

# Chapter 358

## Oregon Historical Society

**358.015 State policy to contribute to Oregon Historical Society.** The state recognizes a continuing obligation to contribute to the support of the Oregon Historical Society. The amount appropriated each biennium will be considered the continuing level of state aid for operation of the society for the next biennium. Supplements may also be added to acknowledge inflationary factors and as a match for demonstrated increases in membership dues or a combination thereof. [1979 c.72 §2]

**358.018 Duties of Oregon Historical Society.** (1) The Oregon Historical Society shall advise the Department of Transportation on acquisition, development and operation of historic places.

(2) The Department of Transportation shall consider the advice of the Oregon Historical Society, particularly advice regarding the designation of historic buildings, sites and other historic places. [Formerly 358.770]

# ORS 358.160-230

## COUNTY HISTORICAL FUND

**358.160** [Repealed by 2005 c.22 §255]

**358.170** [Amended by 1965 c.327 §1; repealed by 1983 c.350 §227 (358.171 enacted in lieu of 358.170)]

**358.171 Election to establish county historical fund.** (1) This section establishes the procedure for determining whether a county historical fund should be created. The question shall be decided by election. The governing body of a county:

- (a) May order the election on its own resolution; or
- (b) Shall order the election when a petition is filed as provided in this section.

(2) An election under this section shall determine:

- (a) Whether a county historical fund should be created; and
- (b) The amount of taxes to be levied annually for the fund.

(3) The resolution or the petition calling an election under this section shall designate the amount of taxes to be levied annually for the county historical fund.

(4) The requirements for preparing, circulating and filing a petition calling an election under this section shall be as provided for an initiative petition in ORS 250.165 to 250.235.

(5) Notwithstanding subsection (4) of this section, if ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county charter or an ordinance adopted under the county charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 246 to 260.

(7) An election under this section may be held only on the date of a statewide general election. [1983 c.350 §228 (enacted in lieu of 358.170); 1995 c.79 §198; 1999 c.21 §71]

**358.180 Tax levy for county historical fund; limitation.** (1) When authorized by the electors as set forth in ORS 358.171, the county court may levy, in addition to the

taxes now permitted by law to be levied, an ad valorem tax upon the taxable property in the county for the purpose of creating a county historical fund.

(2) The levy shall be a continuing levy in the amount required by the detailed estimates annually filed with the county court under ORS 358.200 less any amount carried forward from the preceding year excepting reserve funds previously set aside and approved by the county court, but not exceeding one-fortieth of one percent (0.00025) or such part thereof as is authorized by the electors of the county, of the real market value of all taxable property within the county, computed in accordance with ORS 308.207. [Amended by 1963 c.9 §17; 1977 c.325 §1; 1991 c.459 §323]

**358.190 Historical fund not subject to Local Budget Law.** The county historical fund is not subject to the provisions of the Local Budget Law and shall be a continuing fund. [Amended by 2003 c.46 §50]

**358.200 Annual estimate of historical societies.** Upon the creation of a county historical fund, the president and secretary of any historical society organized as a nonprofit organization under the laws of Oregon, affiliated with and approved by the Oregon Historical Society and including in its purposes the acquisition by gift, purchase or other means and the preservation of historical objects, real and personal property of historical interest, records, material and data for the purpose of which the fund was created, and the acquisition by gift, purchase, or other means, of real and personal property for use in connection with any of those purposes, may, on or before March 1 of each year, file with the county court of such county a detailed estimate of the money required during the year commencing the following July 1 for such purposes. [Amended by 1977 c.325 §2]

**358.210 Disbursement of county historical fund.** Upon the filing of the detailed estimate and approval thereof by the county court, all moneys in the county historical fund are subject to disbursement by warrants drawn by the historical society and signed by the president and secretary of the society. No money withdrawn from the fund shall be expended except for purposes set forth in ORS 358.200 and included in the detailed estimate.

