belongings of employees. The Town reserves the right to search employee desks, lockers, and personal belongings brought onto Town premises.

The Town also furnishes computers for use in conducting Town business. Because the computers are for Town business, the Town reserves the right to review the contents of any files

or documents on the computer, including contents of any electronic mail. Town computers are not for personal use.

9.7 USE OF TOWN VEHICLES AND EQUIPMENT

Use of Town phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other Town equipment, including vehicles, should be used by employees for Town business only. An employee's misuse of Town services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

9.8 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the Town bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the Mayor.

9.9 CONTACT WITH THE NEWS MEDIA

The Mayor shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor may designate specific employees to give out procedural, factual, or historical information on particular subjects.

9.10 SEAT BELT POLICY

Per Washington law, anyone operating or riding in Town vehicles must wear seat belts at all times.

9.11 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific Town positions, an employee may be required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended, or lost, or is in any way not current, valid, and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, including termination.

9.12 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of Town or employee property. The following limitations apply:

- (1) Persons not employed by the Town may not solicit, survey, petition, or distribute literature on Town premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any

other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the Town determines that an exception would serve the best interests of the Town and its employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

- (2) Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas.

9.13 SAFETY

Every employee is responsible for maintaining a safe work environment and following the Town's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The Town will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify the Mayor.

Since being exposed to a blood-borne pathogen may lead to sickness such as hepatitis, AIDS, or malaria, and since the Town wants to assure our employees as safe and healthy work environment as possible, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to blood-borne pathogens.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

9.14 SUBSTANCE ABUSE

The Town philosophy on substance abuse has two focuses: (1) a concern for the well being of the employee and (2) a concern for the safety of other employees and members of the public.

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the Town is fully committed to helping employees who voluntarily come forward overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the Town's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

When Job Performance is Affected: Although the Town is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The Town may discipline or terminate an employee possessing, consuming, selling, or using alcohol, or controlled substances (other than legally prescribed) during work hours. The Town may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the Town has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession, and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited. Employees also must notify the Town within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

CHAPTER 10 DISCIPLINE AND TERMINATIONS

10.1 TERMINATIONS

The Town of Yacolt may terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the Town of Yacolt reserves the right to terminate employment for cause or for convenience.

10.2 ACTIONS SUBJECT TO DISCIPLINARY ACTION

All employees are expected to perform their job duties and to exercise good judgment, loyalty, common sense, dedication and courtesy in the performance of those duties, and to comply with the provisions of these guidelines, department directives, policies and procedures, and the Town's Code of Conduct. The primary mission of each employee is to provide courteous, orderly, efficient and economic delivery of services to the citizens consistent with the Town's rules, regulations, applicable laws and the general goals and targets of the Town. Failure to meet these expectations may establish cause for discipline.

The following are examples of types of behavior which may result in discipline. This is by no means an exhaustive list, but merely illustrates the type of behavior not consistent with the general code of conduct expected of employees.

- (1) Misrepresentation or withholding of pertinent facts in securing employment.
- (2) Unauthorized use or possession of the Town facilities/property.
- (3) Unauthorized use of position for personal gain or advantage. Accepting unlawful gratuities or bribes.
- (4) ~~Lying~~ Lying or dishonesty of any kind, on or off the job.
- (5) Smoking in any unauthorized posted area or creating fire hazards in any area.
- (6) Violation of dress standards.
- (7) Violation of the Town's telephone use policy.
- (8) Violation of the Town's Electronic Communications policy.
- (9) Failure to report an occurrence causing damage to the Town, a customer, or public property. Failure to properly secure the Town's facilities or property.

- (10) Loitering after completing day's work that results in the disruption of the Town's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
- (11) Unauthorized operation or use of machines, tools, or equipment to which the employee has not been specifically assigned.
- (12) Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
- (13) Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.
- (14) Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the Town or Town employees, on or off premises.
- (15) Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language or gestures or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
- (16) Intentional falsification of records/paperwork required in the transaction of the Town's business.
- (17) Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work or follow reasonable instructions or directions. Concealing defective work.
- (18) Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in or creates the risk of injury to others. Failure to wear required safety clothing and equipment.
- (19) Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property, or visitor.
- (20) Dishonesty or theft, including deliberate destruction, damage, or removal of the Town's or other's property from the premises, or any job site. Misappropriation or illegal use of the Town's supplies, equipment, or time for personal use or gain.
- (21) Possession, use, sale, or being under the influence of alcohol and controlled substances while on the Town's business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe

and/or efficient work performance.

- (22) Possession of explosives or weapons on the premises or any job site.
- (23) Conviction of a felony or misdemeanor.
- (24) Sexual harassment.
- (25) Discrimination, in the conduct of the Town's business on the basis of race, religion, sex, color, national origin, sexual orientation, or disability, age, marital status, pregnancy, or political ideology.
- (26) Disclosure of confidential information gained by reason of the employee's position or use of such information for the employee's personal gain or benefit.
- (27) Off-duty conduct of the employee that impairs an employee's work performance or the Town's reputation or interests.
- (28) Failure of the employee to meet his or her financial obligations in a timely manner such that they adversely affect job performance or the Town of Yacolt's image in the community.
- (29) Violation of the duties or rules imposed by this Manual or any other Town rule, regulation, administrative order, applicable state law or other lawful duty.

10.3 POSSIBLE DISCIPLINARY ACTION

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

- (1) Oral Warning.
- (2) Written Reprimand.
- (3) Suspension.
- (4) Demotion.
- (5) Termination.

The choice of what discipline to apply in any particular case is solely the Town's. The existence of these disciplinary options in no way obligates the Town to follow the options and the Town in its sole discretion may select any one of these options as its final decision. Any particular disciplinary action taken with respect to one employee in a given situation is not to be relied upon as an indication of future treatment in similar situations. Any disciplinary action taken by the Town short of termination is without waiver of the Town's rights under the at-will

employment relationship.

10.4 LAYOFF

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place.

Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the Town. Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

10.5 RESIGNATION

An employee should provide four (4) weeks notice of resignation. This time limit may be waived by the Mayor.

CHAPTER 11 COMPLAINT PROCEDURES

11.1 COMPLAINT PROCEDURES

The Town recognizes that sometime situations arise in which employees feel that they have not been treated fairly or in accordance with Town policies. For this reason the Town provides its employees with procedures for resolving complaints, including but not limited to job terminations.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communications between an employee and the supervisor are not successful, or when an employee disagrees with the application of Town policies and procedures, the employee should attempt to resolve the problem with the Mayor.

Step 3: If the employee is not satisfied with the response from the Mayor, the employee may submit the problem, in writing, to the Town Council. The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;
- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within fifteen (15) working days of the occurrence leading to the complaint.

The Town Council may determine that a special meeting or workshop is required to address the issue. The special meeting will be held within thirty (30) days of the date the complaint was filed. The Council's response and decision shall be final and binding.

CHAPTER 12 EMPLOYMENT CLASSIFICATION

12.1 CHANGES TO JOB DESCRIPTIONS

Job descriptions and/or the duties of any employee of the Town may be described and changed at any time in the Town's sole discretion and without notice to the employee.

12.2 CLERK/TREASURER

The Clerk/Treasurer shall have all of the abilities and duties permitted by statute (RCW 35.27.170 and RCW 35.27.220 as currently enacted or hereafter amended).

The Clerk/Treasurer shall maintain all of the records required by statute (RCW 35.27.230 as currently enacted or hereafter amended).

If requested, the Clerk/Treasurer shall present the minutes of the previous Town Council meeting at each Town Council meeting and shall ask the Town Council to approve the minutes. If requested, the Clerk/Treasurer shall make any changes requested by the Council.

In addition, the Clerk/Treasurer shall conduct or engage in the following. The following specified conduct is illustrative and not comprehensive and is not intended to supplant or remove any of the statutory duties:

Council Support:

- Prepare agenda reports, ordinances and resolutions
- Assemble agenda for Mayor and/or Town Council review
- Make corrections and additions to reports and agenda
- Assemble final agenda and accomplish copying for Council packets
- Attend all regular and special Town Council meetings and some study sessions
- Perform accurate recording of the proceedings
- Prepare minutes using proper legislative terminology, grammar and business writing, update minutes book
- Compose and type follow-up with other agencies
- Obtain signatures on ordinances and resolutions; publish in newspaper and file originals
- Maintain official ordinance and resolutions books and file original documents
- Prepare certified copies when necessary
- Record pending agenda items
- Communicate with public and staff on Council action
- Prepare and advertise meeting and legal notices; distribute to Council, staff, and newspapers

Business Licensing:

- Receive applications for and issue town business licenses, including permanent, home occupation, temporary merchant, and solicitors
- Answer business license inquiries by phone and in person
- Assist public in application process and receive license fees
- Refer home occupation conditional uses to Council
- Complete license and forward to applicant
- Maintain cross reference file on business and license number
- Enter information into computer database
- Maintain business license records
- Prepare renewal letter and license application for annual business license
- Receive completed applications and manually validate with signature, date issued and receipt of payment
- Update database with any new business information (i.e. out of business or no renewal)

Public Information:

- Provide public information on town codes, ordinances, Council meetings, Council action taken and business licenses
- Communicate official plans, policies and procedures to the general public
- Provide public records and information to citizens, civic groups, the media and other agencies per public disclosure regulations
- Answer general questions (i.e. garbage service, transfer station, Chamber of Commerce, Department of Licensing, etc.)

Contract Administration:

- Determine whether published bid or written quotes process applies
- Coordinate with engineering consulting firm to:
 - Arrange bid call advertisement
 - Provide bid documents to contractors and vendors
 - Collect plan fees and issue receipts
 - Maintain bidders list
 - Track bid openings and assure proper submittal of bid and performance bonds
 - Record bids and notify bidders of apparent lowest bid
 - Prepare and mail award and rejection letters after bid acceptance
 - Assemble contract, obtain signatures and forward final documents to contractor
 - Return bid bonds to unsuccessful bidders
 - Obtain clearances from Department of Revenue, Employment Security, Department of Labor and Industries
 - Provide timely return of retainage and bid on performance bond

Records Management:

- Serve as custodian of official town records and public documents
- Cross-reference Council minutes, ordinances, resolutions, and agreements
- Enter information in computer database
- Prepare and file all records
- Maintain legal files, including records retention schedules

Insurance Claims:

- Receive insurance claims against town
- Coordinate in-house insurance claims
- Submit all damage claims to AWC RMSA pool
- Answer questions from people filing claims and status of payment

Secretarial Support:

- Type miscellaneous letters, agenda reports, and correspondence
- Complete various surveys and reports

Land Use Requirements:

- Prepare legal notices for annexations, rezones and street vacations
- Complete and forward state annexation forms and census information
- File original annexation documents upon approval
- File certified copies of annexations, rezones and street vacations with County Auditor
- Update record books

Oaths of Office:

- Administer oaths of office for Mayor and Town Council members
- Obtain signed oaths from Town Council and Mayor

Cemetery:

- Issue deeds for sale of cemetery plots
- Maintain records of cemetery plots

Reconcile and Receipt Monies:

- Receive monies
- Verify accuracy of transmittals; issue receipt noting appropriate BARS code number

Prepare Bank Deposit:

- Combine cash, coin, and checks from monies receipted
- Balance total cash and checks received to receipts
- Complete bank deposit slip; deposit with bank

Prepare Treasurer's Monthly Report:

- Review Treasurer's receipts and disbursements; verify fund and BARS code numbers
- Total receipts and disbursements monthly; verify and/or make corrections
- Review report for errors
- Balance individual fund totals to affected reports

Perform Town Funds Investment:

- Invest excess idle and reserve monies
- Provide information for investment decisions
- Maintain contact with investment agents
- Input, balance, and maintain the "Investment Ledger"
- Maintain separate ledgers for various longterm accounts
- Maintain knowledge of investment strategies, interest rates, terminology, and problems

Process Payments on Various Accounts:

- Prepare vouchers noting appropriate fund and BARS code numbers
- Prepare warrants and remit to vendors

Budget:

- Prepare annual budget
- Compare monthly receipts and disbursements and accumulated receipts and disbursements to budget

Annual Report:

- Prepare annual report as required by State Auditor's Office
- Complete follow-up with State Auditor's Office

Audit:

- Coordinate with representatives from State Auditor's Office
- Make appropriate procedural changes based on recommendations by State Auditor's Office

Miscellaneous Duties:

- Coordinate response to dog complaints with Clark County Animal Control
- Receive monies and issue receipts for Clark Public Utilities' payments; report and remit payments to CPU
- Maintain records and files on various ordinance compliance matters
- Filing

12.3 PUBLIC WORKS DIRECTOR

The Public Works Director is responsible for regular maintenance of the Town infrastructure, including, but not limited to the following:

- Operate town equipment including backhoes, small graders, street sweepers, dump trucks and loaders, lawn mowers, snow plows, sanders, chain saws, leveling vibrators, jack hammers, shovels, pick axes, crow bars, road graders, tractor mowers, etc.
- Perform routine equipment maintenance and minor field repairs such as lubrication, checking fluid levels and replacing belts and other components as required
- Perform work in accordance with all federal, state and local laws, rules and regulations and within mandated and appropriate safety standards
- Operate and service heavy road and construction equipment and light motor vehicles
- Cleans roadside ditches, culverts and catch basins
- Repairs streets, guardrails, and sidewalks
- Installs and repairs street and traffic control signs
- Performs brush cutting
- Coordinates with other agencies for pavement striping; street sweeping; clearing snow and ice from streets; and tree trimming
- Performs upkeep of parks and cemetery including watering, mowing, fertilizing, weed control, trimming, and rodent control
- Analyzes and troubleshoots problems such as street and sidewalk damages or obstructions
- Plans and schedules work priorities; requisitions supplies and equipment; and

periodically inspects tools and equipment to ensure that proper care and maintenance is being performed

