

**AN ORDINANCE AMENDING SECTION 22-6 OF THE CODE OF ORDINANCES REGARDING THE CEMETERY CARE FUND; PROVIDING FOR REPEALER; AND PROVIDING FOR SEVERABILITY**

**WHEREAS**, the City of Marietta maintains a certificate of deposit account at First National Bank and Trust Company of Ardmore, located in Marietta, Oklahoma, titled "Cemetery Perpetual Care Fund," containing \$122,270; and

**WHEREAS**, the City of Marietta maintains a certificate of deposit account at Landmark Bank, located in Ardmore, Oklahoma, containing \$10,000; and

**WHEREAS**, all funds held in the account at Landmark Bank were originally held in, and then transferred from the account at First National Bank and Trust Company of Ardmore on January 17, 2018; and

**WHEREAS**, Ordinance 1988-1, passed by the City Council on December 16, 1988, changed the name of the Cemetery Perpetual Care Fund to the Cemetery Care Fund. The Ordinance established guidelines and procedures for the receipt, expenditure and investment of the Cemetery Care Fund.

**WHEREAS**, staff has reviewed City Clerk and City Treasurer records, as well as records maintained by the Love County Clerk and Love County Court Clerk, and was unable to locate any additional record establishing a perpetual care fund pursuant to Title 11 O.S. § 26-201 *et seq.*; and

**WHEREAS**, notice of a public hearing advising of the proposed allocation and/or assignment of the previously described funds was published in the Marietta Monitor on July 20, 2018; and

**WHEREAS**, a public hearing regarding the proposed allocation and/or assignment of the previously described funds was held before the City Council on August 14, 2018; and

**WHEREAS**, in the best interest of the City and the general public, the City Council desires to amend an ordinance regarding the Cemetery Care Fund to allow for the investment and expenditures of the monies held in the previously described accounts as provided by State law.

**THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:**

**SECTION 1.** Section 22-6 of the Code of Ordinances, City of Marietta, Oklahoma is hereby amended to read as follows:

**Sec. 22-6. Cemetery care fund.**

Not less than twenty five percent (25%) of all monies received by from the sale of lots in City cemeteries and from interments in City cemeteries shall be segregated and set aside as a permanent fund to be known as the cemetery care fund. The cemetery care fund principal shall be expended for purchasing lands for cemeteries

and for making capital improvements as defined by 11 O.S. § 17-110, if necessary. The balance of the fund may be invested in the manner provided by law for investment of municipal funds. The interest from the investments shall be used for the same purposes as the principal or in improving, caring for and embellishing the lots, walks, drives, parks and other necessary improvements on such cemeteries.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 3.** If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**PASSED** by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14<sup>th</sup> day of August 2018.

CITY OF MARIETTA

ATTEST:

Dottie Gwin  
DOTTIE GWIN, CITY CLERK



BY: [Signature]  
KIMBERLY FRAIRE, MAYOR