**358.220 Annual report of expenditures.** On or before January 1 of each year, every historical society specified in ORS 358.200 which has received moneys from a county historical fund shall submit a report in writing to the county court showing in detail how such moneys have been expended during the preceding fiscal year ending June 30. [Amended by 1977 c.325 §3]

**358.230 Termination of tax levy for county historical fund.** The authority to levy taxes for the county historical fund shall be deemed terminated in any county by the majority vote of the electors of the county voting to that effect on such question at any general election. Such termination shall be without prejudice to any subsequent authorization of such levy under ORS 358.171 and 358.180.

# ORS 358.310-405

## CITY MUSEUMS

**358.310 Definitions for ORS 358.310 to 358.405.** As used in ORS 358.310 to 358.405, unless the context requires otherwise:

(1) "Governing body" means the city council in relation to a city museum or the respective city councils of the two or more cities in relation to a joint city museum.

(2) "Museum" includes any collection of archaeological specimens, artifacts, pioneer relics, articles, documents and other things of historical, scientific or artistic import assembled, displayed, preserved and protected for the benefit of the public, for educational and scientific purposes or to commemorate the occupation and development of the Pacific Northwest region, and the structure or structures housing such collection.

(3) "Museum objects" includes any of the objects described in subsection (2) of this section. [1953 c.481 §1; 1973 c.757 §1; 1983 c.260 §3]

**358.315 General authority of cities regarding public museums.** Any city acting through its governing body or a museum commission established under ORS 358.320, may, for public museum purposes:

(1) Accept deeds, gifts, devises or bequests of land, money or other valuable things and hold, control or dispose of such things according to the terms of the deed, gift, devise or bequest, except that whenever the deed, gift, devise or bequest is conditioned upon any act of the city or the museum commission, the governing body of the city shall determine prior to acceptance whether the condition may be complied with.

(2) Accept in the name of the city, and thereafter hold as public property, museum objects given for museum purposes by any person, historical society, association or other organization.

(3) Purchase, collect, exchange for or otherwise acquire museum objects in the name of the city, and thereafter hold or dispose of the same as public property.

(4) Receive in the name of the city museum objects loaned for display, holding them in accordance with the terms of the loan agreement and displaying them for the benefit of the public and for educational and scientific purposes.

(5) Enter into all necessary contracts or agreements for services, assistance or cooperation with the federal government or any of its agencies, with the State of Oregon

or any of its educational institutions or agencies, with any political subdivision of this state, with any person, including nonprofit educational or foreign corporations, or with educational and scientific foundations. [1953 c.481 §2; 1973 c.757 §2; 1983 c.260 §4]

**358.320 Museum commission.** (1) The governing body of a city may appoint a museum commission, which shall consist of seven members chosen with reference to their fitness for the position.

(2) The members of a city museum commission shall be residents of the city in which the museum is or is to be located. When two or more cities jointly establish, maintain and operate a public museum, four of the members of a joint city museum commission shall be residents of the city in which the museum is or is to be located and three of the members shall be residents of the other city or cities. [1953 c.481 §6; 1957 c.200 §1; 1969 c.693 §2; 1973 c.72 §1; 1973 c.757 §3; 1983 c.260 §5]

**358.325 Terms of commission members.** Two of the first members of a museum commission shall be appointed for one year, two shall be appointed for two years and three shall be appointed for three years, as determined by the governing body. Except for the first members and appointments to fill vacancies, the terms of members of a museum commission shall be three years and until their successors are appointed and qualified. [1953 c.481 §7]

**358.330 Chairperson and secretary of commission; duties of commission regarding records, rules, reports and budgets.** A museum commission shall:

(1) Elect a chairperson and secretary to serve until the next succeeding first Monday in January and until their successors are elected. The secretary shall keep permanent and complete records of the proceedings of the museum commission.

(2) Adopt rules governing the transaction of its business.

(3) Prepare and submit an annual budget and an annual report to the governing body. [1953 c.481 §10]

**358.335 Vacancies on commission.** A vacancy in the position of member of a museum commission shall be filled by a qualified person appointed by the governing body for the remainder of the unexpired term of the appointee's predecessor in the position. [1953 c.481 §8]

**358.340 Compensation of commission members.** The members of a museum commission shall receive no compensation as members, but shall be reimbursed for expenses incurred in the performance of their duties and approved by the chairperson of the museum commission. [1953 c.481 §9]

**358.345 Authority of city to establish and operate public museum.** (1) Any city may establish, maintain and operate a public museum.