- Prepares periodic work progress reports; maintains required records and logs; and maintains employee time records
- Provides on-site direction and guidance to employees during assignments, and inspects work in progress and upon completion to ensure compliance with work standards and local codes, and proper safety techniques and procedures
- Responsible for approving construction change orders up to 0.5% of contract amount prior to the Town Council's approval
- Plans and implements a comprehensive Public Works program for the town; integrates public works programs and activities with other city, county, state, and federal departments and/or agencies
- Prepares studies, reports, and recommendations relative to the Public Works programs and special projects; determines and recommends what Public Works programs or major projects should be initiated, dropped, or modified
- Perpetuates Public Works improvements and projects by initiating and/or assisting in the acquisition of grants, easements, etc.; determines the resources need for approved projects; and reviews work activities to ensure efficient and safe operations and conformance with established state, county, and town standards, regulations and policies
- Prepares budget estimates and controls the expenditure of department funds; this includes the planning and budgeting for future Public Works activities; evaluating services rendered in relation to cost vs. benefits derived and continuing need
- Initiates periodic study and analysis of street and pedestrian traffic flow, congestion, accidents, and other conditions affecting the safe and convenient use of streets and walkways
- Attends various hearings, seminars, and civic and business meetings on behalf of the Public Works Department
- Establishes street logs to gauge effectiveness of maintenance programs
- Reviews building permit applications for zoning compliance
- Performs repairs and maintenance of town buildings
- Measuring for the correct placement of graves; supervises excavation work and replacement of sod

- Maintain public restrooms at town park in a clean and sanitary condition

In addition, the Public Works Director must be certified to accomplish the following:

- Maintenance and repair of water mains, pumps, motors, main line valves, fire hydrants, meters and storage tanks
- Perform meter reading
- Analyze and troubleshoot problems such as water leaks and breaks; malfunctioning or inoperative water system pumps, motors, controls; and water system overload or misuse
- Install main water lines; accomplish hookups and flush to test installations according to established procedures
- Inspect new water lines at construction sites and take samples and chlorination readings
- Perform maintenance and repairs on reservoirs, pumps, and booster pumps
- Install and maintain transmission and distribution lines

12.4 PUBLIC WORKS MAINTENANCE ASSISTANT

Desired Qualifications: A background in public works operations and duties. Highly responsible person who performs activities related to public works and equipment. A background in equipment operations and maintenance. The ability to work well with the public. Person must be organized and self-motivated.

The Public Works Maintenance Assistant is responsible for assisting with the regular maintenance of the Town infrastructure, including, but not limited to the following:

- Assists in planning and scheduling work priorities; assists in requisitioning supplies and equipment
- Operate town equipment including backhoes, small graders, street sweepers, dump trucks and loaders, lawn mowers, snow plows, sanders, chain saws, leveling vibrators, jack hammers, road graders, tractor mowers, excavators, and various hand tools, etc.
- Performs upkeep of parks and cemetery including watering, mowing, fertilizing, weed control, trimming, and rodent control
- Perform work in accordance with all federal, state and local laws, rules and

regulations and within mandated and appropriate safety standards

- Operate and service heavy road and construction equipment and light motor vehicles
- Cleans roadside ditches, culverts and catch basins
- Repairs streets, guardrails, and sidewalks
- Installs and repairs street and traffic control signs
- Performs brush cutting
- Perform routine equipment maintenance and minor field repairs such as lubrication, checking fluid levels and replacing belts and other components as required
- Perform and assist snow clearing and ice removal from streets; and tree trimming
- Assists in analyzing and troubleshooting problems such as street and sidewalk damages or obstructions
- Maintains street logs to gauge effectiveness of maintenance programs
- Performs repair and maintenance of town buildings
- Measuring for the correct placement of graves; supervises excavation work and replacement of sod
- Maintain public restrooms at town park in a clean and sanitary condition
- Assists with periodic studies and analysis of street and pedestrian traffic flow, congestion, accidents, and other conditions affecting the safe and convenient use of streets and walkways
- Currently certified as a Level 2 Septic System Inspector or to be trained and certified within one year of date of hire
- Minor welding and fabricating related to maintenance of facilities and equipment - Experience using an acetylene torch
- Organize and maintain the Town's maintenance shop and other storage and working areas

12.5 CUSTOMER SERVICE CLERK

The Customer Service Clerk is responsible for assisting the Town Clerk/Treasurer with duties and responsibilities, including, but not limited to the following:

Business Licensing:

- Receive applications for and issue town business licenses, including permanent, home occupation, temporary merchant, and solicitors
- Answer business license inquiries by phone and in person
- Assist public in application process and receive license fees
- Refer home occupation conditional uses to Council
- Complete license and forward to applicant
- Maintain cross reference file on business and license number
- Enter information into computer database
- Maintain business license records
- Prepare renewal letter and license application for annual business license
- Receive completed applications and manually validate with signature, date issued and receipt of payment
- Update database with any new business information (i.e. out of business or no renewal)

Public Information:

- Provide public information on town codes, ordinances, Council meetings, Council action taken and business licenses
- Provide public records and information to citizens, civic groups, the media and other agencies per public disclosure regulations
- Answer general questions (i.e. garbage service, transfer station, Chamber of Commerce, Department of Licensing, etc.)

Records Management:

- Serve as custodian of official town records and public documents
- Cross-reference Council minutes, ordinances, resolutions, and agreements
- Enter information in computer database
- Prepare and file all records
- Maintain legal files, including records retention schedules

Secretarial Support:

- Type miscellaneous letters, agenda reports, and correspondence
- Complete various surveys and reports

Cemetery:

- Issue deeds for sale of cemetery plots
- Maintain records of cemetery plots

Reconcile and Receipt Monies:

- Receive monies
- Verify accuracy of transmittals; issue receipt noting appropriate BARS code number

Prepare Bank Deposit:

- Combine cash, coin, and checks from monies receipted
- Balance total cash and checks received to receipts
- Complete bank deposit slip; deposit with bank

Process Payments on Various Accounts:

- Prepare vouchers noting appropriate fund and BARS code numbers
- Prepare Warrants/Claims and remit to vendors

Miscellaneous Duties:

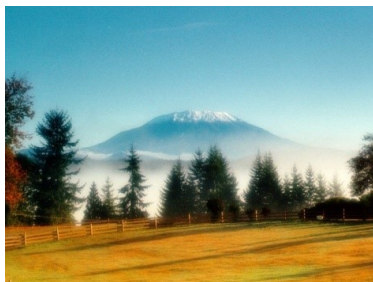
- Coordinate response to dog complaints with Clark County Animal Control
- Receive monies and issue receipts for Clark Public Utilities' payments, report and remit payments to CPU
- Maintain records and files on various ordinance compliance matters
- Filing

CHAPTER 13 SUMMARY

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. The employer has sole discretion whether to apply handbook policies in a particular case. The Town can and will exercise flexibility and discretion with regard to the policies described in this manual, and to act apart from any procedures described herein. The Town has the right to completely disregard the contents of this policy.

UNLESS SPECIFIC RIGHTS ARE GRANTED TO YOU IN EMPLOYMENT CONTRACTS, CIVIL SERVICE RULES, OR ELSEWHERE, ALL EMPLOYEES OF THE TOWN ARE CONSIDERED AT-WILL EMPLOYEES AND EITHER PARTY MAY TERMINATE THE RELATIONSHIP ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE.

No supervisor, manager, or representative of the Town other than the Mayor, with Town Council approval, has the authority to enter into any agreement with you for employment for any specific period or to make any written or verbal commitments contrary to the foregoing.



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Staff

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Employee Health Insurance Benefits

Action Requested of Council:

Clarify Council's intent with respect to health insurance benefits for employees for the 2018 fiscal year.

Proposed Motion:

Summary / Background:

The Council continues to develop information so that it may clarify the 2018 Budget and decisions made regarding health insurance benefits for Town employees. Documents that describe Yacolt's participation in the AWC plans are included in the Council packets. Among the decisions the Council might consider are the following:

1. Whether to reimburse premium payments for full-time and/or part-time employees, and how those types of employees are classified;
2. Whether to extend general eligibility to participate in the Town's health insurance plans to elected officials;
3. Whether to reimburse employee premiums fully or in part;
4. Whether to offer reimbursement of employee premiums for health, dental, and vision coverage, or any combination of those coverages;
5. Whether to offer reimbursement of premium costs for an employee's spouse/domestic partner/dependents; and,
6. When does reimbursement of premiums begin for new / probationary employees.

In general, the Council is deciding whether to determine its reimbursement policy on an annual basis for specific employees (as part of a budget process), or whether to offer a general policy for employees and dependents in general.

In addition, the Council should consider a policy for providing notice to employees before any reduction in or termination of insurance premium reimbursements.

Governing Legislation:

Budget/Finance Impacts:

Budget/Financial impacts will depend on the Council's decisions and possible staffing changes during the year, (including the make-up of staff's families and dependents).

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

AWC Health Insurance Plan Information

Staff Contact(s):

Mayor Vince Myers; David Ridenour, Town Attorney; Katie Younce, Acting Town Clerk.

David Ridenour

From: Karissa McLaughlin <karissam@awcnet.org>
Sent: Thursday, January 25, 2018 2:45 PM
To: davidwr@copper.net
Subject: FW: Yacolt Health Insurance Program Participation w/ Detail
Attachments: Yacolt 10-01-12.pdf; Yacolt 01-01-18.pdf; 012017 RBS HealthFirst Plan.pdf; RBS HealthFirst 250.pdf; VSP \$0 copay.pdf; VSP \$10 copay.pdf; DDDentalOverviewA.pdf; DDOrthoRiderPlanII.pdf

Hi David,

Shilah asked that I get back to you regarding your requests below. I've attached the 2018 Master Participation Agreement, which shows all of your current plan offerings, and then also the next most recent one, which was submitted in October 2012 which would reflect the offerings through the end of 2017. Below I've outlined the plan offerings for 2018 and 2017, and the rates associated with those plans for each year. As you'll notice, the medical plan and vision plan both changed from 2017 to 2018. I have also attached plan summaries for the HealthFirst (2017), HealthFirst 250 (2018), Delta Dental Plan A, Ortho Rider II, VSP \$0 Copay Plan (2017) and VSP \$10 Copay Plan (2018), which will provide you with an overview of those coverages. If you have any other questions on this, or if this information doesn't completely answer all of your questions, please let me know!

2017 Plan Offerings:

- Medical: HealthFirst \$10 Copay Plan
 - Rates:
 - Employee: \$752.67
 - Spouse: \$758.36
 - First Child: \$373.12
 - Second Child: \$309.17
- Dental: Delta Dental Plan A & Ortho Rider II
 - Rates for Plan A:
 - Employee: 52.78
 - Employee + 1 dependent: \$100.21
 - Employee + 2 or more dependents: \$158.28
 - Rates for Ortho Rider 2 (added to rate for Plan F):
 - Employee: \$0.00 (rider covers only children)
 - Employee + 1 dependent: \$0.41
 - Employee + 2 or more dependents: \$9.69
- Vision: \$0 Copay Plan
 - Rates:
 - Employee: \$11.30
 - Employee + 1 dependent: \$22.60
 - Employee + 2 or more dependents: \$33.90
- EAP: 1-3 Sessions
 - Rates: Free with other Trust coverage

2018 Plan Offerings:

- Medical: HealthFirst 250
 - Rates:
 - Employee: \$734.16
 - Spouse: \$740.32

- First Child: \$364.70
 - Second Child: \$301.50
- Dental: Delta Dental Plan A & Ortho Rider II
 - Rates for Plan:
 - Employee: 52.78
 - Employee + 1 dependent: \$100.21
 - Employee + 2 or more dependents: \$158.28
 - Rates for Ortho Rider 2 (added to rate for Plan F):
 - Employee: \$0.00 (rider covers only children)
 - Employee + 1 dependent: \$0.41
 - Employee + 2 or more dependents: \$9.69
- Vision: \$10 Copay Plan
 - Rates:
 - Employee: \$9.82
 - Employee + 1 dependent: \$19.64
 - Employee + 2 or more dependents: \$29.46
- EAP: 1-3 Sessions
 - Rates: Free with other Trust coverage

Karissa McLaughlin
 Employee Benefits Coordinator
 Member Pooling Programs
 Association of Washington Cities

From: David Ridenour [<mailto:davidwr@copper.net>]
Sent: Wednesday, January 24, 2018 5:35 PM
To: Shilah Miller <shilahm@awcnet.org>
Subject: Yacolt Health Insurance Program Participation w/ Detail

Hi, Shilah;

Per your request, this is a little reminder about the kinds of information that Yacolt is requesting as it reviews its health insurance benefit program for employees. My understanding is that Yacolt is enrolled in AWC's Medical Plan, Delta Dental and VSP Vision plans. I gather the Town also benefits from the EAP (Employee Assistance Program) which attaches to the medical benefit package through the Medical Plan.

Some of these are records that you mentioned in our conversations, so I'm not sure exactly what they are.)

1. Information about the specific plans that make up Yacolt's health insurance benefit to employees;
2. A breakdown of the component costs of participation for 2018, (as employees are currently registered in December and January);
3. A summary report on the breakdown of costs by employee for each month for 2017, (if possible);
4. Information to explain how plan costs are impacted by the addition of spouses and/or dependents of employees;
5. The Master Participation Agreement(s); and,
6. Any other information that would help the Town understand recent and current costs for participation in the AWC health insurance plans.

