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ORDINANCE NO. 3797

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 10.16 CEMETERY BOARD, SECTION 10.16.050 FUNDS FOR IMPROVEMENT AND MAINTENANCE OF THE CEMETERY TO CLARIFY THE USE OF FUNDS CONTAINED THEREIN, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Cemetery Board has requested that the City Council amend the provisions of ECDC 10.16.050 to more appropriately reflect the use of funds held by the cemetery and to clarify that the cemetery improvement fund may be used for current annual maintenance so long as the cemetery maintenance trust fund is fully funded and adequate to provide for future funding of maintenance of the cemetery; and

WHEREAS, the City Council believes such amendment to be in the public interest so long as the cemetery maintenance trust fund is actuarially sufficient to provide for maintenance of the cemetery when current operating funds are unavailable due to the sale of all available lots and spaces within the cemetery, NOW, THEREFORE,

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

Section 1. ECDC 10.16.050 Funds for Improvement and Maintenance of the Cemetery is hereby amended to read as follows:

10.16.050 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. 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 and annual maintenance fund shall be used for special projects, special events, capital improvements and other recurring and non-recurring needs of the cemetery. 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 68.12.060. This section shall be considered approval of investments in accordance with RCW 68.12.065 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 cemetery board 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.

Section 2. 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 GARY HAAKENSON

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 06-11-2010
PASSED BY THE CITY COUNCIL: 06-15-2010
PUBLISHED: 06-20-2010
EFFECTIVE DATE: 06-25-2010
ORDINANCE NO. 3797

SUMMARY OF ORDINANCE NO. 3797

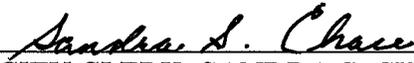
of the City of Edmonds, Washington

On the 15th day of June, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3797. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 10.16 CEMETERY BOARD, SECTION 10.16.050 FUNDS FOR IMPROVEMENT AND MAINTENANCE OF THE CEMETERY TO CLARIFY THE USE OF FUNDS CONTAINED THEREIN, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 16th day of June, 2010.

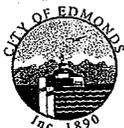


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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of the City of Edmonds, Washington
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The full text of this Ordinance will be mailed upon request.
DATED this 16th day of June, 2010.
CITY CLERK, SANDRA S. CHASE
Published: June 20, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance

No. 3797

Cemetery Board

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 20, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Sholl

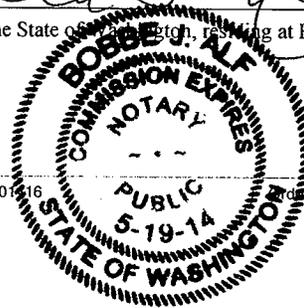
Principal Clerk

Subscribed and sworn to before me this 21st

day of June, 2010

Bobbe Alf

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

(JUL 01 2010)

EDMONDS CITY CLERK