(2) Any two or more cities may jointly establish, maintain and operate a public museum. [1953 c.481 §3; 1957 c.200 §2; 1973 c.757 §4; 1983 c.260 §6]

**358.350** [1953 c.481 §4; repealed by 1957 c.200 §3]

**358.355 Acquisition of site and structure for museum.** In the event that a public museum is established under ORS 358.345, the city or two or more cities, acting through the governing body or museum commission, may:

(1) Acquire a site or sites for the museum.

(2) Construct a structure or structures to house the museum collection, or lease a structure or structures for such purpose for not more than 50 years.

(3) Use public sites or structures or both for museum purposes. [1953 c.481 §5; 1973 c.757 §5; 1983 c.260 §7]

**358.360 Duties of museum commission respecting establishment of museum.** A museum commission shall:

(1) Determine the kind and class of museum to be established and submit such determination to the governing body.

(2) Investigate and determine the most suitable location for the museum and the adequacy of roads or streets and parking areas therefor, and submit its proposals relating thereto to the governing body.

(3) Subject to approval by the governing body, arrange for the design of the museum and the preparation of plans therefor.

(4) Investigate and make determinations with regard to such other preliminary matters in connection with a public museum as are deemed necessary or desirable, and submit its proposals relating thereto to the governing body.

(5) When the establishment of a museum is authorized under ORS 358.345, and upon authorization by the governing body, prepare bids and advertise for bids for the construction of the proposed museum. [1953 c.481 §11]

**358.365 Duties of museum commission respecting operation of museum.** When a museum is established under ORS 358.345, a museum commission shall:

(1) Maintain and operate the museum for and in the name of the city or two or more cities.

(2) Subject to the approval of the governing body before they become effective, adopt and publish rules relating to the operation of the museum, admission charges thereto and the administration of the museum objects in the museum.

(3) In conformity with its rules and ORS 358.310 to 358.405, act as administrator of all museum objects in the museum.

(4) Establish maintenance and operating policies sufficient to keep the museum presentable and in a proper state of repair.

(5) Subject to the approval of the governing body, advertise the museum in an appropriate manner.

(6) Compile, print and sell or distribute free of charge historical, educational, scientific and artistic literature.

(7) Subject to the approval of the governing body, employ necessary employees and fix their compensation.

(8) Prescribe and publish a charge or charges which may be made for admission to the museum.

(9) Collect all admission charges and other museum revenue, and pay such charges and other revenue into the treasury of the city or two or more cities, to be deposited to a separate account and disbursed by the museum commission as directed by the governing body. [1953 c.481 §§12,13; 1973 c.757 §6; 1983 c.260 §8]

**358.370 Payment of expense of museum operation.** The governing body may provide for the payment of the expense incident to museum operation, care and maintenance of museum objects, structures and grounds, and compensation of employees by means of annual budgeting and appropriation. [1953 c.481 §14].

**358.375 Issuance of bonds to acquire museum site and structure.** (1) In the case of a city museum, and when authorized by the electors of the city voting at a primary election or general election, the governing body may issue general obligation or revenue bonds of the city for the purpose of providing all or part of the funds necessary to acquire a museum site or sites and to construct the museum.

(2) In the case of a joint city museum, and when authorized by the electors of the two or more cities voting at a primary election or general election, each city council of the two or more respective cities may issue general obligation bonds or revenue bonds of each of the two or more respective cities for the purpose of providing such portion of the funds necessary to acquire a museum site or sites and to construct the museum as is determined by the governing body. [1953 c.481 §§15,16; 1973 c.757 §7; 1983 c.260 §9; 1983 c.350 §§229,229a; 1987 c.267 §78; 1995 c.712 §109]

**358.380 General bond law applicable to museum bonds.** The provisions of ORS chapter 287A apply to bonds issued under ORS 358.375. [1953 c.481 §17; 1983 c.260 §10; 2007 c.783 §160]

