

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**Agenda Item #:** Consent C 6

**Date:** April 9, 2009

**SUBJECT:** Repeal of Ordinances – Code Scrub

**CONTACT PERSON:** Laura Koenig, City Clerk/Deputy Finance Director

**Issue:**

The issue before the Council is the adoption of several Ordinances to repeal sections of the Sultan Municipal Code that are no longer needed or pertinent as a part of the 2009 Code scrub. The ordinances were introduced for a first reading at the March 26, 2009 Council meeting.

**Staff Recommendation:**

Adoption of Ordinances:

- 1) 1029-09 to repeal Chapter 2.22 Park Advisory Board
- 2) 1030-09 to repeal Chapter 2.23 Sultan Arts Council
- 3) 1031-09 to repeal Chapter 2.25 Citizens Advisory Board

**Summary:**

The City will be contracting with Code Publishing in 2009 to provide an updated version of the Sultan Municipal Code. As a part of the GMA compliance requirements and the Comprehensive Plan process, the Planning Department has been updating and revising the development codes. There are several other sections of the Sultan Municipal Code that also need to be updated and code sections that are no longer applicable needed to be repealed.

As a part of the review of Titles 2, staff found there were three boards established that have not been staff or used by the City for several years. The Council discussed these boards during the February 26, 2009 Council meeting and directed staff to prepare ordinances to eliminate the boards. Boards can be re-established in the future if they are needed with new criteria for appointment and assigned duties.

**Recommended Action:**

Adoption of Ordinance 1029-09 to repeal Chapter 2.22, Parks Advisory Board.

Adoption of Ordinance 1030-09 to repeal Chapter 2.23, Sultan Arts Council.

Adoption of Ordinance 1031-09 to repeal Chapter 2.25, Citizens Advisory Board.

**Attachments:**

- A. Ordinance 1029-09 Repeal Chapter 2.22 Parks Advisory Board
- B. SMC 2.22 Parks Advisory Board
- C. Ordinance 1030-09 Repeal Chapter 2.23 Sultan Arts Council
- D. SMC 2.23 Sultan Arts Council
- E. Ordinance 1031-09 Repeal Chapter 2.25 Citizens Advisory Board
- F. SMC 2.25 Citizens Advisory Board

CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1029-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,  
REPEALING CHAPTER 2.22, RELATING TO THE PARK  
ADVISORY BOARD, OF THE SULTAN MUNICIPAL CODE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE

WHEREAS, the City Of Sultan established a Park Advisory Board under Ordinance 508 in 1988;  
and

WHEREAS, the City no longer has an active Park Advisory Board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Chapter 2.22 Park Advisory Board is hereby repealed.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2009.

CITY OF SULTAN

\_\_\_\_\_  
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Laura Koenig, City Clerk  
Approved as to form:

\_\_\_\_\_  
Margaret J. King, City Attorney

Date of Publication:

**Chapter 2.22  
PARK ADVISORY BOARD**

Sections:

- [2.22.010](#) Established.
- [2.22.020](#) Membership – Terms.
- [2.22.030](#) Organization – Meetings – Rules.
- [2.22.040](#) Responsibilities.

**2.22.010 Established.**

There is established the Sultan advisory park board for the purpose of providing recommendations to the city council for the development and improvement of lands and roads for parks, trails, picnic grounds, playgrounds, recreational centers, beaches and other recreational facilities and programs for the use and benefit of the public. (Ord. 508, 1988)

**2.22.020 Membership – Terms.**

A. The board shall be composed of five members. The members shall not be required to be residents of the city and shall serve without compensation.

B. Terms of Office of the Advisory Board. The first appointment for the board shall for terms of one, two, three, four and five years, respectively, and thereafter a member shall be appointed annually to serve for five years. The member shall be appointed by the mayor with the consent of the city council. Vacancies on the board shall be filled in the same manner and shall be for the unexpired portion of the term. (Ord. 508, 1988)

**2.22.030 Organization – Meetings – Rules.**

A. The board, in accordance with its rules, shall appoint one of its members to be the chairperson. The board shall appoint a secretary who need not be a member of the board.

B. Meetings. The board shall hold regular monthly meetings; provided, however, a meeting may be canceled if the board has no business to transact.