Thank you very much! Feel free to give me a call if you have any other ideas or questions.
 David

David W. Ridenour
 Attorney at Law

4001 Main Street, Suite 306
Vancouver, WA 98663

Tel: 360.906.1556
Fax: 360.906.1558

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AWC Employee Benefit Trust Employer Master Participation Agreement

awcnet.org

The AWC Employee Benefit Trust is a plan sponsor for health coverage through the following insurance carriers:

Medical	Dental	Vision	EAP	Life & LTD
Regence ASURIS 1800 Ninth Ave Seattle, WA 98101 528 E Spokane Falls Blvd, Suite 301 Spokane, WA 99202	KAISER PERMANENTE Kaiser Permanente 601 Union Street, Suite 3100 Seattle, WA 98101 DELTA DENTAL Delta Dental of Washington 9706 Fourth Ave NE Seattle, WA 98115	Willamette Dental Group Willamette Dental of Washington, Inc. 6950 NE Campus Way Hillsboro, OR 97124	VSP 3333 Quality Drive Rancho Cordova, CA 95670	COMP SYCH NBC Tower 455 N. Cityfront Plaza Drive Chicago, IL 60611-5322 Standard Insurance Company 1100 SW 6th Ave Portland, OR 97204

Employer: Town of Yacolt

Date form completed: 12/15/2017

☒ Initial Employer Master Participation Agreement

Effective date: 1/1/2018

☐ Change to existing Employer Master Participation Agreement The effective date of the change is: _____

The change to the existing Employer Master Participation Agreement is: HE to HE250, VSP \$0 to VSP \$10

Form completed by: (name, title) Katie Younce, Assistant Clerk

Total number of full-time employees eligible for ANY employer sponsored health coverage: 3

Total number of full-time employees:	Eligible	Enrolled
AWC sponsored medical plans	3	3
AWC sponsored dental plans	3	3
AWC sponsored vision plans	3	3

Total number of LEOFF I actives: Fire dept: _____ Police dept: _____

Total number of LEOFF I retirees: Fire dept: _____ Police dept: _____

Do you provide health coverage for your elected officials? ☐ Yes ☒ No

Total number of elected officials:	Eligible	Enrolled
AWC sponsored medical plans	_____	_____
AWC sponsored dental plans	_____	_____
AWC sponsored vision plans	_____	_____

Do you provide health coverage for your part-time employees? ☒ Yes ☐ No

If yes, provide your definition of minimum hours worked per week in order for part-time employees to be eligible for benefits. (Cannot be less than 20 hours/week.)

Total number of part-time employees:	Eligible	Enrolled
AWC sponsored medical plans	_____	_____
AWC sponsored dental plans	_____	_____
AWC sponsored vision plans	_____	_____

EMPA-2 (8/17)

Eligibility criteria:

EMPLOYEES:

1. Employees are covered the first day of the month after date of hire. ☐ Yes ☒ No
2. Employees have a ~~90~~ Days 30 mlc probationary period and then are covered the first of the month following the date probationary period is completed. Waiting period and enrollment cannot be longer than 90 days. (Written employer policy must be submitted to AWC.)
3. If an employee's hire date is the first day or first working day of the month - is your policy to (check one):
☐ A. Start the employee's insurance on the first of that month or
☐ B. Start the employee's insurance on the first of the month following date of hire
4. Employee's insurance coverage terminates the first of the month following the date of termination/date of retirement.
☒ Yes ☐ No
If no, please explain employer policy below. (Written employer policy must be submitted to AWC.)

DEPENDENTS:

1. Spouse/Domestic partners are eligible to be covered on the employer's plan. ☒ Yes ☐ No
2. Domestic partner health care coverage is required by state law. If you have a more generous domestic partner policy than required by Washington state law (RCW 48.44.900), attach the policy.

Joining the Trust:

1. Newly enrolling cities/groups commit to a minimum of three years participation in the Trust.

Plan additions OR plan changes:

1. Written notification of change and/or addition of plan(s) should be sent to the AWC Trust office 30-days prior to the change and/or addition. This will be accomplished by completing a new Master Participation Agreement.

Coverage termination:

1. Written notification of total city coverage termination must be sent to the AWC Trust office as outlined in the Trust Agreement.
2. Cities of any size terminating a group or line of coverage must notify the Trust a minimum of 60 days prior to termination in order to facilitate a smooth transition. Terminations are allowed the first of any month following the 60 day notification period.

Employers should refer to the Trust Agreement which governs the AWC Employee Benefit Trust and is the legal document that guides the Trust. It contains information and requirements on joining and participating in the Trust. A copy is provided upon joining the Trust and re-issued when the agreement is amended and restated.

I have provided these answers as part of the procedure required by the AWC Employee Benefit Trust to provide or change any AWC Trust-sponsored insurance coverage for our employees. I certify that all information completed on this form is true, correct, and complete. I understand that the AWC Trust will rely on each answer to ensure underwriting rule compliance. It is a crime to knowingly provide false, incomplete, or misleading information to the Board of Trustees for the purposes of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits. In addition, the Board of Trustees will have the right to collect any claims payments or other damages.

Signed

Date

Title

AWC EMPLOYER MASTER PARTICIPATION AGREEMENT

Plan offerings

Complete **one sheet** for each work group or bargaining unit (i.e. public works, police guild, finance, etc.) If all employees are on the same plans - write "all employees."

Name of work/bargaining unit Town of Yacolt

employees eligible 3

AWC plan offerings

Medical

enrolled



Regence

5

1800 Ninth Ave
Seattle, WA 98101

☒ Regence BlueShield

- ☒ AWC HealthFirst® 250
- ☐ AWC HealthFirst® 500
- ☐ High Deductible Health Plan
- ☐ Plan A - LEOFF I only
- ☐ Medicare Advantage - LEOFF I retiree only



528 E Spokane Falls Blvd, Suite 301
Spokane, WA 99202

☐ Asuris Northwest Health

- ☐ AWC HealthFirst® 250
- ☐ AWC HealthFirst® 500
- ☐ High Deductible Health Plan
- ☐ Plan A - LEOFF I only
- ☐ Medicare Advantage - LEOFF I retiree only



KAISER PERMANENTE
601 Union Street, Suite 3100
Seattle, WA 98101

☐ Kaiser Permanente

- ☐ \$200 deductible plan
- ☐ \$500 deductible plan
- ☐ High Deductible Health Plan
- ☐ No copay - LEOFF I only

☐ Kaiser Foundation Health Plan of Washington Options, Inc.

- ☐ Access PPO

Dental

enrolled

5



Delta Dental of Washington
9706 Fourth Ave NE
Seattle, WA 98115

Delta Dental of Washington Basic (0177)

- ☒ Plan A
- ☐ Plan B
- ☐ Plan C
- ☐ Plan D
- ☐ Plan E
- ☐ Plan F
- ☐ Plan G
- ☐ Plan J

Orthodontia

- ☐ Option I
- ☒ Option II
- ☐ Option III
- ☐ Option IV
- ☐ Option V



Willamette

Dental Group
6950 NE Campus Way
Hillsboro, OR 97124

Willamette Dental of Washington, Inc.

- ☐ \$ 10 copay
- ☐ \$ 15 copay

Vision

enrolled

5



3333 Quality Drive
Rancho Cordova, CA 95670
Vision Service Plan

- ☐ No deductible (0001)
- ☒ \$10 deductible (0002)
- ☐ \$25 deductible (0005)
- ☐ Low option plan
- ☐ Second pair rider

Employee Assistance Program

enrolled



NBC Tower
455 N. Cityfront Plaza Drive
Chicago, IL 60611-5322

ComPysch

- ☐ 1-3 sessions - Included when enrolled on any AWC Trust plan.
- ☐ 1-5 sessions
- ☐ 1-8 sessions

Include coverage for:

- ☐ Not covered by AWC Trust plan, describe:

Life

enrolled



The Standard
1100 SW 6th Ave
Portland, OR 97204
Standard Insurance Company

- ☐ Basic life
- ☐ Accidental Death & Dismemberment
- ☐ Dependent life
 - ☐ Plan option 1
 - ☐ Plan option 2
 - ☐ Plan option 3
 - ☐ Plan option 4

☐ Employee additional life

☐ Spouse additional life

Long-term Disability

enrolled



The Standard
1100 SW 6th Ave
Portland, OR 97204
Standard Insurance Company

- ☐ 90-day: 60% benefit
- ☐ 90-day: 67% benefit
- ☐ 180-day: 60% benefit
- ☐ 180-day: 67% benefit

Other (non-AWC) plan offerings

	Name of plan/sponsor	# employees eligible	# employees enrolled
Medical			
Dental			
Vision			
EAP			
Life			
LTD			



AWC Employee Benefit Trust Employer Master Participation Agreement

- ☐ Initial Employer Master Participation Agreement
☒ Change to existing Employer Master Participation Agreement

The change to the existing Employer Master Participation Agreement is:

The effective date of the change is: 10/1/12

Pete Roberts change plan
per discussion
Drop GH-420 plan

awcnet.org

The AWC Employee Benefit Trust is a plan sponsor for health coverage through the following insurance carriers:

Medical			Dental		Vision	EAP	Life & LTD
1800 Ninth Ave Seattle, WA 98101	528 E Falls Blvd, Suite 301 Spokane, WA 99202	Group Health Cooperative 320 Westlake Ave N, Suite 100 Seattle, WA 98109-5233	9706 Fourth Ave NE Seattle, WA 98115	Willamette Dental of Washington, Inc. 6950 NE Campus Way Hillsboro, OR 97124	600 University St, Suite 2004 Seattle, WA 98101	NBC Tower 455 N. Cityfront Plaza Drive Chicago, IL 60611-5322	Standard Insurance Company 1100 SW 6th Ave Portland, OR 97204

Employer: Town of Yacolt

Date form completed: 9/27/12

Form completed by: (name, title) Cindy Marbut Clerk Treasurer

Total number of full time employees eligible for ANY employer sponsored health coverage: 3

Total number of full time employees eligible for AWC sponsored medical plans: 3

Total number of full time employees enrolled on AWC sponsored medical plans: 3

Total number of full time employees eligible for AWC sponsored dental plans: 3

Total number of full time employees enrolled on AWC sponsored dental plans: 3

Total number of full time employees eligible for AWC sponsored vision plans: 3

Total number of full time employees enrolled on AWC sponsored vision plans: 3

Total Number of LEOFF I Actives: Fire Dept: 0 Police Dept: 0

Total Number of LEOFF I Retirees: Fire Dept: 0 Police Dept: 0

Do you provide health coverage for your elected officials? ☐ Yes ☒ No

If yes, number of eligible elected officials: _____

Number of elected officials enrolled on AWC sponsored : Medical _____ Dental _____ Vision _____

Do you provide health coverage for your part time employees? ☒ Yes ☐ No

If yes, provide your definition of minimum hours worked per week in order for part time employees to be eligible for benefits. (Must be a minimum of 20 hours/week.) 32 hrs

If yes, number of part time employees eligible for AWC sponsored Medical 1 Dental 1 Vision 1

Number of eligible part time employees enrolled on: Medical 1 Dental 1 Vision 1

A listing of Trust-sponsored medical, dental, vision, life, LTD and EAP plans, rates and the AWC Trust's participation criteria is available in the annual employer *Administrative Guide*.

ELIGIBILITY CRITERIA:**EMPLOYEES:**

1. Employees are covered the first day of the month after date of hire. ☒ Yes ☐ No (If no, complete #2 & #3 below.)
2. Employees have a 30 probationary period and then are covered the first of the month following the date probationary period is completed. (Written employer policy must be submitted to AWC.)
3. Other: _____ (Written employer policy must be submitted to AWC.)
4. If an employee's hire date is the first day or first working day of the month - is your city policy to (circle one):
☒ A. Start the employee's insurance on the first of that month or
☐ B. Start the employee's insurance on the first of the month *following date of hire*
5. Employee's insurance coverage terminates the first of the month following the date of termination/date of retirement. ☒ Yes ☐ No
If no, please explain employer policy below. (Written employer policy must be submitted to AWC.)

DEPENDENTS:

1. Dependents are eligible to be covered on the City's plan. ☒ Yes ☐ No
2. Eligible dependents are covered when the employee becomes eligible for coverage. ☒ Yes ☐ No
If no, please explain city policy below. (Written employer policy must be submitted to AWC.)
3. Other: _____ (Written employer policy must be submitted to AWC.)
4. Domestic Partner health care coverage is required by state law. If you have a more generous domestic partner policy than required by Washington state law (RCW 48.44.900), briefly describe this policy below & attach the policy.

JOINING THE TRUST:

1. Newly enrolling cities/groups commit to a minimum of 3 years participation in the Trust.

PLAN ADDITIONS OR PLAN CHANGES:

1. Written notification of change and/or addition of plan(s) should be sent to the AWC Trust office 30-days prior to the change and/or addition. This will be accomplished by completing a new Master Participation Agreement.
2. AWC Combined Insurance Enrollment Forms and/or employee lists must be submitted a minimum of 30 days prior to the change/addition. The Trust prefers the forms *prior to this* to ensure the smoothest transition.

COVERAGE TERMINATION:

1. Cities with 250 or more employees: Written notification of total city coverage termination must be sent to the AWC Trust office 1 year prior to termination date. Effective date of termination is December 31 only, therefore notice must be provided to the Trust by the January 1 prior to the December 31 termination date.
Cities with under 250 employees: Written notification of total city coverage termination must be sent to the AWC Trust office 6 months prior to termination date. Effective date of termination is December 31 only, therefore notice must be provided to the Trust by the July 1 prior to the December 31 termination date.
2. Cities of any size terminating a group or line of coverage must notify the Trust a minimum of 60 days prior to termination in order to facilitate a smooth transition. Terminations are allowed the first of any month following the 60 day notification period.
3. Upon notification of plan termination, the AWC Trust will notify the member jurisdiction of impacted COBRA beneficiaries and retirees.
4. Re-entry into the AWC Trust has no restrictions at this time; however, the Board of Trustees retains the right to review jurisdictions of 250 employees or more for claims cost analysis & possible premium surcharge.
5. Board of Trustees may terminate a participating employers participation in the Trust for cause; when required by law or at its discretion with 4 months written notice.

I have provided these answers as part of the procedure required by the AWC Employee Benefit Trust to provide or change any AWC Trust-sponsored insurance coverage for our employees. I certify that all information completed on this form is true, correct, and complete. I understand that the AWC Trust will rely on each answer to ensure underwriting rule compliance. It is a crime to knowingly provide false, incomplete, or misleading information to the Board of Trustees for the purposes of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits. In addition, the Board of Trustees will have the right to collect any claims payments or other damages.

