

**ORDINANCE # 559**

**AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON,  
CONSOLIDATING THE OFFICE OF TOWN TREASURER WITH THAT OF THE  
TOWN CLERK; ABOLISHING THE OFFICE OF TOWN TREASURER;  
PROVIDING FOR RETROACTIVE EFFECT; RATIFYING PREVIOUS  
CONSISTENT ACTION BY THE TOWN; PROVIDING FOR CODIFICATION;  
ESTABLISHING EFFECTIVE DATES; AND REPEALING ALL PARTS OF  
ORDINANCES IN CONFLICT HEREWITH**

**Recitals**

Whereas, RCW 35.27.070 makes the Office of Town Treasurer an elective position, and the Office of Town Clerk an appointive position;

Whereas, RCW 35.27.180 - 35.27.200 (inclusive) provide for the authority of the Yacolt Town Council to combine the Offices of Town Treasurer and Town Clerk; to abolish the Office of Town Treasurer; and to thereby make the combined position of Town Clerk/Treasurer an appointive position;

Whereas, the Yacolt Town Council adopted Ordinance #276 in 1986, abolishing the Office of Town Treasurer and combining the duties of the Treasurer with the Office of Town Clerk;

Whereas, the Yacolt Town Council repealed Ordinance #276 in 2002 by adopting Ordinance #420 for the purpose of adopting a personnel policy;

Whereas, Ordinance #420 did not express the intent to terminate the Town of Yacolt's previous consolidation of the Treasurer and Clerk positions, and appears to have done so inadvertently, if at all;

Whereas, the Town of Yacolt's practice and pattern since 1986 for fulfilling the duties of Town Treasurer and Town Clerk has been to treat the two positions as combined within the Office of Town Clerk, an Officer of the Town that was and continues to be either appointed by the Mayor or engaged by contract authorized by the Town Council;

Whereas, the Yacolt Town Council desires to eliminate any question as to the satisfaction of procedural formalities and requirements for the adoption of its Ordinances, and to cure any possible failure with respect to Ordinances that were intended to combine the Office of Town Treasurer with the Office of Town Clerk;

Whereas, the Yacolt Town Council desires to affirm its intent to consolidate the Offices of Town Treasurer and Town Clerk from 1986 to the present, without interruption, and declares

that any statement or implication in Ordinance #420 that the Town acted or intended to terminate the consolidation of those Offices was unintended and therefore in error;

Whereas, RCW 35.27.180 provides that any ordinance combining the offices of town treasurer and town clerk shall not be voted upon until the next regular meeting after its introduction and shall require the vote of at least two-thirds of a town council; and further provides that such consolidation shall take effect on a date not less than three months from the date the ordinance goes into effect;

Whereas, the Town Council of the Town of Yacolt introduced and considered this Ordinance at its regular public meetings held on December 5, 2016, and December 19, 2016, and has therefore satisfied the requirement of RCW 35.27.180 that a vote on this Ordinance be taken at the next regular meeting following its introduction;

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 3<sup>rd</sup> day of January, 2017, 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 - Consolidation of Town Treasurer and Town Clerk Offices:**

- (A). **Town Treasurer and Town Clerk Positions Combined:** The Office of Town Treasurer is and shall be combined with the Office of Town Clerk. The Office of Town Treasurer is hereby abolished, and the duties of the Town Treasurer shall be performed by the Town Clerk.
- (B). **Effective Date:** The consolidation of the Offices of Town Treasurer and Town Clerk and the abolishment of the Office of Town Treasurer shall be effective three months following the date of publication of this Ordinance according to law.
- (C). **Termination of Consolidated Offices:** The consolidation of the Town Treasurer and Town Clerk positions may be terminated by ordinance at any time deemed appropriate by the Town Council.

**(D). Retroactive Effect and Ratification of Actions:** Notwithstanding any other term of this Ordinance, this Ordinance shall further be given retroactive effect, and shall be deemed to be effective from and after January 1, 2002. Prior acts of the Town that are consistent with Section 2(A) above from January 1, 2002, to the effective dates of this Ordinance are hereby ratified and confirmed.

**Section 3 - 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 4 - 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 5 - 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 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:** 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; PROVIDED, HOWEVER, that the formal re-combination of the Offices of Town Treasurer and Town Clerk described in Sections 2(A) and 2(B) above shall not take effect until three months following the general effective date of this Ordinance.

### **Town of Yacolt - Summary of Ordinance #559**

The Town Council of the Town of Yacolt adopted Ordinance #559 at its regularly scheduled Town Council meeting held on January 3, 2017. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON,  
CONSOLIDATING THE OFFICE OF TOWN TREASURER WITH THAT OF  
THE TOWN CLERK; ABOLISHING THE OFFICE OF TOWN TREASURER;  
PROVIDING FOR RETROACTIVE EFFECT; RATIFYING PREVIOUS  
CONSISTENT ACTION BY THE TOWN; PROVIDING FOR

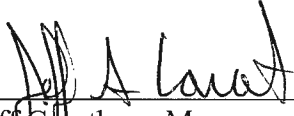
CODIFICATION; ESTABLISHING EFFECTIVE DATES; AND REPEALING ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH. The effective date of the Ordinance is January 11, 2017.

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.

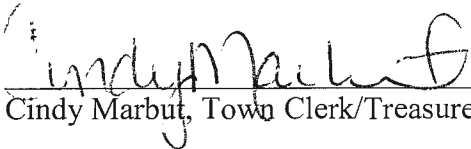
Published this 11<sup>th</sup> day of January, 2017.  
Cindy Marbut, Town Clerk/Treasurer

**PASSED** by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 3<sup>rd</sup> day of January, 2017.

**TOWN OF YACOLT**

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

**Attest:**

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

Approved as to Form:

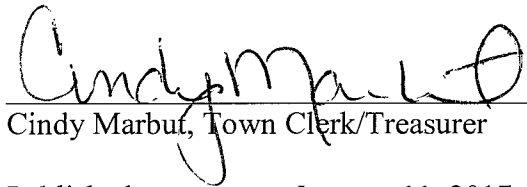
\_\_\_\_\_  
David W. Ridenour, Town Attorney

Ayes: Meyers, Hancock, Wallway + Tester  
Nays: \_\_\_\_\_  
Absent: Listek  
Abstain: \_\_\_\_\_

## TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #559 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, CONSOLIDATING THE OFFICE OF TOWN TREASURER WITH THAT OF THE TOWN CLERK; ABOLISHING THE OFFICE OF TOWN TREASURER; PROVIDING FOR RETROACTIVE EFFECT; RATIFYING PREVIOUS CONSISTENT ACTION BY THE TOWN; PROVIDING FOR CODIFICATION; ESTABLISHING EFFECTIVE DATES; 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: January 11, 2017  
Effective Date: January 11, 2017  
Ordinance Number: 559