

ORDINANCE NO. 3987

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CERTAIN PROVISIONS OF ECC 10.16 (“CEMETERY BOARD”); PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Edmonds has determined that certain provisions of the City’s Cemetery Board code section, ECC 10.16, are in need of updating in order to be consistent with other boards and commissions, and to allow the Cemetery Board to operate more effectively; and

WHEREAS, the City of Edmonds wishes to revise ECC 10.16 to update the appropriate provisions and to clarify the intended make-up, authority and responsibilities of the Cemetery Board; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 10.16 of the ECC Cemetery Board is hereby amended to read as follows:

10.16.010 Cemetery board – Members and their terms.

The cemetery board shall be composed of up to seven community members appointed by the mayor and confirmed by the city council. Members shall be appointed for four-year terms terminating on December 31st. [Ord. 3095 § 1, 1996; Ord. 2839 § 1, 1991; Ord. 2570, 1986; Ord. 2306, 1982].

10.16.020 Vacancy – Removal.

Vacancies occurring other than through the expiration of terms may be filled for the unexpired terms. Members may be removed by the mayor, with approval of the city council, after a public hearing before the city council for inefficiency, neglect of duty or malfeasance in office. Members shall also be removed for failure to maintain attendance as required by provisions of the Edmonds City Code. [Ord. 3095 § 2, 1996; Ord. 2839 § 2, 1991; Ord. 2306, 1982].

10.16.030 Officers, Meeting, Quorum.

Members of the board shall meet and organize by electing officers from the members of the board, including a chair and a vice-chair, and such other officers as may be determined by the board. It shall be the duty of the chair to preside at all meetings. The vice-chair shall perform this duty in the absence of the chair. A majority of the board shall constitute a quorum for the transaction of business. The board shall set its own meeting dates and shall give notice of such meetings in compliance with the Open Public Meetings Act of the State of Washington, as it now exists and as it may be amended from time to time. Staff assistance will be provided at the discretion of the mayor.

10.16.040 Powers of board.

The cemetery board shall work with the Parks Department to:

- A. Establish rules and regulations to carry out the provisions of this chapter.
- B. Make recommendations for the improvement and maintenance of the cemetery.
- C. Accept any gift of money or property on behalf of the cemetery.

[Ord. 3095 § 3, 1996; Ord. 2839 § 3, 1991; Ord. 2306, 1982].

10.16.050 Annual report.

The board shall report annually to the council concerning the operations of the cemetery, the short and long term goals of the board concerning the cemetery and a report on the activities of the board. [Ord. 2306, 1982].

10.16.060 Funds for improvement and maintenance of the cemetery.

A. There are hereby created two special funds of the city to be known as the cemetery improvement fund and the cemetery maintenance trust fund. Pursuant to RCW 68.52.040, the city council shall, each year as a part of the budget process, allocate revenue from lot sales, burial fees, and all bequests, gifts and donations received with respect to the cemetery on a percentage basis to said funds.

1. The cemetery improvement fund was established to provide for the day-to-day operations of the cemetery, including special events. Expenditures of this fund may be made both from principal and income and the entire amount of such fund may be expended in any year when such expenditures are within the annual budget approved by the city council.

2. The cemetery maintenance trust fund shall be held in trust for future expenditure solely for the purpose of maintaining the cemetery and any capital improvements or facilities located therein in the foreseeable future. Expenditures from this fund shall be limited to the income earned by said funds along with any additional funds appropriated to this fund by the council or donated by any party for the purpose of annual maintenance. To the extent permitted by law, the city council hereby impresses the current fund balance of this fund, as well as any private donations made in trust in favor of the estate of any person buried therein by the descendants of such persons, the Hubbard Family Foundation and any other persons or entities donating funds to the cemetery maintenance trust fund for the sole purpose of maintenance of the cemetery and its capital improvements.

3. The city council shall consider the number of unsold lots, the future market value of unsold lots, and the probable earnings of the trust fund when fully funded by the sale of all lots when allocating revenue. The goal shall be to actuarially fund the cemetery and maintenance fund with sufficient monies so that it may become and remain a self-sufficient source of funding for all recurring maintenance of the cemetery.

B. Any monies in said funds, surplus and available for investment, shall be managed in accordance with RCW 68.52.060. This section shall be considered approval of investments in accordance with RCW 68.52.065 subject to the annual review of the city council in the budget process. All investments shall be reviewed and approved by the finance director.

C. Monies shall be paid out of said funds only upon warrants drawn by the city and approved in the manner set forth in Chapter 2.25 ECC. All warrants shall be endorsed by the mayor and attested by the city finance director. In no event shall any monies be expended from the cemetery maintenance trust fund in excess of the annual income earned nor shall any money be diverted from such trust fund to any purpose other than provided in this chapter. To the extent permitted by law, the council hereby prohibits itself and future councils from diverting funds for the cemetery maintenance trust fund,

while reserving its right to budget monies to or approve expenditures from the cemetery maintenance trust funding future budget years as it, in its sole discretion, shall deem appropriate in order to actuarially provide for the establishment of a fund which will generate sufficient income to meet the future foreseeable maintenance needs of the cemetery. Expenditures of monies from the cemetery improvement fund and the cemetery maintenance trust fund shall be provided for in the annual budget by the council subject to the recommendation of the cemetery board. [Ord. 3797 § 1, 2010; Ord. 2827 § 3, 1991; Ord. 2596, § 1, 1986].

10.16.070 Board subordinate to council.

The cemetery board shall, at all times, be deemed subordinate to the city council and the city council shall have power to settle all disputes and regulate, modify and supervise the exercise of the powers herein granted. [Ord. 2306, 1982].

10.16.200 Severability.

If any word, clause, phrase or other portion of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining words, clauses, phrases and other portions of this chapter shall not be affected. [Ord. 2306, 1982].

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
for JEFFREY B. TARADAY

FILED WITH THE CITY CLERK: January 16, 2015
PASSED BY THE CITY COUNCIL: January 20, 2015
PUBLISHED: January 25, 2015
EFFECTIVE DATE: January 25, 2015
ORDINANCE NO. 3987

SUMMARY OF ORDINANCE NO. 3987

of the City of Edmonds, Washington

On the 20th day of January, 2015, the City Council of the City of Edmonds, passed Ordinance No. 3987. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CERTAIN PROVISIONS OF ECC 10.16 ("CEMETERY BOARD"); PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of January, 2015.


CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH612058 ORDINANCE 3987 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 01/25/2015 and ending on 01/25/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$22.36.

Kathleen Landis

Subscribed and sworn before me on this

27 day of January
2015

Debra Ann Grigg

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Notary Public in and for the State of
Washington.

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