

ORDINANCE # 551
AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR A
PUBLIC OFFICIAL BOND AND FIDELITY INSURANCE FOR THE
TOWN CLERK/TREASURER OF YACOLT

Whereas, RCW 35.27.120 requires the Town Council for the Town of Yacolt to establish by ordinance the penal sum of an individual surety bond to be executed by the Town Clerk/Treasurer and conditioned upon the faithful performance of his or her duties;

Whereas, RCW 35.27.120 does not establish a minimum amount for the penal sum of the Town Clerk/Treasurer's surety bond, leaving the amount of such bond up to the discretion of the Town Council;

Whereas, the Town Council recognizes that it may protect against the risk of negligent or criminal acts or omissions committed by the Town Clerk/Treasurer by requiring the purchase of insurance coverage, and that insurance coverage may be more economical or otherwise more desirable than the purchase of a surety bond alone;

Whereas, the Washington State Auditor's Office has no formal policy for bonding or insuring such risks; requires technical compliance with RCW 35.27.120; has in the past knowingly overlooked the requirements of RCW 35.27.120 during audit investigations being satisfied with the Town's insurance coverage for the stated risks; and is therefore inconsistent in its application and enforcement of the bond requirement stated in RCW 35.27.120;

Whereas, the Town Council finds that the Auditor's Office, if acting reasonably, should not take audit exception if the Town Clerk/Treasurer is required to have a combination of insurance coverage and bonding in amounts to be established by the Council in its lawful discretion from time to time; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 7th day of November, 2016, and all members of the Town Council have had notice of the time, place, and purpose of said meeting;

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

Section 1 - Surety Bond Required for Town Clerk/Treasurer. The Yacolt Town Clerk/Treasurer shall execute a public official surety bond in the penal amount described in Section 2 hereof before the Town Clerk/Treasurer takes office. Such surety bond coverage shall remain in effect throughout the Town Clerk/Treasurer's tenure in office.

Section 2 - Amount of the Town Clerk/Treasurer's Surety Bond. The amount of the

Town Clerk/Treasurer's surety bond shall be Fifty Thousand and no/100 Dollars, (\$50,000.00).

Section 3 - Form and Conditions of the Town Clerk/Treasurer's Surety Bond. The Town Clerk/Treasurer's surety bond shall be in a penal form; shall be executed by the Town Clerk/Treasurer as principal and by a surety authorized to execute official bonds and transact surety insurance business in the State of Washington; and shall be conditioned upon the faithful performance of the duties of the Yacolt Town Clerk/Treasurer in accordance with law and for the faithful payment of all monies which shall come into his or her hands by virtue of said position.

The Mayor or Town Attorney shall approve the Clerk/Treasurer's public official surety bond as to form.

All premiums for such bond, including without limitation initial and renewal premiums, shall be paid by the Town of Yacolt, pursuant to RCW 48.28.040.

The Town Clerk/Treasurer's surety bond shall be kept on file in the office of the Mayor.

Section 4 - Town Clerk/Treasurer's Fidelity Insurance. The Yacolt Town Clerk/Treasurer shall be covered by a blanket fidelity and faithful performance insurance policy under Yacolt's insurance program in such amounts and with such coverages as may be determined or approved by the Town Council from time to time.

Section 5 - Amount for Town Clerk/Treasurer's Fidelity Insurance. The insurance coverage shall be in the amount of One Million and no/100 Dollars, (\$1,000,000.00), per occurrence, or such other amount as may be determined by the Town Council from time to time.

Section 6 - Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

Section 7 - Effective Date. This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #551

The Town Council of the Town of Yacolt adopted Ordinance #551 at its regularly scheduled Town Council meeting held on November 7, 2016. The content of the Ordinance is summarized in its title as follows:

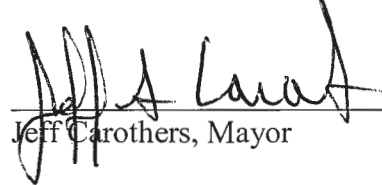
AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR A PUBLIC OFFICIAL BOND AND FIDELITY INSURANCE FOR THE TOWN CLERK/TREASURER OF YACOLT. The effective date of the Ordinance is November 16, 2016.

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

Published this 16th day of November, 2016.
Cindy Marbut, Town Clerk/Treasurer

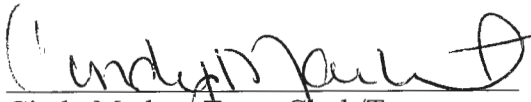
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 7th day of November, 2016.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

David W. Ridenour, Town Attorney

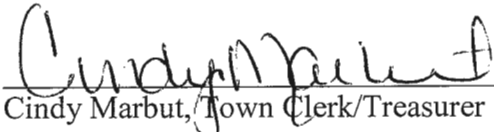
Ayes: Hancock, Wallway, Fester, Lister
Nays: _____
Absent: Myers
Abstain: _____

TOWN CLERK'S CERTIFICATION

Town of Yacolt
Ordinance # 551

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #551 of the Town of Yacolt, Washington, entitled "AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR A PUBLIC OFFICIAL BOND AND FIDELITY INSURANCE FOR THE TOWN CLERK/TREASURER OF YACOLT", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: 11-16-16
Effective Date: 11-16-14
Ordinance Number: 551