Signed

Date

Title

Cindy Martin9/27/12Clerk Treasurer

AWC EMPLOYER MASTER PARTICIPATION AGREEMENT

Plan Offerings

Complete one sheet for each work group or bargaining unit (i.e. public works, police guild, finance, etc.) If all employees are on the same plans - write "all employees."

Name of work/bargaining unit All Employees # employees eligible 4

AWC Plan Offerings

Medical # enrolled 1



Regence

1800 Ninth Ave
Seattle, WA 98101

- ☐ Regence BlueShield
- ☒ AWC HealthFirst®
- ☐ AWC HealthFirst® 250
- ☐ AWC HealthFirst® 500
- ☐ High Deductible Health Plan
- ☐ Plan A - LEOFF I only



528 E Spokane Falls Blvd, Suite 301
Spokane, WA 99202

- ☐ Asuris Northwest Health
- ☐ AWC HealthFirst®
- ☐ AWC HealthFirst® 250
- ☐ AWC HealthFirst® 500
- ☐ High Deductible Health Plan
- ☐ Plan A - LEOFF I only



GroupHealth

320 Westlake Ave N, Suite 100
Seattle, WA 98109-5233

- ☐ Group Health Cooperative
- ☐ \$10 Copay
- ☐ \$20 Copay,
- ☐ \$200 Deductible Plan
- ☐ High Deductible Health Plan
- ☐ No Copay - LEOFF I only

Dental # enrolled 4



Washington Dental Service

9706 Fourth Ave NE
Seattle, WA 98115

Washington Dental Service

Basic (0177)

- ☒ Plan A
- ☐ Plan B
- ☐ Plan C
- ☐ Plan D
- ☐ Plan E
- ☐ Plan F
- ☐ Plan G

Orthodontia

- ☐ Option I
- ☒ Option II
- ☐ Option III
- ☐ Option IV
- ☐ Option V

Willamette

Dental Group

6950 NE Campus Way
Hillsboro, OR 97124

**Willamette Dental of
Washington, Inc.**

- ☐ \$10 CoPay
- ☐ \$15 CoPay

Vision # enrolled 4



600 University St, Suite 2004
Seattle, WA 98101

Vision Service Plan

- ☒ No Deductible (0001)
- ☐ \$10 Deductible (0002)
- ☐ \$25 Deductible (0005)
- ☐ Low Option Plan
- ☐ Second Pair Rider

Employee Assistance Program

enrolled _____

COMPSYCH

— The GuidanceResources Company —

NBC Tower
455 N. Cityfront Plaza Drive
Chicago, IL 60611-5322

CompPsych

- ☒ 1-3 Sessions
- ☐ 1-5 Sessions
- ☐ 1-8 Sessions

Include coverage for:

- ☐ Group Health participants
- ☐ Not covered by AWC medical plan
- ☐ Other, describe: _____

Life # enrolled _____



The Standard

1100 SW 6th Ave
Portland, OR 97204

Standard Insurance Company

- ☐ Basic Life
- ☐ Accidental Death &
Dismemberment
- ☐ Dependent Life
- ☐ Plan Option 1
- ☐ Plan Option 2
- ☐ Employee Additional Life
- ☐ Spouse Additional Life

Long-term Disability

enrolled _____



The Standard

1100 SW 6th Ave
Portland, OR 97204

Standard Insurance Company

- ☐ 90-Day: 60% Benefit
- ☐ 90-Day: 67% Benefit
- ☐ 180-Day: 60% Benefit
- ☐ 180-Day: 67% Benefit

Other (non-AWC) Plan Offerings

	Name of plan/sponsor	# employees eligible	# employees enrolled
Medical			
Dental			
Vision			
EAP			
Life			
LTD			



The Summary of Benefits and Coverage (SBC) document will help you choose a health plan. The SBC shows you how you and the plan would share the cost for covered health care services. **NOTE:** Information about the cost of this plan (called the premium) will be provided separately.

This is only a summary. For more information about your coverage, or to get a copy of the complete terms of coverage, go to regence.com or call 1 (866) 240-9580. For general definitions of common terms, such as allowed amount, balance billing, coinsurance, copayment, deductible, provider, or other underlined terms see the Glossary. You can view the Glossary at healthcare.gov/sbc-glossary or call 1 (866) 240-9580 to request a copy.

Important Questions	Answers	Why This Matters:
What is the overall <u>deductible</u>?	\$250 individual / \$750 family per calendar year.	Generally, you must pay all of the costs from <u>providers</u> up to the <u>deductible</u> amount before this <u>plan</u> begins to pay. If you have other family members on the <u>plan</u> , each family member must meet their own individual <u>deductible</u> until the total amount of <u>deductible</u> expenses paid by all family members meets the overall family <u>deductible</u> .
Are there services covered before you meet your <u>deductible</u>?	Yes. Certain <u>preferred</u> and participating preventive care.	This <u>plan</u> covers some items and services even if you haven't yet met the <u>deductible</u> amount. But a <u>copayment</u> or <u>coinsurance</u> may apply. For example, this <u>plan</u> covers certain preventive services without cost sharing and before you meet your <u>deductible</u> . See a list of covered preventive services at healthcare.gov/coverage/preventive-care-benefits .
Are there other <u>deductibles</u> for specific services?	No.	You must pay all of the costs for these services up to the specific <u>deductible</u> amount before this <u>plan</u> begins to pay for these services.
What is the <u>out-of-pocket limit</u> for this <u>plan</u>?	\$3,000 individual / \$6,000 family per calendar year.	The <u>out-of-pocket limit</u> is the most you could pay in a year for covered services. If you have other family members in this <u>plan</u> , they have to meet their own <u>out-of-pocket limits</u> until the overall family <u>out-of-pocket limit</u> has been met.
What is not included in the <u>out-of-pocket limit</u>?	<u>Premiums</u> , <u>balance-billed</u> charges, and health care this <u>plan</u> doesn't cover.	Even though you pay these expenses, they don't count toward the <u>out-of-pocket limit</u> .
Will you pay less if you use a <u>network provider</u>?	Yes. See regence.com/go/Preferred or call 1 (866) 240-9580 for a list of <u>network providers</u> .	This <u>plan</u> uses a <u>provider network</u> . You will pay the least if you use a <u>provider</u> in the preferred <u>network</u> . You will pay more if you use a <u>provider</u> in the participating <u>network</u> . You will pay the most if you use a nonparticipating <u>provider</u> , and you might receive a bill from a nonparticipating <u>provider</u> for the difference between the <u>provider's</u> charge and what your <u>plan</u> pays (<u>balance billing</u>). Be aware, your <u>network provider</u> might use a nonparticipating <u>provider</u> for some services (such as lab work). Check with your <u>provider</u> before you get services.
Do you need a <u>referral</u> to see a <u>specialist</u>?	No.	You can see the <u>specialist</u> you choose without a <u>referral</u> .



All copayment and coinsurance costs shown in this chart are after your deductible has been met, if a deductible applies.

Common Medical Event	Services You May Need	What You Will Pay			Limitations, Exceptions, & Other Important Information
		Preferred Network Provider (You pay the least)	Participating Network Provider (You pay more)	Nonparticipating Provider (You pay the most)	
If you visit a health care <u>provider's</u> office or clinic	Primary care visit to treat an injury or illness	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	<u>Deductible</u> does not apply to the first 4 <u>preferred</u> or participating office visits / year. All other services are covered at the <u>coinsurance</u> specified, after <u>deductible</u> . Acupuncture services are limited to 12 visits / year, subject to <u>coinsurance</u> , after <u>deductible</u> . Spinal manipulations are limited to 15 / year, subject to <u>coinsurance</u> , after <u>deductible</u> .
	<u>Specialist</u> visit	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	
	<u>Preventive care/screening/immunization</u>	No charge	No charge	30% <u>coinsurance</u>	<u>Coinsurance</u> and <u>deductible</u> do not apply for childhood immunizations from nonparticipating providers. You may have to pay for services that aren't preventive. Ask your <u>provider</u> if the services needed are preventive. Then check what your <u>plan</u> will pay for.
If you have a test	<u>Diagnostic test</u> (x-ray, blood work)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	Imaging (CT/PET scans, MRIs)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	

Common Medical Event	Services You May Need	What You Will Pay			Limitations, Exceptions, & Other Important Information
		Preferred Network Provider (You pay the least)	Participating Network Provider (You pay more)	Nonparticipating Provider (You pay the most)	
If you need drugs to treat your illness or condition More information about prescription drug coverage is available at regence.com/go/formulary/2018/3tierStandard .	Generic drugs	\$5 <u>copay</u> / retail prescription \$10 <u>copay</u> / mail order prescription No charge for self-administrable cancer chemotherapy drugs.			Limited to a 30-day supply retail (for oral contraceptives, a maximum of 3 prepackaged monthly cycles may be purchased at one time for 1 <u>copay</u> per 30-day supply) or 90-day supply mail order. No charge for FDA-approved women's contraceptives prescribed by a health care <u>provider</u> and certain preventive drugs and immunizations at a participating pharmacy. No charge for certain tobacco use cessation drugs when obtained with a prescription order at a participating pharmacy.
	Preferred brand drugs	\$25 <u>copay</u> / retail prescription \$50 <u>copay</u> / mail order prescription No charge for self-administrable cancer chemotherapy drugs.			
	Non-preferred brand drugs	\$50 <u>copay</u> / retail prescription \$100 <u>copay</u> / mail order prescription No charge for self-administrable cancer chemotherapy drugs.			
	<u>Specialty drugs</u>	\$100 <u>copay</u> / retail prescription \$200 <u>copay</u> / mail order prescription No charge for self-administrable cancer chemotherapy drugs.			
If you have outpatient surgery	Facility fee (e.g., ambulatory surgery center)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	Physician/surgeon fees	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None
If you need immediate medical attention	Emergency room care	10% <u>coinsurance</u> after \$75 <u>copay</u> / visit	10% <u>coinsurance</u> after \$75 <u>copay</u> / visit	10% <u>coinsurance</u> after \$75 <u>copay</u> / visit	<u>Copayment</u> applies to the facility charge for each visit (waived if admitted).
	<u>Emergency medical transportation</u>	20% <u>coinsurance</u>	20% <u>coinsurance</u>	20% <u>coinsurance</u>	Includes licensed ground and air ambulance <u>providers</u> .
	<u>Urgent care</u>	Covered the same as If you visit a health care provider's office or clinic or If you have a test above.			None
If you have a hospital stay	Facility fee (e.g., hospital room)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	Physician/surgeon fees	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None

Common Medical Event	Services You May Need	What You Will Pay			Limitations, Exceptions, & Other Important Information
		Preferred Network Provider (You pay the least)	Participating Network Provider (You pay more)	Nonparticipating Provider (You pay the most)	
If you need mental health, behavioral health, or substance abuse services	Outpatient services	10% <u>coinsurance</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	Inpatient services	10% <u>coinsurance</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	None
If you are pregnant	Office visits	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	<u>Cost sharing</u> does not apply to certain <u>preventive services</u> . Depending on the type of services, a <u>copayment</u> , <u>coinsurance</u> , or <u>deductible</u> may apply. Maternity care may include tests and services described elsewhere in the SBC (i.e. ultrasound).
	Childbirth/delivery professional services	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	
	Childbirth/delivery facility services	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	
If you need help recovering or have other special health needs	<u>Home health care</u>	10% <u>coinsurance</u>	10% <u>coinsurance</u>	10% <u>coinsurance</u>	Limited to 130 visits / year.
	<u>Rehabilitation services</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	Inpatient limited to 15 days / year. Outpatient limited to 99 visits / year. Includes physical therapy, occupational therapy and speech therapy services.
	<u>Habilitation services</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	Outpatient neurodevelopment therapy limited to 60 visits / year. Includes physical therapy, occupational therapy and speech therapy services.
	<u>Skilled nursing care</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	Limited to 90 inpatient days / year.
	<u>Durable medical equipment</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	<u>Hospice services</u>	10% <u>coinsurance</u>	10% <u>coinsurance</u>	10% <u>coinsurance</u>	Respite care limited to 14 days / lifetime.
If your child needs dental or eye care	Children's eye exam	Not covered	Not covered	Not covered	None
	Children's glasses	Not covered	Not covered	Not covered	None
	Children's dental check-up	Not covered	Not covered	Not covered	None

Excluded Services & Other Covered Services:

Services Your Plan Generally Does NOT Cover (Check your policy or plan document for more information and a list of any other excluded services.)

- | | | |
|---|-------------------------|---|
| • Bariatric surgery | • Hearing aids | • Routine eye care (Adult) |
| • Cosmetic surgery, except congenital anomalies | • Infertility treatment | • Routine foot care |
| • Dental care (Adult) | • Long-term care | • Weight loss programs, except as covered under preventive care |
| | • Private-duty nursing | |

Other Covered Services (Limitations may apply to these services. This isn't a complete list. Please see your plan document.)

- | | | |
|---------------|---------------------|--|
| • Acupuncture | • Chiropractic care | • Non-emergency care when traveling outside the U.S. |
|---------------|---------------------|--|

Your Rights to Continue Coverage: There are agencies that can help if you want to continue your coverage after it ends. The contact information for those agencies is: the U.S. Department of Labor, Employee Benefits Security Administration at 1 (866) 444-3272 or dol.gov/ebsa/healthreform, or the U.S. Department of Health and Human Services, Center for Consumer Information and Insurance Oversight at 1 (877) 267-2323 x61565 or cciio.cms.gov or your state insurance department. You may also contact the [plan](#) at 1 (866) 240-9580. Other coverage options may be available to you too, including buying individual insurance coverage through the Health Insurance [Marketplace](#). For more information about the [Marketplace](#), visit healthcare.gov or call 1 (800) 318-2596.

