

**ORDINANCE #556**

**AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, PROVIDING FOR THE APPOINTMENT OF TOWN OFFICERS BY THE MAYOR AND THE APPROVAL OF EMPLOYMENT CONTRACTS BY THE TOWN COUNCIL; PROVIDING FOR RETROACTIVE EFFECT; RATIFYING PREVIOUS CONSISTENT ACTION BY THE TOWN; PROVIDING FOR CODIFICATION; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH**

**Recitals**

Whereas, pursuant to RCW 35.27.070, the Town of Yacolt, (hereafter "*Town*" or "*Yacolt*"), is to provide for the appointment of various Town Officers by ordinance;

Whereas, the Town currently fills its Offices and service positions through a combination of appointments, employment agreements, and contracts with independent contractors;

Whereas, the Town Council desires to have flexibility in the future to provide for necessary and appropriate service positions through a combination of appointments, employment agreements, and contracts with independent contractors;

Whereas, the Town Council of the Town of Yacolt has deemed it advisable and necessary to codify the Town's Ordinances, and is therefore preparing to adopt a Yacolt Municipal Code; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 19<sup>th</sup> day of December, 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 - Adoption of Recitals:** The foregoing Recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

**Section 2 - Hiring of Officials and Employees of the Town:**

- (A). Mayor's Authority:** The Mayor of the Town of Yacolt is hereby authorized to and shall appoint such officers, department heads, and employees for which the Town Council may generally provide financial remuneration through its budget enactments or other actions from time to time, unless such position is filled or the relevant services are provided pursuant to Sub-Section (B) of this Section. The Mayor's authorization under this Sub-Section (A) includes, by way of example

only and without limitation, the authority to appoint and hire a Town Clerk, a Public Works Director, a Customer Service Clerk, and a Public Works Maintenance Assistant.

- (B). **Town Council Authority:** The Town Council may approve and adopt contracts and agreements with employees, independent contractors, private businesses, and/or public agencies to provide any services that the Town Council deems appropriate, valuable, or necessary to the Town, pursuant to Washington law then applicable to towns for the procurement of such services.
- (C). **Vacancies:** Upon the occurrence of any vacancy in a Town office or position, the Town Council shall determine and direct whether such vacancy will be filled by Mayor's appointment or by contractual arrangement approved by the Council.

**Section 3 - Retroactive Effect and Ratification of Actions:** Notwithstanding any other term of this Ordinance, this Ordinance shall be given retroactive effect, and prior acts of the Town consistent with the terms of Section 2 above are hereby ratified and confirmed.

**Section 4 - Yacolt Municipal Code:** Appropriate provisions of Section 2 of this Ordinance shall become and be made a part of the Yacolt Municipal Code upon the codification of the Town's Ordinances.

**Section 5 - Conflicting Ordinances and Parts of Ordinances Repealed:** All previous Ordinances or parts of Ordinances in conflict with Section 2 of this Ordinance are hereby repealed.

**Section 6 - Effect of Repeal:** The repeal of an Ordinance or part of an Ordinance shall not repeal the repealing clause of such Ordinance or revive any Ordinance which has been repealed thereby.

**Section 7 - 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 8 - Effective Date:** The Town Clerk shall certify the adoption of this Ordinance and cause it, or the following summary of it, to be published once within fifteen (15) days of adoption in the Town's legal newspaper of record. This Ordinance shall take effect immediately upon adoption and publication, according to law.

### **Town of Yacolt - Summary of Ordinance #556**

The Town Council of the Town of Yacolt adopted Ordinance #556 at its regularly scheduled Town Council meeting held on December 19, 2016. The content of the Ordinance is summarized in its title as follows:

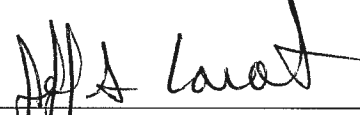
AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON,  
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MAYOR AND THE APPROVAL OF EMPLOYMENT CONTRACTS BY THE  
TOWN COUNCIL; PROVIDING FOR RETROACTIVE EFFECT; RATIFYING  
PREVIOUS CONSISTENT ACTION BY THE TOWN; PROVIDING FOR  
CODIFICATION; ESTABLISHING AN EFFECTIVE DATE; AND  
REPEALING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH.  
The effective date of the Ordinance is December 28, 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.

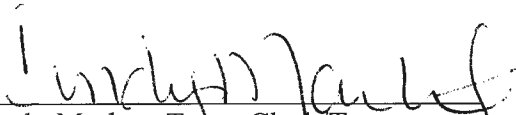
Published this 28th day of December, 2016  
Cindy Marbut, Town Clerk/Treasurer

**PASSED** by the Town Council of the Town of Yacolt, Washington, at a regular meeting  
thereof this 19<sup>th</sup> day of December, 2016.

TOWN OF YACOLT

  
\_\_\_\_\_  
Jeff Carothers, Mayor

**Attest:**

  
\_\_\_\_\_  
Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

\_\_\_\_\_  
David W. Ridenour, Town Attorney

Ayes:

Nays:

Absent:

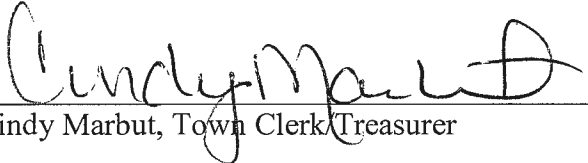
Abstain:

Myers, Wallway & Lister  
Ø  
Hancock, Tester  
Ø

**TOWN CLERK'S CERTIFICATION**

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #556 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, PROVIDING FOR THE APPOINTMENT OF TOWN OFFICERS BY THE MAYOR AND THE APPROVAL OF EMPLOYMENT CONTRACTS BY THE TOWN COUNCIL; PROVIDING FOR RETROACTIVE EFFECT; RATIFYING PREVIOUS CONSISTENT ACTION BY THE TOWN; PROVIDING FOR CODIFICATION; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

  
Cindy Marbut, Town Clerk/Treasurer

Published:

Effective Date:

Ordinance Number:

December 28, 2016  
December 28, 2016  
556