

Title 12

Chapter 12.44

CEMETERIES

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ARTICLE II. CEMETERY BOARD OF TRUSTEES

12.44.260 Composition

A. Creation. There is created and established a Missoula City Cemetery Board of Trustees. The Missoula City Cemetery Board of Trustees shall require the same qualifications as required by the laws of the state for the office of Mayor.

B. Composition. The Missoula City Cemetery Board of Trustees shall be composed of five persons, appointed by the Mayor, and approved by the Missoula City Council.

C. Term. The Missoula City Cemetery Board of Trustees shall serve a three-year term of office commencing on the first day of May of the year in which they are appointed.

D. Oath. Each duly appointed member of the Missoula City Cemetery Board of Trustees shall take and subscribe the oath provided by the laws of the state for city officials prior to the commencement of their duties. This oath must be filed in the office of the Missoula City Clerk.

E. Vacancy. Vacancies must be filled by appointment of the Mayor with the approval of the Missoula City Council.

F. Removal. The Missoula City Council may, at any time, by a vote of not less than two-thirds of all members of the council remove from office any member of the Missoula City Cemetery Board of Trustees.

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §26, 1994; Ord. 2866 §26, 1993).

12.44.270 Repealed. (Ord. 3532, 2014; Ord. 3179, 2001; Ord. 2910 §27, 1994; Ord. 2866 §27, 1993). (Codifier's note: in 2014 12.44.270 was repealed and recodified as Chapter 12.44 Part 236)

12.44.280 Organization. The Missoula City Cemetery Board of Trustees shall organize in May of each year by electing one of their members Chair and one Co-Chair. These officers shall hold office for one year and until their successors are elected and qualified. Three members of the Missoula City Cemetery Board of Trustees shall constitute a quorum for the transaction of business at any special or regularly called meeting.

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §28, 1994; Ord. 2866 §28, 1993).

12.44.290 Meetings.

A. Regular. The Missoula City Cemetery Board of Trustees shall hold regular meetings on the first Thursday of each month.

The site must be specified by the Missoula City Cemetery Board of Trustees. Missoula City Cemetery Board of Trustees may adjourn any regular meeting at any specific time.

B. Special Meetings. Special meetings of the Missoula City Cemetery Board of Trustees may be called, from time to time, by the Chair or by three members of the Missoula City Cemetery Board of Trustees. Two days' notice must be given by the Chair to all members of the Missoula City Cemetery Board of Trustees. The notice must specify the subject of the special meeting and the meeting must be limited to that subject. The notice must also specify the time and place of the meeting.

C. Notice. All meetings of the Missoula City Cemetery Board of Trustees must be open to the public. Prior to the meeting each month, the Missoula City Cemetery Director or designated representative shall:

1. Publish in a newspaper of general circulation in the City of Missoula area a notice which sets forth the time, date and place of the meeting.
2. Post in the Missoula City Cemetery office notice of any regular meeting two weeks prior to such meeting.

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §29, 1994; Ord. 2866 §29, 1993).

12.44.300 Conflict of interest. No member of the Missoula City Cemetery Board of Trustees of the Missoula City Cemetery shall be involved in a decision or contractual obligation, either directly or indirectly, during the course of public duties with the knowledge there is an opportunity to further the member's private interest. A Missoula City Cemetery Board of Trustees member violating this section may be prosecuted in accordance with Montana State law. Any contract entered into by the Missoula City Cemetery Board of Trustees in violation of

this section are null and void. (Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §30, 1994; Ord. 2866 §30, 1993).

12.44.310 Powers and duties generally.

A. Control. The Missoula City Cemetery Board of Trustees, subject to the control of the Missoula City Council shall have the full charge, control, custody, management and supervision of:

1. The Missoula City Cemetery grounds and places of interment that are now or may be owned, held or controlled in any manner by the City of Missoula in the future.
2. All property, real, personal and mixed which is now or may be used, occupied or possessed in any manner in connection with any Missoula City Cemetery grounds or places of interment in the future.
3. All books, plats, records and other papers to any such property in any manner belonging, appertaining to, or used in connection with the Missoula City Cemetery.
4. The reserve funds established for Missoula City Cemetery care including the Capital Fund Reserve, Niche Fund Reserve, Memorial Fund Reserve, and all other funds as designated for Missoula City Cemetery purposes.

B. Authority. The Missoula City Cemetery Board of Trustees is authorized to make rules, policies, and regulations for the care, management, presentations and improvement of the Missoula City Cemetery and cemetery grounds, places of interment and property not included in this chapter as they deem necessary and proper and to enforce the same.

C. Rights. The Missoula City Cemetery Board of Trustees shall have the right to interview and participate in the selection process of a Missoula City Cemetery Director as per the qualifications set by the Missoula City Cemetery Board of Trustees and Missoula City Administration in a job description for this position.

D. Staff. The Missoula City Cemetery and Missoula City Cemetery Board of Trustees shall have the right to review the work performance and conduct of the Cemetery Director. (Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292; Ord. 3179, 2001; Ord. 2910 §31, 1994; Ord. 2866 §31, 1993).

12.44.320 Repealed. (Ord. 3532, 2014; Ord. 3179, 2001; Ord. 2910 §32, 1994; Ord. 2866 §32, 1993). (Codifier's note: in 2014, 12.44.320 was repealed and recodified as Chapter 12.44. Part 040)

12.44.330 Public Record. The books and papers of the Missoula City Cemetery Board of Trustees and all Missoula City Cemetery records are public record and open to the public. (Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §33, 1994; Ord. 2866 §33, 1993).