C. Rules. The board shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. (Ord. 508, 1988)

**2.22.040 Responsibilities.**

The specific responsibilities of the board are more particularly described as follows:

A. To formulate an orderly program for the acquisition of land, waterways, buildings, facilities and equipment and for the development, operation and maintenance of an adequate system of public parks, playgrounds and recreational facilities of the city, both

## Attachment B 2

within and without its boundaries, in cooperation with other departments, or bodies, public or private;

B. To consult with and make recommendations to the parks and recreation committee and the city council and other city departments with regard to the development and amendment from time to time of the city's parks and recreation comprehensive plan and capital improvement program;

C. To consult with and make recommendations to the parks and recreation committee regarding policies for the planning, development, maintenance and use of all of the city's park and recreation areas and facilities, as well as the implementation of policies concerning the city's recreation program;

D. To formulate a recreational program for residents of the Sultan area, such program to include plans for utilization of all available parks, playgrounds and recreational facilities. The board shall be continuously cognizant of the conduct of the recreational program so as to be in a position to suggest, from time to time, such program changes as shall be consistent with available facilities and money appropriated to, or received by, the city and other bodies for recreational purposes;

E. To interpret community park and recreation needs to the parks and recreation committee and explain the city's park and recreation services to the city council and to the community;

F. To review, modify and/or recommend to the department of parks and recreation committee a tentative program and budget as required and make recommendations concerning the activities of the parks and recreational programs;

G. To hold public meetings from time to time in various parts of the city for the purpose of reviewing park and recreation programs and objectives with citizen groups and the community at large. A major objective of the board shall be to develop public interest in the activities of the park and recreation department and to solicit, to the fullest extent, participation of community groups, the general public and public and private agencies;

H. To encourage individuals and community groups to give funds and property or manpower for the improvements and development of park and recreation programs and facilities. (Ord. 508, 1988)

CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1030-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,  
REPEALING CHAPTER 2.23, RELATING TO THE SULTAN  
ARTS COUNCIL, OF THE SULTAN MUNICIPAL CODE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE

WHEREAS, the City Of Sultan established the Sultan Arts Council under Ordinance 625 in 1995;  
and

WHEREAS, the City no longer has an active Sultan Arts Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Chapter 2.23 Sultan Arts Council, is hereby repealed.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this  
Ordinance, or its application to any person or circumstance, be declared unconstitutional or  
otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by  
state or federal law or regulation, such decision or pre-emption shall not affect the validity of  
the remaining portions of this Ordinance or its application to other persons or  
circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of  
the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2009.

CITY OF SULTAN

\_\_\_\_\_  
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Laura Koenig, City Clerk  
Approved as to form:

\_\_\_\_\_  
Margaret J. King, City Attorney

Date of Publication:

**Chapter 2.23  
SULTAN ARTS COUNCIL**

Sections:

- [2.23.010](#) Designation of Sultan arts council.
- [2.23.020](#) Definitions.
- [2.23.030](#) Duties and responsibilities.
- [2.23.040](#) Establishment of account.
- [2.23.050](#) Source of funds.
- [2.23.060](#) Balance between arts, education and entertainment.
- [2.23.070](#) Authority to publish information.

**2.23.010 Designation of Sultan arts council.**

The Sultan arts council is designated by the city of Sultan as the official body of the city empowered to act on all matters pertaining to the development and enrichment of the arts within the city consistent with the provisions of this chapter. (Ord. 625 § 1, 1995)

**2.23.020 Definitions.**

The following definitions shall apply:

- A. "Designated agency" means the Sultan arts council.
- B. "Arts" shall include the production or arrangement of sounds, colors, forms, movements or other elements in a manner that enhances the sense of beauty and has aesthetic value. (Ord. 625 § 1, 1995)

**2.23.030 Duties and responsibilities.**

As the city's designated agency, the Sultan arts council shall:

- A. Serve as the primary voice for the arts within the city and as the principal advisory board to the mayor and the city council, fostering a high level of quality, creativity and diversity in the arts and advocating for inclusion of aesthetic considerations in local decision making that may have cultural implications.
- B. Provide a public forum for discussion of issues and ideas affecting the arts in the city, serve as a point of contact for information about the arts in the city, and arrange for or provide individuals engaged in the arts.
- C. Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of interest in the arts.
- D. Serve as the designated agency for carrying out duties associated with the public art work programs within the city of Sultan.

## ATTACHMENT D-2

E. Encourage grants and donations to the Sultan arts council account, and make recommendations to the city council regarding expenditures from the account.

F. Submit a quarterly financial statement to the city council detailing the use of funds received from the Sultan arts council account.