Your Grievance and Appeals Rights: There are agencies that can help if you have a complaint against your [plan](#) for a denial of a [claim](#). This complaint is called a [grievance](#) or [appeal](#). For more information about your rights, look at the [explanation of benefits](#) you will receive for that medical [claim](#). Your [plan](#) documents also provide complete information to submit a [claim](#), [appeal](#), or a [grievance](#) for any reason to your [plan](#). For more information about your rights, this notice, or assistance, contact the [plan](#) at 1 (866) 240-9580. You may also contact your state insurance department at 1 (800) 562-6900 or insurance.wa.gov or the U.S. Department of Labor, Employee Benefits Security Administration at 1 (866) 444-3272 or dol.gov/ebsa/healthreform.

Does this [plan](#) provide Minimum Essential Coverage? Yes

If you don't have Minimum Essential Coverage for a month, you'll have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

Does this [plan](#) meet the Minimum Value Standards? Yes

If your [plan](#) doesn't meet the [Minimum Value Standards](#), you may be eligible for a [premium tax credit](#) to help you pay for a [plan](#) through the [Marketplace](#).

Language Access Services:

Spanish (Español): Para obtener asistencia en Español, llame al 1 (866) 240-9580.

To see examples of how this [plan](#) might cover costs for a sample medical situation, see the next section.

About these Coverage Examples:



This is not a cost estimator. Treatments shown are just examples of how this plan might cover medical care. Your actual costs will be different depending on the actual care you receive, the prices your providers charge, and many other factors. Focus on the cost sharing amounts (deductibles, copayments and coinsurance) and excluded services under the plan. Use this information to compare the portion of costs you might pay under different health plans. Please note these coverage examples are based on self-only coverage.

Peg is Having a Baby

(9 months of in-network pre-natal care and a hospital delivery)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist coinsurance</u>	10%
■ <u>Hospital (facility) coinsurance</u>	10%
■ <u>Other coinsurance</u>	10%

This EXAMPLE event includes services like:

Specialist office visits (*prenatal care*)
 Childbirth/Delivery Professional Services
 Childbirth/Delivery Facility Services
 Diagnostic tests (*ultrasounds and blood work*)
 Specialist visit (*anesthesia*)

Total Example Cost	\$12,800
---------------------------	-----------------

In this example, Peg would pay:

Cost Sharing	
Deductibles	\$250
Copayments	\$20
Coinsurance	\$1,196
What isn't covered	
Limits or exclusions	\$60
The total Peg would pay is	\$1,526

Managing Joe's type 2 Diabetes

(a year of routine in-network care of a well-controlled condition)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist coinsurance</u>	10%
■ <u>Hospital (facility) coinsurance</u>	10%
■ <u>Other coinsurance</u>	10%

This EXAMPLE event includes services like:

Primary care physician office visits (*including disease education*)
 Diagnostic tests (*blood work*)
 Prescription drugs
 Durable medical equipment (*glucose meter*)

Total Example Cost	\$7,400
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In this example, Joe would pay:

Cost Sharing	
Deductibles	\$250
Copayments	\$1,144
Coinsurance	\$56
What isn't covered	
Limits or exclusions	\$255
The total Joe would pay is	\$1,705

Mia's Simple Fracture

(in-network emergency room visit and follow up care)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist coinsurance</u>	10%
■ <u>Hospital (facility) coinsurance</u>	10%
■ <u>Other coinsurance</u>	10%

This EXAMPLE event includes services like:

Emergency room care (*including medical supplies*)
 Diagnostic test (*x-ray*)
 Durable medical equipment (*crutches*)
 Rehabilitation services (*physical therapy*)

Total Example Cost	\$1,925
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In this example, Mia would pay:

Cost Sharing	
Deductibles	\$250
Copayments	\$75
Coinsurance	\$194
What isn't covered	
Limits or exclusions	\$0
The total Mia would pay is	\$519

NONDISCRIMINATION NOTICE

Regence complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. Regence does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Regence:

Provides free aids and services to people with disabilities to communicate effectively with us, such as:

- Qualified sign language interpreters
- Written information in other formats (large print, audio, and accessible electronic formats, other formats)

Provides free language services to people whose primary language is not English, such as:

- Qualified interpreters
- Information written in other languages

If you need these services listed above, please contact:

Medicare Customer Service

1-800-541-8981 (TTY: 711)

Customer Service for all other plans

1-888-344-6347 (TTY: 711)

If you believe that Regence has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with our civil rights coordinator below:

Medicare Customer Service

Civil Rights Coordinator

MS: B32AG, PO Box 1827

Medford, OR 97501

1-866-749-0355, (TTY: 711)

Fax: 1-888-309-8784

medicareappeals@regence.com

Customer Service for all other plans

Civil Rights Coordinator

MS CS B32B, P.O. Box 1271

Portland, OR 97207-1271

1-888-344-6347, (TTY: 711)

CS@regence.com

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights electronically through the Office for Civil Rights Complaint Portal at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue SW,
Room 509F HHH Building
Washington, DC 20201

1-800-368-1019, 800-537-7697 (TDD).

Complaint forms are available at
<http://www.hhs.gov/ocr/office/file/index.html>.

Language assistance

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-888-344-6347 (TTY: 711).

注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1-888-344-6347 (TTY: 711)。

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1-888-344-6347 (TTY: 711).

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-888-344-6347 (TTY: 711) 번으로 전화해 주십시오.

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 1-888-344-6347 (TTY: 711).

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-888-344-6347 (телетайп: 711).

ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-888-344-6347 (ATS : 711)

注意事項：日本語を話される場合、無料の言語支援をご利用いただけます。1-888-344-6347 (TTY:711) まで、お電話にてご連絡ください。

Díí baa akó nínízin: Díí saad bee yáníłti'go **Diné Bizaad**, saad bee áká'ánída'áwo'déé', t'áá jiik'eh, éí ná hóló, koji' hódíílnih 1-888-344-6347 (TTY: 711.)

FAKATOKANGA'I: Kapau 'oku ke Lea-Fakatonga, ko e kau tokoni fakatonu lea 'oku nau fai atu ha tokoni ta'etotongi, pea te ke lava 'o ma'u ia. ha'o telefonimai mai ki he fika 1-888-344-6347 (TTY: 711)

OBAVJEŠTENJE: Ako govorite srpsko-hrvatski, usluge jezičke pomoći dostupne su vam besplatno. Nazovite 1-888-344-6347 (TTY- Telefon za osobe sa oštećenim govorom ili sluhom: 711)

ប្រយ័ត្ន: បើសិនជាអ្នកនិយាយ ភាសាខ្មែរ, សេវាជំនួយផ្នែកភាសា ដោយមិនគិតល្អិត គឺអាចមានសំរាប់អ្នក។ ចូរ ទូរស័ព្ទ 1-888-344-6347 (TTY: 711)។

ਧਿਆਨ ਦਿਓ: ਜੇ ਤੁਸੀਂ ਪੰਜਾਬੀ ਬੋਲਦੇ ਹੋ, ਤਾਂ ਭਾਸ਼ਾ ਵਿੱਚ ਸਹਾਇਤਾ ਸੇਵਾ ਤੁਹਾਡੇ ਲਈ ਮੁਫਤ ਉਪਲਬਧ ਹੈ। 1-888-344-6347 (TTY: 711) 'ਤੇ ਕਾਲ ਕਰੋ।

ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlose Sprachdienstleistungen zur Verfügung. Rufnummer: 1-888-344-6347 (TTY: 711)

ማስታወሻ:- የሚናገሩት ቋንቋ አማርኛ ከሆነ የትርጉም እርዳታ ድርጅቶች፣ በነጻ ሊያገዝዎት ተዘጋጅተዋል፤ በሚከተለው ቁጥር ይደውሉ 1-888-344-6347 (መስማት ለተሳናቸው:- 711)::

УВАГА! Якщо ви розмовляєте українською мовою, ви можете звернутися до безкоштовної служби мовної підтримки. Телефонуйте за номером 1-888-344-6347 (телетайп: 711)

ध्यान दिनुहोस्: तपाईंले नेपाली बोल्नुहुन्छ भने तपाईंको निम्ति भाषा सहायता सेवाहरू निःशुल्क रूपमा उपलब्ध छ । फोन गर्नुहोस् 1-888-344-6347 (टिक्टाइप: 711)

ATENȚIE: Dacă vorbiți limba română, vă stau la dispoziție servicii de asistență lingvistică, gratuit. Sunați la 1-888-344-6347 (TTY: 711)

MAANDO: To a waawi [Adamawa], e woodi ballooji-ma to ekkitaaki wolde caahu. Noddu 1-888-344-6347 (TTY: 711)

โปรดทราบ: ถ้าคุณพูดภาษาไทย คุณสามารถใช้บริการช่วยเหลือทางภาษาได้ฟรี โทร 1-888-344-6347 (TTY: 711)

ប្រៃសណីយ៍: បើសិនជាអ្នកនិយាយ ភាសាខ្មែរ, សេវាជំនួយផ្នែកភាសា ដោយមិនគិតល្អិត គឺអាចមានសំរាប់អ្នក។ ចូរ ទូរស័ព្ទ 1-888-344-6347 (TTY: 711)។

Afaan dubbattan Oroomiffaa tiif, tajaajila gargaarsa afaanii tola ni jira. 1-888-344-6347 (TTY: 711) tiin bilbilaa.

توجه: اگر به زبان فارسی صحبت می کنید، تسهیلات زبانی بصورت رایگان برای شما فراهم می باشد. با 1-888-344-6347 (TTY: 711) تماس بگیرید.

ملحوظة: إذا كنت تتحدث فاذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 1-888-344-6347 (رقم هاتف الصم والبكم 711 TTY)

Association of Washington Cities HealthFirst® Medical Plan

Coverage Period: 01/01/2017 – 12/31/2017

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Individual & Eligible Family | Plan Type: PPO



This is only a summary. If you want more detail about your coverage and costs, you can get the complete terms in the policy or plan document at regence.com or by calling 1 (866) 240-9580.

Important Questions	Answers	Why this Matters:
What is the overall <u>deductible</u> ?	\$0 claimant / \$0 family per calendar year.	See the chart starting on page 2 for your costs for services this plan covers.
Are there other <u>deductibles</u> for specific services?	No.	You don't have to meet <u>deductibles</u> for specific services, but see the chart starting on page 2 for other costs for services this plan covers.
Is there an <u>out-of-pocket limit</u> on my expenses?	Yes. \$1,100 claimant / \$2,200 family per calendar year.	The <u>out-of-pocket limit</u> is the most you could pay during a coverage period (usually one year) for your share of the cost of covered services. This limit helps you plan for health care expenses.
What is not included in the <u>out-of-pocket limit</u> ?	<u>Premiums</u> , balance-billed charges, and health care this plan doesn't cover.	Even though you pay these expenses, they don't count toward the <u>out-of-pocket limit</u> .
Does this plan use a <u>network</u> of <u>providers</u> ?	Yes. See regence.com/PreferredWashington or call 1 (866) 240-9580 for lists of <u>preferred</u> or participating <u>providers</u> .	If you use an in-network doctor or other health care <u>provider</u> , this plan will pay some or all of the costs of covered services. Be aware, your in-network doctor or hospital may use an out-of-network <u>provider</u> for some services. Plans use the term in-network, <u>preferred</u> , or participating for <u>providers</u> in their <u>network</u> . See the chart starting on page 2 for how this plan pays different kinds of <u>providers</u> .
Do I need a referral to see a <u>specialist</u> ?	No. You don't need a referral to see a <u>specialist</u> .	You can see the <u>specialist</u> you choose without permission from this plan.
Are there services this plan doesn't cover?	Yes.	Some of the services this plan doesn't cover are listed on page 5. See your policy or plan document for additional information about <u>excluded services</u> .

Questions: Call 1 (866) 240-9580 or visit us at regence.com.

If you aren't clear about any of the underlined terms used in this form, see the Glossary.

You can view the Glossary at www.cciio.cms.gov or call 1 (866) 240-9580 to request a copy.



- **Copayments** are fixed dollar amounts (for example, \$15) you pay for covered health care, usually when you receive the service.
- **Coinsurance** is *your* share of the costs of a covered service, calculated as a percent of the **allowed amount** for the service. For example, if the plan's **allowed amount** for an overnight hospital stay is \$1,000, your **coinsurance** payment of 20% would be \$200. This may change if you haven't met your **deductible**.
- The amount the plan pays for covered services is based on the **allowed amount**. If an out-of-network **provider** charges more than the **allowed amount**, you may have to pay the difference. For example, if an out-of-network hospital charges \$1,500 for an overnight stay and the **allowed amount** is \$1,000, you may have to pay the \$500 difference. (This is called **balance billing**.)
- This plan may encourage you to use **preferred** and participating **providers** by charging you lower **deductibles**, **copayments** and **coinsurance** amounts.