**358.385 Pledge of museum revenues for payment of museum bonds.** The governing body may pledge all or part of museum revenues, collected or to be collected, as security for the payment of general obligation bonds or revenue bonds issued under ORS 358.375. [1953 c.481 §18]

**358.390 Revenue bonds and pledges of revenue not general obligations of city.** Revenue bonds issued under ORS 358.375 and pledges of revenue under ORS 358.385 shall not be construed as a general obligation of the issuing city. [1953 c.481 §19; 1983 c.260 §11]

**358.395** [1953 c.481 §20; repealed by 2007 c.783 §234]

**358.400** [1953 c.481 §21; repealed by 2007 c.783 §234]

**358.405 Method of settling disagreement where joint action of cities required.** Whenever joint action by the city councils of two or more cities is required or authorized under ORS 358.310 to 358.405, and there is disagreement between or among the city councils of the two or more respective cities, the matter shall be submitted to a judge of the circuit court for the judicial district in which the joint city museum is located, who shall arbitrate and decide the matter. [1953 c.481 §22; 1973 c.757 §8; 1983 c.260 §12]

# ORS 358. 442-474

## HERITAGE DISTRICTS

**358.442 Definitions for ORS 358.442 to 358.474.** As used in ORS 358.442 to 358.474, unless the context requires otherwise:

(1) "County" means the county in which the administrative office of the district is located.

(2) "County governing body" means the county court or board of county commissioners of the county.

(3) "District" means a heritage district formed under ORS 198.705 to 198.955 and 358.442 to 358.474.

(4) "District board" or "board" means the governing body of a district. [Formerly 198.973]

**Note:** 358.442 to 358.474 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 358 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**358.444 Creation of heritage district.** (1) A heritage district may be created as provided in ORS 198.705 to 198.955 and 358.442 to 358.474.

(2) In addition to other required matters, a petition for formation of a district shall state the method of election of the board of the proposed district from among the methods described in ORS 358.456. [Formerly 198.974]

**Note:** See note under 358.442.

**358.446 Formation of multicounty heritage district.** (1) In addition to other methods for formation of a heritage district authorized under ORS 198.705 to 198.955 and 358.442 to 358.474, the governing body in each of two or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:

(a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.

(3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.

(4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:

(a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and

(b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.

(5) As used in this section:

(a) "Principal Act" has the meaning given that term in ORS 198.705.

(b) "Principal county" has the meaning given that term in ORS 198.705. [Formerly 198.975]

**Note:** See note under 358.442.

**358.448 Heritage district board.** (1) The officers of a heritage district shall be a board of five members, to be elected by the electors of the district. The district board shall appoint a representative of the museums in the district to serve as secretary of the district.

(2) Any elector residing within the district shall be qualified to serve as a district board member. [Formerly 198.976]

**Note:** See note under 358.442.

**358.450 Election of first heritage district board.** (1) Five district board members shall be elected at the election for heritage district formation. Nominating petitions or declarations of candidacy described in ORS 249.031 shall be filed with the county governing body. The fee for a declaration of candidacy shall be as prescribed in ORS 255.235.

(2) If the effective date of the formation of the district occurs in an odd-numbered

year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms.

(3) Each district board member shall hold office until election and qualification of a successor. [Formerly 198.977]

**Note:** See note under 358.442.

**358.452 Election of heritage district board members; initiative and referendum.**

(1) ORS chapter 255 governs the following:

- (a) The nomination and election of heritage district board members.
- (b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [Formerly 198.978]

**Note:** See note under 358.442.

**358.454 Result of election at large or by zone; oath of office; vacancy; term of office.** (1) If two or three board members of a heritage district are to be elected at a regular district election at large, the candidates receiving the highest number of votes shall be elected. If one or more board members are to be elected by zone, the candidate receiving the highest number of votes in each zone shall be elected.

(2) Each district board member elected shall take an oath of office and shall hold office from July 1, next following election.