G. Maintain complete records of all transactions and give the city council through any authorized representatives, access to and the right to examine all records, books, papers or documents regarding all operations funded by funds from the Sultan arts council account.

H. Submit to the city annually, in a form acceptable to the city, a written report on the status of the activities, programs and projects funded through the use of the Sultan arts council account.

I. Establish safeguards to prohibit its employees, board members, advisors and agents from using their position for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others. Immediately upon discovery of any conflict of interest or potential conflict of interest as described above, the designated agency shall disclose the conflict or potential conflict to the city council.

J. Adopt such rules and regulations as are necessary for the conduct of its business as the city's designated agency. The rules and regulations shall be made available for review by the city council. The designated agency shall keep minutes of its proceedings relating to its duties as the city's designated agency which shall be a public record.

K. Nothing in this chapter shall:

1. Prevent, restrict or limit the designated agency from engaging in any legal activity, decision or expenditure that does not involve funds from the Sultan arts council account; or

2. Require any reporting or accountability to the city or its agencies, for any legal activity, decision or expenditure of the designated agency that does not involve funds for the Sultan arts council account, unless otherwise required by state statute or municipal ordinance.

L. The city and its agencies shall not possess or exercise any oversight or control over any legal activities, decision or expenditures of the designated agency other than those activities involving the Sultan arts council account, the activities, decisions or expenditures of the designated agency acting in its capacity as designated agency of the city, or as provided for in state law or municipal ordinance. (Ord. 625 § 1, 1995)

### **2.23.040 Establishment of account.**

All public and private funds authorized, appropriated, or received by the city for the arts shall be maintained in a separate account within the city's financial system designated as the Sultan arts council account. The city council shall approve all expenditures from the Sultan arts council account upon the advice and recommendation of the designated agency. (Ord. 625 § 1, 1995)

**2.23.050 Source of funds.**

A. An amount not less than \$2,000 shall be placed in the Sultan arts council account in the fiscal year 1995. Thereafter, the Sultan arts council shall receive regular funding from each year's annual appropriated budget.

B. The designated agency is authorized to solicit and receive on behalf of the city public and private funds to promote local activities, programs and projects in the arts. Funds from the Sultan arts council account may be utilized as the city's local share to acquire matching or grant funds for the arts. (Ord. 625 § 1, 1995)

**2.23.060 Balance between arts, education and entertainment.**

The designated agency shall allocate funds received from the Sultan arts council account to activities, programs and projects in a manner which ensures a reasonable balance between the arts, education and entertainment. (Ord. 625 § 1, 1995)

**2.23.070 Authority to publish information.**

The city shall have the unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, materials or other information prepared with or in connection with funds from the Sultan arts council account. (Ord. 625 § 1, 1995)

CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1031-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,  
REPEALING CHAPTER 2.25, RELATING TO THE CITIZENS  
ADVISORY BOARD, OF THE SULTAN MUNICIPAL CODE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE

WHEREAS, the City Of Sultan established the Citizens Advisory Board under Ordinance 576 in 1992; and

WHEREAS, the City no longer has an active Citizens Advisory Board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.25 Citizens Advisory Board, is hereby repealed.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF SULTAN

\_\_\_\_\_  
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Laura Koenig, City Clerk  
Approved as to form:

\_\_\_\_\_  
Margaret J. King, City Attorney

Date of Publication:

**Chapter 2.25  
CITIZENS ADVISORY BOARD**

Sections:

[2.25.020](#) Membership – Appointment – Terms.

[2.25.030](#) Membership – Vacancy.

**2.25.020 Membership – Appointment – Terms.**

A. The board shall consist of seven members to be appointed by the mayor subject to confirmation by the city council.

B. The board shall consist of the following members: one member who is associated with the school district; one member who is an owner or manager of a business within the city; two citizens at large; one police officer; one councilmember; and one student who is an ASB officer.

C. Initial appointments shall be made for terms of from one to four years so that the terms of not more than two members shall expire in any one year. All subsequent appointments shall be for a term of four years.

D. The term for the “student member” shall be a one year term consistent with the school year so that the position will remain filled by a current ASB officer. (Ord. 645-96; Ord. 576, 1992)

**2.25.030 Membership – Vacancy.**

Vacancies on the board shall be filled in the same manner as original appointments and shall be made for the remainder of the term of the member being replaced. Members who fail to attend three unexcused regular meetings may be considered to have vacated their positions and may be replaced, as provided in this chapter. (Ord. 645-96; Ord. 576, 1992)