

ORDINANCE NO. 1197

**AN ORDINANCE RELATING TO THE BOARD OF PARK COMMISSIONERS,
AMENDING TITLE 2, CHAPTER 28 OF THE ELMA MUNICIPAL CODE**

RECITALS:

1. The Elma Board of Park Commissioners (Commission) under EMC 2.28.010 is required to have seven members.
2. RCW 35.23.170 authorizes formation of a board of park commissioners "not to exceed seven in number."
3. The City has had difficulty appointing a sufficient number of Park Commissioners under the current 7-member requirement.
4. It would be helpful to the City to modify the Commission member requirement and the quorum necessary to conduct business.
5. On March 15, 2021 the Council considered the foregoing and directed the City Attorney to prepare particular amendments to EMC 2.28.
6. Thereafter, the Council has undertaken further review of the matter.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF ELMA:

SECTION I: Title 2, Chapter 28 is amended as indicated in Attachment A hereto, which are incorporated herein by reference.

SECTION II: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary

corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication. Its provisions shall apply to any annexation the approval of which is implemented by an ordinance adopted after the adoption of this ordinance.

PASSED THIS 19th DAY OF April, 2021 by the City Council of the City of Elma and signed in approval therewith this 19th day of April 2021.

CITY OF ELMA:



JAMES SORENSEN, Mayor

ATTEST:

Diana Easton

DIANA EASTON, Clerk-Treasurer

APPROVED AS TO FORM:

Richard L. Hughes

Richard L. Hughes, City Attorney

STATE OF WASHINGTON)

: ss.

GRAYS HARBOR COUNTY)

I, DIANA EASTON, being the duly appointed Clerk-Treasurer of the City of Elma, do certify that I caused to have published in a newspaper of 2 circulation in the City of Elma a true and correct summary of Ordinance Number 1197 and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number 1197, as it was published, is on file in the appropriate records of the City of Elma.

Diana Easton

DIANA EASTON

April SIGNED AND SWORN to before me this 19th day of April, 2021, by DIANA EASTON.

STEPHANIE RICHARDSON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION No. 141995
My Commission Expires: March 20, 2025

Stephanie Richardson

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, Residing at: Oakville

My appointment expires: 3.20.25

EXHIBIT A

Chapter 2.28 BOARD OF PARK COMMISSIONERS*

Sections:

2.28.010 Created--Members.

2.28.020 Organization procedure.

2.28.030 Powers and duties.

2.28.040 Park fund--Creation--Source of funds.

* For statutory provisions authorizing cities of the first, second and third class to provide for a board of park commissioners, see RCW 35.23.170.

2.28.010 Created--Members. SHARE

There is hereby created a board of park commissioners for the city. Members shall be appointed by the mayor, with the advice of the council, shall hold office at the pleasure of the mayor, and shall serve without compensation. The board shall consist of seven at least five persons, but no more than seven persons. (Ord. 240 §1, 1924).

2.28.020 Organization procedure. SHARE

Upon appointment and qualification, the board of park commissioners shall organize by electing one of their members as president and one as secretary. They shall determine what regular and special meetings are necessary. They shall keep written minutes and records which shall be delivered to their successors. ThreeFour of their number shall constitute a quorum for the transaction of business. (Ord. 240 §2(part), 1924).

2.28.030 Powers and duties. SHARE

The board of park commissioners shall make such recommendations as it may from time to time deem appropriate to the city council, which shall have the control and supervision of all parks belonging to the city, and shall have the power and authority to make and prescribe rules and regulations for the government, use and control of said parks. Such regulations shall be enforced by the police department of the city. (Ord. 838 §7, 1987; Ord. 240 §2(part), 1924).

2.28.040 Park fund--Creation--Source of funds. SHARE

There is created a fund to be known as the park fund of which the city clerk-treasurer shall be custodian. All moneys derived by the city from the sale of parks or property deeded to the city for park purposes, when the city orders the sale of such property as not needed for park purposes; all rentals for park grounds; all income received for the use of the parks; all donations made specifically for park purposes; all moneys paid for desecration or injury of park property; and such moneys appropriate for park purposes shall be credited into the park fund, and shall be withdrawn only upon vouchers approved by the city council. (Ord. 838 §8, 1987; Ord. 240 §3, 1924).