- (3) The district board shall fill any vacancy on the board as provided in ORS 198.320.
- (4) The term of a district board member is four years. [Formerly 198.979]

**Note:** See note under 358.442.

**358.456 Choice of election at large or by zone.** (1) Heritage district board members may be elected by one of the following methods or a combination thereof:

(a) By the electors of zones as nearly equal in population as possible according to the latest federal census.

(b) At large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones.  
[Formerly 198.980]

**Note:** See note under 358.442.

**358.458 Change in method of nominating and electing heritage district board members.** (1) A heritage district may not change the method for nominating and electing board members, unless the change is approved by the electors of the district in an election held prior to the change in method. The district board:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing zones, the following requirements apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and may not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title may not exceed 150 words. The statement:

(A) Shall specify the method of election of board members from among the methods described in ORS 358.456. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map of the proposed zone boundaries and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk may not accept the prospective petition for filing until the

chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by electors who reside within zones that are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot. [Formerly 198.981]

**Note:** See note under 358.442.

**358.460 Population within boundaries of zones in heritage districts.** The board of a heritage district shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The district board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district. [Formerly 198.982]

**Note:** See note under 358.442.

**358.462 Filing boundary change with county assessor and Department of Revenue.** For purposes of ad valorem taxation, a boundary change of a zone established within a heritage district must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [Formerly 198.983]

**Note:** See note under 358.442.

**358.464 Duties of heritage district board.** (1) The board of a heritage district shall be the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president. [Formerly 198.984]

**Note:** See note under 358.442.

**358.466 Powers of heritage district board.** The board of a heritage district has the power:

- (1) To have and use a common seal.
- (2) To sue and be sued in its name.
- (3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind that, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.
- (4) To assess, levy and collect taxes to pay the costs of:
  - (a) Acquiring, constructing, reconstructing, altering, operating and maintaining heritage sites and structures;
  - (b) Acquiring by gift, purchase or other means, and preserving, historical objects, real and personal property of historical interest and records, artifacts, photographs, documents, material and data of historical importance;
  - (c) Establishing and maintaining programs for heritage societies within the district;
  - (d) Handling any lawful claims against the district; and
  - (e) Funding the operating expenses of the district.
- (5) To employ all necessary agents and assistants.
- (6) To call elections after the formation of the district.
- (7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.
- (8) Generally to do and perform any and all acts necessary and proper to the complete exercise and effect of any of the board's powers or the purposes for which the district was formed.
- (9) Whenever authorized by the electors, to issue general obligation bonds of the district. However, the aggregate amount of general obligation bonds issued and outstanding at any one time may not exceed two and one-half percent of the real market value of all taxable property of the district, computed in accordance with ORS 308.207. [Formerly 198.985]

**Note:** See note under 358.442.

**358.468 Heritage district tax levy.** Each year, the board of a heritage district shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents may not exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the district computed in accordance with ORS 308.207. [Formerly 198.986]

**Note:** See note under 358.442.

**358.470 Sinking fund for acquisition of historic real property and restoration of historic buildings or facilities.** The board of a heritage district, by resolution duly adopted, may establish sinking funds for the purpose of defraying the costs of acquiring historic real property and for restoration of historic buildings or facilities. A sinking fund may be created through the inclusion annually within the tax budget of the district of items representing the yearly installments to be credited to the fund. The amount of these items shall be collected and credited to the proper fund in the same manner in which taxes levied or revenues derived for other purposes for the district are collected and credited. None of the moneys in sinking funds shall be diverted or transferred to other funds, but if unexpended balances remain after disbursement of the funds for the purpose for which they were created, such balances, upon approval by resolution of the board, shall be transferred to the operation and maintenance fund of the district. [Formerly 198.987]

**Note:** See note under 358.442.

**358.472 Legal counsel for heritage district.** The board of a heritage district may call upon the attorney for the heritage district for advice as to any district business. The attorney for the heritage district shall give advice when called on for advice by the board. The board may at any time employ special counsel for any purpose. [Formerly 198.988]

**Note:** See note under 358.442.

**358.474 Employees' retirement system.** A heritage district may establish an employees' retirement system as provided for rural fire protection districts under ORS 478.355 to 478.370. [Formerly 198.989]

**Note:** See note under 358.442.