Common Medical Event	Services You May Need	Your Cost If You Use a Preferred Provider	Your Cost If You Use a Participating Provider	Your Cost If You Use a Non-Participating Provider	Limitations & Exceptions
If you visit a health care provider's office or clinic	Primary care visit to treat an injury or illness	\$10 copay / visit	\$10 copay / visit, and 30% coinsurance	\$10 copay / visit, and 30% coinsurance	Copayment applies to each office visit only. All other services are covered at the coinsurance specified.
	Specialist visit	\$10 copay / visit	\$10 copay / visit, and 30% coinsurance	\$10 copay / visit, and 30% coinsurance	
	Other practitioner office visit	No charge for acupuncture and spinal manipulations	30% coinsurance for acupuncture and spinal manipulations	30% coinsurance for acupuncture and spinal manipulations	Coverage is limited to 12 acupuncture visits / year. Coverage is limited to 15 spinal manipulations / year.
	Preventive care/ screening/immunization	No charge	No charge	30% coinsurance	No charge for childhood immunizations from non-participating providers .
If you have a test	Diagnostic test (x-ray, blood work)	No charge	30% coinsurance	30% coinsurance	_____none_____
	Imaging (CT/PET scans, MRIs)	No charge	30% coinsurance	30% coinsurance	

Common Medical Event	Services You May Need	Your Cost If You Use a Preferred Provider	Your Cost If You Use a Participating Provider	Your Cost If You Use a Non-Participating Provider	Limitations & Exceptions
If you need drugs to treat your illness or condition More information about prescription drug coverage is available at regence.com/formulary/2017/3tierPML .	Generic drugs	\$4 copay / retail prescription \$8 copay / mail order prescription No charge for self-administrable cancer chemotherapy drugs			Coverage is limited to a 34-day supply retail or 90-day supply mail order. No charge for FDA-approved women's contraceptives prescribed by a health care provider . No charge for tobacco use cessation drug coverage when obtained with a prescription order at a participating pharmacy.
	Preferred brand drugs	\$15 copay / retail prescription \$30 copay / mail order prescription No charge for self-administrable cancer chemotherapy drugs			
	Non-preferred brand drugs	\$35 copay / retail prescription \$70 copay / mail order prescription No charge for self-administrable cancer chemotherapy drugs			
	Specialty drugs	Refer to generic, preferred brand and non-preferred brand drugs above.			
If you have outpatient surgery	Facility fee (e.g., ambulatory surgical center)	10% coinsurance	30% coinsurance	30% coinsurance	_____none_____
	Physician/surgeon fees	No charge	30% coinsurance	30% coinsurance	_____none_____
If you need immediate medical attention	Emergency room services	Facility: 10% coinsurance after \$75 copay Professional: No charge	Facility: 10% coinsurance after \$75 copay Professional: No charge	Facility: 10% coinsurance after \$75 copay Professional: No charge	Copayment applies to the facility charge for each visit (waived if admitted).
	Emergency medical transportation	20% coinsurance	20% coinsurance	20% coinsurance	_____none_____
	Urgent care	Covered the same as the If you visit a health care provider's office or clinic or If you have a test Common Medical Events.			_____none_____
If you have a hospital stay	Facility fee (e.g., hospital room)	10% coinsurance after \$150 copay	30% coinsurance after \$150 copay	30% coinsurance after \$150 copay	Copayment applies to each inpatient admission.
	Physician/surgeon fee	No charge	30% coinsurance	30% coinsurance	_____none_____

Common Medical Event	Services You May Need	Your Cost If You Use a Preferred Provider	Your Cost If You Use a Participating Provider	Your Cost If You Use a Non-Participating Provider	Limitations & Exceptions
If you have mental health, behavioral health, or substance abuse needs	Mental/Behavioral health outpatient services	No charge	No charge	30% coinsurance	Copayment applies to each inpatient admission.
	Mental/Behavioral health inpatient services	10% coinsurance after \$150 copay	10% coinsurance after \$150 copay	30% coinsurance after \$150 copay	
	Substance use disorder outpatient services	No charge	No charge	30% coinsurance	
	Substance use disorder inpatient services	10% coinsurance after \$150 copay	10% coinsurance after \$150 copay	30% coinsurance after \$150 copay	
If you are pregnant	Prenatal and postnatal care	No charge	30% coinsurance	30% coinsurance	Maternity services for children are not covered.
	Delivery and all inpatient services	10% coinsurance after \$150 copay	30% coinsurance after \$150 copay	30% coinsurance after \$150 copay	Copayment applies to each inpatient admission.
If you need help recovering or have other special health needs	Home health care	10% coinsurance	10% coinsurance	10% coinsurance	Coverage is limited to 130 visits / year.
	Rehabilitation services	10% coinsurance after \$150 copay for inpatient services	30% coinsurance after \$150 copay for inpatient services	30% coinsurance after \$150 copay for inpatient services	Coverage is limited to 15 inpatient days / year. Coverage is limited to 99 outpatient visits / year. Copayment applies to each inpatient admission.
	Habilitation services	10% coinsurance after \$150 copay for inpatient services	30% coinsurance after \$150 copay for inpatient services	30% coinsurance after \$150 copay for inpatient services	Coverage for outpatient neurodevelopmental therapy is limited to 60 outpatient visits / year. Copayment applies to each inpatient admission.
	Skilled nursing care	10% coinsurance after \$150 copay	10% coinsurance after \$150 copay	10% coinsurance after \$150 copay	Coverage is limited to 90 inpatient days / year. Copayment applies to each inpatient admission.

Common Medical Event	Services You May Need	Your Cost If You Use a Preferred Provider	Your Cost If You Use a Participating Provider	Your Cost If You Use a Non-Participating Provider	Limitations & Exceptions
	Durable medical equipment	10% coinsurance	30% coinsurance	30% coinsurance	—————none—————
	Hospice service	10% coinsurance after \$150 copay for inpatient services	10% coinsurance after \$150 copay for inpatient services	10% coinsurance after \$150 copay for inpatient services	Coverage is limited to 14 respite days / lifetime. Copayment applies to each inpatient admission.
If your child needs dental or eye care	Eye exam	No charge	No charge	No charge	Coverage is limited to 1 routine eye exam per claimant per calendar year.
	Glasses	Not covered	Not covered	Not covered	—————none—————
	Dental check-up	Not covered	Not covered	Not covered	—————none—————

Excluded Services & Other Covered Services:

Services Your Plan Does NOT Cover (This isn't a complete list. Check your policy or plan document for other <u>excluded services</u> .)		
<ul style="list-style-type: none"> Bariatric surgery Cosmetic surgery, except congenital anomalies Dental care (Adult) 	<ul style="list-style-type: none"> Hearing aids Infertility treatment Long-term care Private-duty nursing 	<ul style="list-style-type: none"> Routine foot care Vision hardware Weight loss programs, except as covered under preventive care
Other Covered Services (This isn't a complete list. Check your policy or plan document for other covered services and your costs for these services.)		
<ul style="list-style-type: none"> Acupuncture 	<ul style="list-style-type: none"> Chiropractic care 	<ul style="list-style-type: none"> Non-emergency care when traveling outside the U.S. Routine eye care (Adult)

Your Rights to Continue Coverage:

If you lose coverage under the plan, then, depending upon the circumstances, Federal and State laws may provide protections that allow you to keep health coverage. Any such rights may be limited in duration and will require you to pay a **premium**, which may be significantly higher than the **premium** you pay while covered under the plan. Other limitations on your rights to continue coverage may also apply.

For more information on your rights to continue coverage, contact the plan at 1 (866) 240-9580. You may also contact your state insurance department, the U.S. Department of Labor, Employee Benefits Security Administration at 1 (866) 444-3272 or www.dol.gov/ebsa, or the U.S. Department of Health and Human Services at 1 (877) 267-2323 x61565 or www.cciio.cms.gov.

Your Grievance and Appeals Rights:

If you have a complaint or are dissatisfied with a denial of coverage for claims under your plan, you may be able to **appeal** or file a **grievance**. For questions about your rights, this notice, or assistance, you can contact the plan at 1 (866) 240-9580 or visit www.Regence.com. You may also contact your state insurance department at 1 (800) 562-6900 or www.insurance.wa.gov or the U.S. Department of Labor, Employee Benefits Security Administration at 1 (866) 444-3272 or www.dol.gov/ebsa/healthreform.

Does this Coverage Provide Minimum Essential Coverage?

The Affordable Care Act requires most people to have health care coverage that qualifies as “minimum essential coverage.” **This plan or policy does provide minimum essential coverage.**

Does this Coverage Meet the Minimum Value Standard?

In order for certain types of health coverage (for example, individually purchased insurance or job-based coverage) to qualify as minimum essential coverage, the plan must pay, on average, at least 60 percent of allowed charges for covered services. This is called the “minimum value standard.” **This health coverage does meet the minimum value standard for the benefits it provides.**

Language Access Services:

SPANISH (Español): Para obtener asistencia en Español, llame al 1 (866) 240-9580.

To see examples of how this plan might cover costs for a sample medical situation, see the next page.

About these Coverage Examples:

These examples show how this plan might cover medical care in given situations. Use these examples to see, in general, how much financial protection a sample patient might get if they are covered under different plans.



**This is
not a cost
estimator.**

Don't use these examples to estimate your actual costs under this plan. The actual care you receive will be different from these examples, and the cost of that care will also be different.

See the next page for important information about these examples.

Having a baby (normal delivery)

- **Amount owed to providers:** \$7,540
- **Plan pays:** \$6,930
- **Patient pays:** \$610

Sample care costs:

Hospital charges (mother)	\$2,700
Routine obstetric care	\$2,100
Hospital charges (baby)	\$900
Anesthesia	\$900
Laboratory tests	\$500
Prescriptions	\$200
Radiology	\$200
Vaccines, other preventive	\$40
Total	\$7,540

Patient pays:

Deductibles	\$0
Copays	\$10
Coinsurance	\$450
Limits or exclusions	\$150
Total	\$610

Managing type 2 diabetes (routine maintenance of a well-controlled condition)

- **Amount owed to providers:** \$5,400
- **Plan pays:** \$4,930
- **Patient pays:** \$470

Sample care costs:

Prescriptions	\$2,900
Medical Equipment and Supplies	\$1,300
Office Visits and Procedures	\$700
Education	\$300
Laboratory tests	\$100
Vaccines, other preventive	\$100
Total	\$5,400

Patient pays:

Deductibles	\$0
Copays	\$260
Coinsurance	\$130
Limits or exclusions	\$80
Total	\$470

Questions and answers about the Coverage Examples:

What are some of the assumptions behind the Coverage Examples?

- Costs don't include premiums.
- Sample care costs are based on national averages supplied by the U.S. Department of Health and Human Services, and aren't specific to a particular geographic area or health plan.
- The patient's condition was not an excluded or preexisting condition.
- All services and treatments started and ended in the same coverage period.
- There are no other medical expenses for any member covered under this plan.
- Out-of-pocket expenses are based only on treating the condition in the example.
- The patient received all care from in-network providers. If the patient had received care from out-of-network providers, costs would have been higher.

What does a Coverage Example show?

For each treatment situation, the Coverage Example helps you see how deductibles, copayments, and coinsurance can add up. It also helps you see what expenses might be left up to you to pay because the service or treatment isn't covered or payment is limited.

Does the Coverage Example predict my own care needs?

- ✗ **No.** Treatments shown are just examples. The care you would receive for this condition could be different based on your doctor's advice, your age, how serious your condition is, and many other factors.

Does the Coverage Example predict my future expenses?

- ✗ **No.** Coverage Examples are not cost estimators. You can't use the examples to estimate costs for an actual condition. They are for comparative purposes only. Your own costs will be different depending on the care you receive, the prices your providers charge, and the reimbursement your health plan allows.

Can I use Coverage Examples to compare plans?

- ✓ **Yes.** When you look at the Summary of Benefits and Coverage for other plans, you'll find the same Coverage Examples. When you compare plans, check the "Patient Pays" box in each example. The smaller that number, the more coverage the plan provides.

Are there other costs I should consider when comparing plans?

- ✓ **Yes.** An important cost is the premium you pay. Generally, the lower your premium, the more you'll pay in out-of-pocket costs, such as copayments, deductibles, and coinsurance. You should also consider contributions to accounts such as health savings accounts (HSAs), flexible spending arrangements (FSAs) or health reimbursement accounts (HRAs) that help you pay out-of-pocket expenses.

Questions: Call 1 (866) 240-9580 or visit us at regence.com.

If you aren't clear about any of the underlined terms used in this form, see the Glossary.

You can view the Glossary at www.cciio.cms.gov or call 1 (866) 240-9580 to request a copy.

DISCRIMINATION IS AGAINST THE LAW

This Notice has Important Information. Regence complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. This notice has important information about your application or coverage. Look for key dates in this notice. You may need to take action by certain deadlines to keep your health coverage or help with costs. You have the right to get this information, and other information about your application or coverage, in your own language at no cost. Call 888-344-6347. (TTY: 711)

HELP IN OTHER LANGUAGES

The following translations help people who do not read English understand their rights and responsibilities and who to call for help. Including these translations is a federal requirement for all health plans sold on the state or federal marketplaces.

