

Chapter 265

2007 EDITION

Cemetery Maintenance Districts

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265.005 “District” defined. As used in this chapter, “district” means a cemetery maintenance district organized under this chapter. [2003 c.802 §89]

265.010 Formation; filing boundary change with county assessor and Department of Revenue. (1) A cemetery maintenance district may be formed in the manner provided by this chapter.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [Amended by 1953 c.69 §2; 1957 c.117 §1; 1963 c.519 §34; 1971 c.727 §85; 2001 c.138 §9; 2003 c.802 §90]

265.020 Area in which district may not be formed. A cemetery maintenance district may be formed in an area aggregating not less than 4,000 acres in one body, or in an area of less extent if it has an assessed valuation of not less than \$200,000, as shown by the last county assessment roll. [Amended by 1971 c.727 §86]

265.030 [Repealed by 1971 c.727 §203]

265.040 [Amended by 1967 c.609 §2; repealed by 1971 c.727 §191]

265.050 Board of directors; terms. (1) The power and authority given a cemetery maintenance district shall be exercised by and through a board of directors, each member of which shall be an elector of the district.

(2) The electors of a district may elect a board of three directors or five directors.

(3) Except as provided by ORS 265.100, each director shall be elected to serve for a term of four years.

(4) The board of directors shall fill any vacancy on the board as provided in ORS 198.320. [Amended by 1971 c.727 §88; 1973 c.796 §21; 1975 c.647 §25; 1983 c.83 §40; 1983 c.350 §106; 2003 c.284 §1]

265.060 [Repealed by 1971 c.727 §203]

265.070 [Amended by 1961 c.324 §1; repealed by 1971 c.647 §149]

265.075 Changing number of members of board of directors. (1) At a meeting of the board of directors of a cemetery maintenance district, the board may change the number of directors to be elected to the board by a motion approved by an affirmative vote of a majority of the board.

(2) If the board votes to change the number of directors to be elected to the board, the board shall notify the county clerk of the county in which the petition to form the district was filed and the Secretary of State within 30 days of taking action.

(3) If the board votes to increase the number of directors from three to five, two new directors shall be elected at the next regular district election. The board shall

specify the term of office of the new directors to maintain the election schedule for a five-member board as specified in ORS 265.100.

(4) If the board votes to decrease the number of directors from five to three, the board shall determine which director positions will be eliminated. A person serving as a director in a position to be eliminated may complete the person’s term. The director positions that are eliminated may not be placed on the ballot at a subsequent district election. [2003 c.284 §4]

265.080 [Repealed by 1971 c.727 §203]

265.090 [Repealed by 1971 c.727 §203]

265.100 Organization of board; terms of first directors. (1) Within 10 days after issuance of their certificates of election, the directors elected as the first board of a district shall meet and organize by first taking and subscribing an oath of office to the effect that they will discharge faithfully the duties of their office to the best of their ability. They first shall determine by lot the length of term each shall hold.

(2) If the district has first elected a board of three directors, the term of one director shall expire on June 30 next following the first regular district election and the terms of two directors shall expire on June 30 next following the second regular district election.

(3) If the district has first elected a board of five directors, the term of two directors shall expire on June 30 next following the first regular district election and the terms of three directors shall expire on June 30 next following the second regular district election. [Amended by 1971 c.727 §90; 1973 c.796 §22; 1975 c.647 §26; 1983 c.350 §107; 2003 c.284 §2]

265.110 [Amended by 1967 c.609 §3; 1969 c.669 §5; 1971 c.647 §50; 1973 c.796 §23; 1975 c.647 §27; repealed by 1983 c.350 §331a]

265.120 Special elections. The directors at any regular meeting may call a special election of the electors of the district. [Amended by 1971 c.647 §51]

265.130 Meetings of board; officers. (1) The directors shall hold meetings at such time and place within the district as they may determine upon. They shall hold at least one regular meeting in each month on a day to be fixed by them and may hold such special meetings under such rules as they may make.

(2) The directors shall, at the time of their organization, choose from their number a chairperson, a secretary and a treasurer. The secretary and treasurer may be the same person. All officers shall hold their offices until the first regular meeting in January following election and until their successors are elected and qualified. These officers shall

have, respectively, powers to perform the duties usual in such cases.

(3) A majority shall constitute a quorum to do business. [Amended by 1969 c.345 §5]

265.135 Application of ORS chapter 255 to district. (1) ORS chapter 255 governs the following:

(a) The nomination and election of directors.

(b) The conduct of district elections.

(2) The electors may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §110]

265.140 Powers of district. The board of directors shall transact all business pertinent to the affairs of a cemetery maintenance district. The district has the power:

(1) To sue and be sued.

(2) To purchase, take by gift or devise, own, hold, manage and operate land for cemetery purposes.

(3) To acquire in any manner permitted by law existing cemeteries and to manage, operate, enlarge, maintain and beautify them.

(4) To plat and lay out in suitable cemetery lots and blocks for burial purposes any land it may own or control.

(5) To make such contracts and to purchase and own such personal property as may be necessary or convenient for carrying out the purposes of this chapter.

(6) To sell or perpetually lease cemetery lots or tracts for burial purposes.

(7) To set aside, at the discretion of the board of directors, not to exceed one-half of the moneys derived from the sale or lease of cemetery lots and tracts as an irreducible maintenance fund. Any money gift or bequest, if so designated in the instrument creating the same, shall be placed and held in the irreducible maintenance fund, and the interest of such fund shall be used in the perpetual upkeep and beautification of the cemetery and lots therein. Such fund shall be invested only in such securities as state

funds may be invested in by the State Treasurer under the laws of this state.

(8) To do any and all things necessary or convenient for proper ownership, operation, maintenance and management of the district property.

(9) To levy a tax on all taxable property within the district, computed in accordance with ORS 308.207, for the purpose of defraying the expenses of operation of the district and purchase of necessary property therefor. [Amended by 1953 c.53 §2; 1963 c.9 §10; 1971 c.647 §52; 1987 c.531 §1; 2003 c.802 §91]

265.150 Disposition of district funds.

(1) All funds collected on behalf of the district through the levy of taxes, and all donations, contributions, bequests or equities, or from any other source, shall be deposited with the county treasurer to the credit of the district fund and, except as otherwise provided in subsection (2) of this section, shall be drawn out only upon proper order and warrant or check. The warrant or check shall bear the signature of the treasurer and countersignature of the chairperson.

(2) At the request of the district, all funds on deposit with the county treasurer to the credit of the district shall be paid over by the county treasurer to the district. [Amended by 1961 c.516 §1]

265.160 Interest on unpaid warrants.

All warrants for payment of any indebtedness of the cemetery maintenance district which are unpaid for want of funds shall bear interest at a rate to be fixed by the board of directors, but in no event to exceed six percent per annum from the date of indorsement "not paid for want of funds." The aggregate amount of warrants issued shall not exceed the revenue to be received for the year in which the indebtedness is incurred.

265.170 [Repealed by 1971 c.727 §203]

265.210 [1963 c.389 §1; repealed by 1971 c.727 §203]

265.220 [1963 c.389 §2; repealed by 1971 c.727 §203]

265.230 [1963 c.389 §3; repealed by 1971 c.727 §203]