Spanish: Este aviso tiene información importante. Regence cumple con las leyes de derechos civiles federales aplicables y no discrimina sobre la base de raza, color, nacionalidad, edad, discapacidad o sexo. Este aviso tiene información importante sobre su solicitud o cobertura. Busque las fechas importantes en este aviso. Es posible que tenga que tomar alguna acción en un determinado plazo para mantener su cobertura de salud o ayuda con los costos. Usted tiene derecho a obtener esta información y otra información sobre su solicitud o cobertura, en su propio idioma y sin costo. Llame al 888-344-6347. (TTY: 711)

Chinese Traditional: 本通知含有重要資訊。 Regence 遵守適用之聯邦政府民權法，不會因種族、膚色、原始出生國籍、年齡、身心障礙或性別的不同而予以差別待遇。本通知含有有關您申請或進行承保的重要資訊。請留意本通知內的重要日期。請在期限之前採取行動，以確保您的醫療保障或協助支付費用。您有權索取使用您語言撰寫的這類資訊，以及有關您申請或承保的相關資訊。請撥打 888-344-6347 索取。（聽障專線：711）

Vietnamese: Thông báo này có Thông tin Quan trọng. Regence tuân thủ luật pháp Liên bang về quyền công dân hiện hành và không phân biệt đối xử theo chủng tộc, màu da, nguồn gốc quốc gia, độ tuổi, khuyết tật hoặc giới tính. Thông báo này có thông tin quan trọng về đơn đăng ký hoặc bảo hiểm của quý vị. Tìm những ngày chính trong thông báo này. Quý vị có thể cần hành động trước một số thời hạn để duy trì bảo hiểm sức khỏe của mình hoặc được giúp đỡ có tính phí. Quý vị có quyền lấy thông tin này và thông tin khác về đơn đăng ký hoặc bảo hiểm, bằng ngôn ngữ của mình miễn phí. Gọi số 888-344-6347. (TTY: 711)

Korean: 이 공지 사항에는 중요 정보가 들어 있습니다. Regence은 해당 연방 민권법을 준수하며 인종, 피부색, 출신 국가, 연령, 장애, 또는 성별에 따라 차별하지 않습니다. 이 공지 사항에는 해당 신청서 또는 적용 범위에 관한 중요한 정보가 있습니다. 이 공지 사항의 주요 날짜를 찾아 보십시오. 해당 건강 보험을 그대로 유지하거나 비용을 지원 받으려면 특정 기한까지 조치를 취하셔야 합니다. 귀하는 모국어로 작성된 본 정보나 해당 신청서 또는 보장 범위에 대한 기타 정보를 무료로 받을 수 있는 권리가 있습니다. 888-344-6347로 연락하십시오. (TTY: 711)

Russian: В данном Уведомлении содержится важная информация. Regence несет обязательства по соблюдению применимых норм федерального законодательства о гражданских правах и не допускает дискриминации по признаку расы, цвета кожи, национального происхождения, возраста, статуса инвалидности или пола. В данном уведомлении содержится важная информация о вашем заявлении или страховом покрытии. Обратите внимание на ключевые даты, указанные в данном уведомлении. Возможно, вам нужно предпринять некоторые действия к определенному сроку, чтоб сохранить страховое покрытие или получить помощь с расходами. Вы имеете право получить данную, а также прочую информацию о вашем заявлении или страховом покрытии на родном языке бесплатно. Позвоните по номеру 888-344-6347. (TTY: 711)

Tagalog: Ang Abiso na ito ay may Mahalagang Impormasyon. Ang Regence ay sumusunod sa mga naaangkop na Pederal na batas sa mga karapatang sibil at hindi nagdidiskrimina batay sa lahi, kulay, bansang pinagmulan, edad, kapansanan, o kasarian. Ang abiso na ito ay may mahalagang impormasyon tungkol sa iyong aplikasyon o coverage. Hanapin ang mga importanteng petsa sa abiso na ito. Maaaring kailangan mong gumawa ng hakbang hanggang sa mga partikular na takdang araw upang mapanatili mo ang iyong coverage sa kalusugan o tulong sa mga gastusin. May karapatan kang makuha ang impormasyong ito, at iba pang impormasyon tungkol sa iyong aplikasyon o coverage, sa iyong sariling wika nang walang bayad. Tumawag sa 888-344-6347. (TTY: 711)

Ukrainian: Це повідомлення містить важливу інформацію. Regence дотримується застосовного федерального законодавства про громадянські права та не проводить політику дискримінації за расовою приналежністю, кольором шкіри, походженням, віком, інвалідністю та статевую ознакою. Це повідомлення містить важливу інформацію про пов'язану з вами програму або страхове покриття. Зверніть увагу на ключові дати в цьому повідомленні. Щоб зберегти за собою план медичного страхування або право отримувати грошову допомогу, можливо, вам потрібно буде вжити відповідні заходи, для яких установлено певні часові обмеження. Ви маєте право на безкоштовне отримання рідною мовою як цієї інформації, так і будь-якої іншої, пов'язаної з програмою чи страховим покриттям. Телефонуйте за таким номером: 888-344-6347 (телетайп: 711).

Mon-Khmer, Cambodian: សេចក្តីជូនដំណឹងនេះមានព័ត៌មានសំខាន់ ។ Regence អនុលោមទៅតាមច្បាប់របស់សហព័ន្ធស្តីពីសិទ្ធិពលរដ្ឋ ហើយមិនមានការរើសអើងចំពោះពូជសាសន៍ ពណ៌សម្បុរ សញ្ជាតិដើម អាយុ ពិការភាព ឬភេទឡើយ ។ សេចក្តីជូនដំណឹងនេះមានព័ត៌មានសំខាន់ៗអំពីពាក្យសុំ ឬការធានារ៉ាប់រងសុខភាពរបស់អ្នក ។ សូមរកមើលកាលបរិច្ឆេទសំខាន់ៗក្នុងសេចក្តីជូនដំណឹងនេះ ។ អ្នកអាចត្រូវបានតវ៉ាធានាការឱ្យបានត្រឹមកាលបរិច្ឆេទកំណត់ ដើម្បីរក្សាបាននូវការធានារ៉ាប់រងសុខភាព ឬបានទទួលការជួយចេញការចំណាយថ្លៃថែទាំសុខភាពរបស់អ្នក ។ អ្នកមានសិទ្ធិទទួលបានព័ត៌មាននេះ និងព័ត៌មានដទៃ អំពីពាក្យសុំ ឬការធានារ៉ាប់រងសុខភាពរបស់អ្នក ជាភាសាដែលអ្នកប្រើ ដោយមិនបាច់បង់ប្រាក់ឡើយ ។ ហៅមកលេខ 888-344-6347 ។ (អ្នកពិបាកស្តាប់ ឬពិបាកនិយាយដែលប្រើ TTY សូមហៅមកលេខ : 711)

Japanese: このお知らせには大変重要な情報が含まれています。Regence は、適用される連邦公民権法を遵守し、人種、肌の色、出身国、年齢、身体障害、性別による差別をしません。このお知らせには保険の申請と適用に関する重要な情報が含まれています。このお知らせに記載されている重要な日付にご注意ください。健康保険適用や医療費支援を引き続き受けるためには締切日までに手続きを行う必要があります。あなたにはこのお知らせおよび申請と保険適用に関するその他の情報について、無料かつ母国語で知る権利があります。こちらまでお電話ください: 888-344-6347。(TTY: 711)

Amharic: ይህ ማሳሰቢያ ጠቃሚ መረጃ ይዟል። Regence በሚተገበረው የፌዴራል ሲቪል መብቶች ህግጋት በዘር፣ በቀለም፣ በመጡበት ብሄር፣ እድሜ፣ የአካል ጉዳት ወይም የታመድሎ አይደረግም። ማሳሰቢያው ስለ ማመልከቻዎችና ሽፋን ጠቃሚ መረጃ አለው። በዚህ ማሳሰቢያ ላይ ቁልፍ ቀናትን ይፈልጉ። በተወሰኑ የመጨረሻ ቀናት የጤና ሽፋኑ ላይ ወይም የወጪን ድጋፍ እንዲቀጥል እረምጃ መውሰድ ያስፈልጋል። ይህንን መረጃ እንዲሁም በማመልከቻዎች ወይም ሽፋኑ ላይ ሌሎችንም መረጃዎች በራስዎን ቋንቋ ያለምንም ክፍያ የማግኘት መብት አለዎት። 888-344-6347 ይደውሉ። (ቲቲዋይ:- 711)

Cushite/Oromo: Beeksisni kun odeeffannoo barbaachisaa qabatee jira. Regence Ulaagaa seera mirga Siivilii Federaalaa kan guutuu fi sanyii, bifa, lammummaa, umrii, miidhama qaamaa ykn saala irratti hundaa’ee addaan hinqoodne dha. Beeksisni kun iyyannoo ykn haguuggii kara keessan irratti odeeffannoo barbaachisaa qabatee jira. Guyyoota furtuu beeksisaa kana keessa jiran ilaalaa. Haguuggii fayyaa ykn gargaarsa keessan eeggachuuf hanga dhuma yeroo ta’eetti tarkanfii ta’e gatii bastanii fudhachuu qabdu. Odeeffannoo kana fi waa’ee iyyannoo ykn haguuggii keessanii kaffaltii tokko malee afaan keessaniin argachuuf mirga qabdu. Bilbilaa 888-344-6347. (TTY: 711)

Arabic: يحتوي هذا الإخطار على معلومات مهمة. تمتثل Regence إلى قوانين الحقوق المدنية الفيدرالية المعمول بها ولا تمارس التمييز على أساس العرق أو اللون أو الأصل القومي أو السن أو الإعاقة أو الجنس. يحتوي هذا الإخطار على معلومات مهمة عن الطلب أو التغطية الخاصة بك. ابحث عن التواريخ الرئيسية في هذا الإخطار. فقد تحتاج إلى اتخاذ إجراء ما قبل بعض المواعيد النهائية للحفاظ على التغطية الصحية الخاصة بك أو تلقي مساعدة بخصوص التكاليف. لديك الحق في الحصول على هذه المعلومات والمعلومات الأخرى المتعلقة بالطلب أو التغطية الخاصة بك بلغتك مجانًا. اتصل بالرقم 888-344-6347. (الكتابة عن بُعد للصم: 711)

Punjabi: ਇਸ ਨੋਟਿਸ ਵਿੱਚ ਮਹੱਤਵਪੂਰਨ ਜਾਣਕਾਰੀ ਹੈ। Regence ਲਾਗੂ ਫੈਡਰਲ ਨਾਗਰਿਕ ਅਧਿਕਾਰਾਂ ਦੇ ਕਨੂੰਨ ਦੇ ਅਨੁਰੂਪ ਹੈ ਅਤੇ ਜਾਤਿ, ਰੰਗ, ਰਾਸ਼ਟਰੀ ਮੂਲ, ਉਮਰ, ਅਪਾਹਿਜਤਾ, ਜਾਂ ਲਿੰਗ ਦੇ ਅਧਾਰ ‘ਤੇ ਭੇਦਭਾਵ ਨਹੀਂ ਕਰਦਾ। ਇਸ ਨੋਟਿਸ ਵਿੱਚ ਤੁਹਾਡੇ ਬੇਨਤੀ-ਪੱਤਰ ਅਤੇ ਸੁਰੱਖਿਆ ਬਾਰੇ ਮਹੱਤਵਪੂਰਨ ਜਾਣਕਾਰੀ ਹੈ। ਇਸ ਨੋਟਿਸ ਵਿੱਚ ਮੁੱਖ ਮਿਤੀਆਂ ਵੇਖੋ। ਤੁਹਾਨੂੰ ਤੁਹਾਡੀ ਸਿਹਤ ਸੁਰੱਖਿਆ ਰੱਖਣ ਜਾਂ ਲਾਗਤਾਂ ਨਾਲ ਮਦਦ ਕਰਨ ਲਈ ਨਿਯਤ ਮਿਆਦ ਸੀਮਾਵਾਂ ਦੁਆਰਾ ਕਾਰਵਾਈ ਕਰਨ ਦੀ ਲੋੜ ਹੋ ਸਕਦੀ ਹੈ। ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ, ਅਤੇ ਆਪਣੇ ਬੇਨਤੀ ਪੱਤਰ ਜਾਂ ਸੁਰੱਖਿਆ ਬਾਰੇ ਹੋਰ ਜਾਣਕਾਰੀ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿੱਚ ਬਿਨਾਂ ਕਿਸੇ ਲਾਗਤ ਤੋਂ ਪ੍ਰਾਪਤ ਕਰਨ ਦਾ ਅਧਿਕਾਰ ਹੈ। 888-344-6347 ‘ਤੇ ਕਾਲ ਕਰੋ। (TTY: 711)

German: Diese Mitteilung enthält wichtige Informationen. Regence hält die Grundrechte der USA ein und es finden keine Diskriminierungen aufgrund von Rasse, Hautfarbe, nationaler Herkunft, Alter, Behinderung oder Geschlecht statt. Diese Mitteilung enthält wichtige Informationen über Ihren Antrag oder die entsprechende Versicherungsdeckung. Beachten Sie wichtige Fristen in dieser Mitteilung. Sie müssen unter Umständen Maßnahmen innerhalb bestimmter Fristen ergreifen, um Ihren Krankenversicherungsschutz zu erhalten oder eine Kostenerstattung zu erhalten. Sie haben das Recht, diese Informationen und andere Informationen über Ihren Antrag oder Ihren Versicherungsschutz kostenlos in Ihrer Sprache zu erhalten. Rufen Sie folgende Nummer an 888-344-6347. (Fernschreiber: 711)

Laotian: ແຈ້ງການສະບັບນີ້ ມີຂໍ້ມູນທີ່ສໍາຄັນ. Regence ສອດຄ່ອງກັບກົດໝາຍ ວ່າດ້ວຍ ສິດທິພົນລະເມືອງຂອງຮັຖບານກາງ ທີ່ກ່ຽວຂ້ອງ ແລະ ບໍ່ມີການຈຳແນກ ເຊື້ອຊາດ, ສີເຜິວ, ຊາດກຳເນີດ, ອາຍຸ, ຄວາມເປັນຄົນພິການ ຫຼື ເພດ. ແຈ້ງການສະບັບນີ້ ມີຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບການນຳໃຊ້ຂອງທ່ານ ຫຼື ການຄຸ້ມຄອງ. ຊອກຫາວັນທີທີ່ສໍາຄັນໃນແຈ້ງການສະບັບນີ້. ທ່ານອາດຈະຕ້ອງການດຳເນີນການໃນຂອບເຂດເວລາໃດຫຼື ເພື່ອ ໃຫ້ສືບຕໍ່ໄດ້ຮັບການຄຸ້ມຄອງສຸຂະພາບຂອງທ່ານ ຫຼື ການຊ່ວຍເຫຼືອທາງດ້ານງົບປະມານ. ທ່ານມີສິດເອົາຂໍ້ມູນນີ້ ແລະ ຂໍ້ມູນອື່ນ ກ່ຽວກັບການສະໝັກ ຫຼື ການຄຸ້ມຄອງຂອງທ່ານ ທີ່ເປັນພາສາຂອງທ່ານໂດຍບໍ່ເສຍຄ່າໃຊ້ຈ່າຍ. ຕິດຕໍ່ 888-344-6347. (TTY: 711)

Your Vision Benefits Summary



Get access to the best in eye care and eyewear with AWC - Plan B \$0 Copay and VSP® Vision Care.

Using your VSP benefit is easy.

- **Create an account at vsp.com.** Once your plan is effective, review your benefit information.
- **Find an eye doctor who's right for you.** The decision is yours to make—choose a VSP network doctor, a participating retail chain, or any out-of-network provider. Visit vsp.com or call **800.877.7195**.
- **At your appointment, tell them you have VSP.** There's no ID card necessary. If you'd like a card as a reference, you can print one on vsp.com.

That's it! We'll handle the rest—there are no claim forms to complete when you see a VSP provider.

Best Eye Care

You'll get the highest level of care, including a WellVision Exam®—the most comprehensive exam designed to detect eye and health conditions. Plus, when you see a VSP provider, you'll get the most out of your benefit, have lower out-of-pocket costs, and your satisfaction is guaranteed.

Choice in Eyewear

From classic styles to the latest designer frames, you'll find hundreds of options. Choose from featured frame brands like bebe®, Calvin Klein, Cole Haan, Flexon®, Lacoste, Nike, Nine West, and more.¹ Visit vsp.com to find a Premier Program location that carries these brands. Plus, save up to 40% on popular lens enhancements.² Prefer to shop online? Check out all of the brands at eyeconic.com®, VSP's preferred online eyewear store.

Plan Information

VSP Coverage Effective Date: 01/01/2018

VSP Provider Network: VSP Signature

AWC - Plan B \$0 Copay and VSP provide you with an affordable eyecare plan.

Visit vsp.com or call **800.877.7195** for more details on your vision coverage and exclusive savings and promotions for VSP members.

1. Brands/Promotion subject to change.

2. Savings based on network doctor's retail price and vary by plan and purchase selection; average savings determined after benefits are applied. Available only through VSP network doctors to VSP members with applicable plan benefits. Ask your VSP network doctor for details.

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Benefit	Description	Copay
Your Coverage with a VSP Provider		
WellVision Exam	<ul style="list-style-type: none"> • Focuses on your eyes and overall wellness • Every 12 months 	\$0
Prescription Glasses		
Frame	<ul style="list-style-type: none"> • \$150 allowance for a wide selection of frames • \$170 allowance for featured frame brands • 20% savings on the amount over your allowance • \$80 Costco® frame allowance • Every 24 months 	\$0
Lenses	<ul style="list-style-type: none"> • Single vision, lined bifocal, and lined trifocal lenses • Polycarbonate lenses for dependent children • Every 12 months 	\$0
Lens Enhancements	<ul style="list-style-type: none"> • Anti-reflective coating • Tints/Photochromic adaptive lenses • Scratch-resistant coating • Polarized lenses • Standard progressive lenses • Premium progressive lenses • Custom progressive lenses • Average savings of 35-40% on other lens enhancements • Every 12 months 	\$0 \$0 \$0 \$0 \$50 \$80 - \$90 \$120 - \$160
Contacts (instead of glasses)	<ul style="list-style-type: none"> • \$150 allowance for contacts and contact lens exam (fitting and evaluation) • 15% savings on a contact lens exam (fitting and evaluation) • Every 12 months 	\$0
Glasses and Sunglasses		
Extra Savings	<ul style="list-style-type: none"> • Extra \$20 to spend on featured frame brands. Go to vsp.com/specialoffers for details. • 30% savings on additional glasses and sunglasses, including lens enhancements, from the same VSP provider on the same day as your WellVision Exam. Or get 20% from any VSP provider within 12 months of your last WellVision Exam. 	
	Retinal Screening	
	<ul style="list-style-type: none"> • No more than a \$39 copay on routine retinal screening as an enhancement to a WellVision Exam 	
Laser Vision Correction		
<ul style="list-style-type: none"> • Average 15% off the regular price or 5% off the promotional price; discounts only available from contracted facilities • After surgery, use your frame allowance (if eligible) for sunglasses from any VSP doctor 		
Your Coverage with Out-of-Network Providers		
Get the most out of your benefits and greater savings with a VSP network doctor. Your coverage with out-of-network providers will be less or you'll receive a lower level of benefits. Visit vsp.com for plan details.		
Exam up to \$50 Lined Trifocal Lenses up to \$100		
Frame up to \$70 Progressive Lenses up to \$100		
Single Vision Lenses up to \$50 Contacts up to \$150		
Lined Bifocal Lenses up to \$75 Tints up to \$5		
Coverage with a participating retail chain may be different. Once your benefit is effective, visit vsp.com for details. Coverage information is subject to change. In the event of a conflict between this information and your organization's contract with VSP, the terms of the contract will prevail. Based on applicable laws, benefits may vary by location.		

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Delta Dental of Washington

Dental Plan A

Benefit Summary

Class I Benefits	100% - 70% (paid at incentive level)
Class II Benefits	100% - 70% (paid at incentive level)
Class III Benefits	50%
Annual Plan Maximum	\$1,000
Annual TMJ Maximum	50%, \$1,000 (does not accrue towards annual maximum)
Lifetime TMJ Maximum	\$5,000
Plan Year	January 1 - December 31

What is an "incentive level"?

When you first enroll in the plan – your "incentive level" (or payment level) will be 100%. Each calendar year that you use your dental benefits – your "incentive level" maintains the 100% incentive/payment level. If you do not use your dental plan for a year, your incentive level will *decrease* by 10%, but will not go below 70%.

To receive the highest level of benefits, use Delta Dental in-network dentists. Find Delta Dental contracted dentists at www.deltadentalwa.com/awc. Refer to your booklet for limitations and exclusions.

Your dental plan covers Class I, Class II, and Class III benefits at the percentage listed above.

Class I Benefits:

*Covers diagnostic & preventative care:

- Routine Examination & Cleaning (up to 2 times annually)
- Comprehensive Oral Exam (covered 1 time in a 3-year period, instead of 1 routine exam)
- X-rays (limitations apply)
- Emergency Examinations.
- Fissure sealants (Covered 1 time every three years through age 14)
- Topical application of fluoride (up to 2 times annually)

Class II Benefits:

* Covers restorative, oral surgery, periodontics & endodontics care:

- Amalgam/composite fillings
- Crowns
- Inlays & Onlays (limitations apply)
- Removal of teeth and surgical extractions (includes removal of wisdom teeth)
- Procedures for pulpal and root canal treatment
- *In certain conditions of oral health, general anesthesia or intravenous sedations may be covered*

Class III Benefits:

*Covers periodontics & prostodontics care:

- Dentures, fixed bridges
- Surgical placement or removal of implants or attachments to implants

* Please see dental booklet for limitations, and exclusions of this dental plan.

This benefit summary is intended only as a plan overview. It does not include all parameters, limitations and exclusions of the plan.



Delta Dental of Washington

Orthodontia Plan II



 DELTA DENTAL

Delta Dental of Washington

For Children

Orthodontia Benefit: 50% benefit

Lifetime Maximum: \$1,000

Eligible persons: Children
(from birth to age 26)

Orthodontic treatment is appliance therapy necessary for the correction of teeth or jaws that are positioned improperly.

The lifetime maximum amount payable by Delta Dental for orthodontic benefits provided to an eligible child is \$1000. Not more than \$500, or one-half of Delta Dental's total responsibility shall be payable at the time of initial banding. The final payment of Delta Dental's responsibility shall be made during the seventh month following the initial banding, provided the employee is eligible and the dependent is in compliance with the age limitation.

Delta Dental will pay a constant 50% of the lesser of the maximum allowable fees or the fees actually charged for orthodontic benefits.

Prior to commencement of treatment, an orthodontic treatment plan should be submitted to Delta Dental. Delta Dental will provide a confirmation of treatment and cost. This is not a guarantee of payment. Payment for orthodontic benefits is based upon eligibility. If an individual becomes ineligible prior to the payment of benefits, subsequent payment is not covered.

Covered Dental Benefits

Fixed or removable appliance therapy for the treatment of teeth or jaws. Orthodontic records: Exams (initial, periodic, comprehensive, detailed and extensive), x-rays (intraoral, extraoral, diagnostic radiographs, panoramic), diagnostic photographs, diagnostic casts (study models) or cephalometric films.

Limitations

Payment is limited to:

- Completion, or to age 26, whichever comes first.
- Treatment received after coverage begins (claims must be submitted to Delta Dental within the time limitation of the start of coverage). For orthodontia claims, the initial banding date is the treatment date considered in the timely filing.

Treatment that began *prior to the start of coverage* will be prorated:

- Payment is made based on the balance remaining after the down payment and charges prior to the date of eligibility are deducted.
- Delta Dental will issue payments based on their responsibility for the length of the treatment. The payments are issued providing the employee remains eligible and the dependent is in compliance with the age limitation.

In the event of termination of the treatment plan prior to completion of the case, or termination of this program, no subsequent payments will be made for treatment incurred after such termination date.

Exclusions

- Charges for replacement or repair of an appliance.
- No benefits shall be provided for services considered inappropriate and unnecessary, as determined by Delta Dental.

••Refer Also To General Limitations and General Exclusions in your Dental Plan Booklet••



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Town Clerk Position - Update on Hiring Process

Action Requested of Council:

Proposed Motion:

Summary / Background:

Governing Legislation:

Budget/Finance Impacts:

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

B.G. Human Resources Answers

Staff Contact(s):

Memorandum

To: Yacolt Town Council
From: Katie Younce, Acting Town Clerk
Date: February 16, 2018
Re: Battle Ground Interlocal Agreement for Administrative Services

The Town's Interlocal Agreement with the City of Battle Ground provides that Battle Ground's H.R. Department will help Yacolt with its search for a new Town Clerk, if requested. The Town directed several questions to Battle Ground about the process to assist the Council with its decision-making. Battle Ground's answers to those questions are copied below. The costs for Battle Grounds services are described in the Interlocal Agreement.

1. Can you please explain the major steps in the hiring process?
 - a. Develop a job description
 - b. Create a posting
 - c. Advertise and collect applications
 - d. Screen applications to decide who should move forward to an interview process
 - e. Develop the interview questions
 - f. Schedule candidates for interviews, give at least 30 minutes to interview
 - g. Interview
 - h. Decide who will move forward
 - i. Informing other candidates who are not moving forward, telling them thank you, but no thank you
 - j. Pre-employment reference checks
 - k. Criminal background check
 - l. (If position has fiduciary responsibilities) Credit check
 - m. Offer letter
2. What specific information would you need from the Town?
 - a. Job description
 - b. How long you want the application period to run
 - c. Who all would be involved and their role in the recruitment
 - d. What would be a good fit for their office.
 - e. Cities expectations of a candidate/screening criteria
3. How would Battle Ground propose to advertise the position to generate a reasonable number of qualified applicants? What are the best places to advertise the position? Are there places that post 'work wanted' ads that might provide qualified candidates for a Town Clerk position?
 - a. Popular places to advertise are:
 - i. The Columbian
 - ii. AWC website
 - iii. Monster
 - iv. Sending the information to other Cities
 - v. WMCA – Washington Municipal Clerks Association
 - vi. WFOR – Washington Finance Officer's Association
4. How does the NeoGov program assist in identifying qualified applicants?

- a. NeoGov does not assist in identifying qualified applicants. Neogov is a software that advertises for us and if you want it to provides an online application. Or you can turn the online application button off and receive paper applications. NeoGov automatically advertises to Governmentjobs.com.
5. Does the NeoGov program also serve as a recruitment or job listing site?
- a. Yes
6. What resources are available to provide testing services to confirm a candidate's qualifications? In other words, if the ability to type is expected, do you administer a typing a test, rather than just trust an applicant's resume? Are there convenient ways to test a candidate's familiarity with essential software programs? Are there convenient ways to test a candidate's familiarity with accounting principles and practices that are essential to the position? Are there ways to test a candidate's general skills with reading, comprehension, writing, editing, proofreading, etc.? Is testing a part of Battle Ground's hiring process, or do you instead focus on reviewing performance during a probationary hiring period?
- a. Generally you write the interview questions to address what skills you are looking for in a candidate.
 - b. If you want a skills assessment such as a typing test or accounting skills, you can have NW Staffing conduct that for you.
 - c. We hire the candidate who has the skills we are looking for, then also watch during the probationary period to ensure they are performing up to expectations.
7. Can you provide a ballpark estimate of how much time would be required from Battle Ground's employees? (We know Yacolt would be paying for the Battle Ground Human Resource Manager at \$50.29 per hour. Would any other employees be involved? Can you tell us the rates and number of hours involved for each?)
- a. I would say that we would need to discuss to see what type of assistance you are looking for before I can answer this question.
8. Can you provide a general estimate of how much time will be needed for the entire process?
- a. Again, I would need to discuss with you what all you are looking for in a process before answering. But for a ball park figure, I would say anything from 20 hours to 40 hours.
9. How would/could the Town help during the process?
- a. Would need to discuss to understand what all you are looking for.
10. Is there anything else you would share with the Mayor and Council that they should know about the process, or that would help them with their decisions?
- a. Would need to discuss to understand what all you are looking for.



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Mayor Vince Myers

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Mosquito Control Board Activity Update Mayor Myers

Action Requested of Council:

Proposed Motion:

Summary / Background:

Governing Legislation:

Budget/Finance Impacts:

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

Staff Contact(s):



Town of Yacolt

Request for Council Action

Proposed Meeting Date: Tuesday, February 20, 2018 Agenda Item:

Contact Information for Person/Group/Department Requesting Council Action:

Requester's Name Staff.

Group Name (if applicable)

Address

Daytime Phone

Alternate Phone

E-Mail Address

Item Title:

Clark County Interlocal Agreement for Building Department Services - Discussion.

Action Requested of Council:

Discussion only.

Proposed Motion:

Discussion only.

Summary / Background:

The Town's staff and consultants, (including Town Engineer and Town Attorney), have considered how best to address certain land-use and building department functions given Yacolt's small staff, especially in unusual or emergency circumstances. One option the Council might consider is an Interlocal Agreement with Clark County through which the County might provide those services to Yacolt on an as-needed basis. Presumably the costs of such services would be passed through to the applicant for a development or building project.

Governing Legislation:

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Budget/Finance Impacts:

--

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

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Staff Contact(s):

Bill Ross, Public Works Director; David Ridenour, Town Attorney; Devin Jackson, Town Engineer.

