

# **BY-LAWS OF THE CEMETERY COMMITTEE OF OUR SAVIOUR'S LUTHERAN CHURCH**

## **Section I - Name**

The name of the Committee shall be THE CEMETERY COMMITTEE OF OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH, referred to as "Committee".

## **Section II - Purpose**

**Part I** - The purpose of the Committee is to provide a place of interment for persons of the Lutheran faith, members in good standing of OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH, previous members in good standing of said Church, and close relatives of members in good standing of said Church.

**Part II** - To receive, invest and disburse funds.

**Part III** - No part of the income or assets of this Committee shall inure to the benefit of any private individual or member.

**Part IV** - The Committee's sole objective is of a benevolent character, and not for individual pecuniary gain or profit to its members.

## **Section III - Officers and Directors**

The authorized number of appointees of the Committee as designated by The Board of Trustees of said Church shall be appointed by the Nominating Committee of said Church and voted upon by the congregation of said Church at a regular meeting to be held on January 31, 1971. The congregation shall vote on all nominees and the five (5) receiving the highest number of votes shall be elected as Committee members. At the organizational meeting of the Committee, one (1) member shall be elected for five (5) years; one (1) member for four (4) years; one (1) member for three (3) years; one (1) member for two (2) years; the remaining member for one (1) year. Commencing in November, 1972, the congregation shall elect a member to replace the outgoing member and every year thereafter shall elect a member to replace an outgoing Committee member. Committee members shall not serve concurrent terms. The Committee at the first quarterly committee meeting of each year shall elect officers including a committee Chairperson, a Secretary-Treasurer and an Archivist. Each Officer may be re-elected. The duties and powers of the Officers shall be determined by these By-Laws, the OSLC Cemetery Policies, and the Committee.

## **Section IV - Duties of The Officers**

**(a)** The Cemetery Committee Chairperson shall be responsible for coordinating all activities of the committee including scheduling quarterly meetings. In coordination with the Pastor, the Chairperson shall coordinate all interments and funeral service and may serve as a primary point of contact for families and mortuary service providers. The Chairperson shall also coordinate cemetery maintenance and general upkeep.

**(b)** The Secretary-Treasurer shall maintain all financial records of the Cemetery Committee. The Secretary-Treasurer shall also prepare agendas and minutes of all Cemetery Committee meetings and shall prepare the committee's annual report to the congregation. The Secretary-Treasurer will assist with any necessary correspondence. The Cemetery Committee Secretary-Treasurer shall be responsible for keeping a record of all Right of Interment Certificates issued and all fees due or paid relating to said certificates. The Secretary-Treasurer, in coordination with the Chairperson, will be responsible for receipt and disbursement of all Cemetery Committee funds, in accordance with these by-laws.

(c) The Archivist shall maintain all burial records in accordance with the OSLC Cemetery Policies.

#### **Section V – Cemetery Committee Funds**

(a) The Committee shall set up two (2) accounts at financial institutions of their choice. One of said accounts is to be called The Perpetual Care Fund; the other is to be known as The Operation Fund. In said Perpetual Care Fund, it is understood that only interest or income is to be used for cemetery(ies) purposes; principal of said Fund is perpetually to be left intact, whereas both principal and interest and/or income may be used for cemetery purposes from said Operational Fund. The signatures of the Chairperson or the Secretary-Treasurer shall be necessary for depository and withdrawal of funds of said Committee.

(b) The services to be performed hereunder shall be absolute and perpetual and neither donor of the funds nor any heirs, successors or representatives of donor herein shall ever have any right, title or interest in, or authority over, these By-Laws or any money given in consideration hereof; nor shall any attachment, bankruptcy, or other legal proceedings against donor or his heirs, representatives, or assigns, affect these By-Laws, the consideration heretofore recited being absolute and unconditional.

(c) The amount deposited to The Perpetual Care Fund for care constitutes a deposit in trust forever, to be invested by the Committee from time to time with other similar funds deposited. The net income or interest arising from the principal of such Perpetual Care Fund shall be used to the extent that such income or interest is available for maintenance and overhead, maintaining and replacing fences, roadways, and walks; drains and water systems; trees, shrubs, borders, and lots; tools, machinery, and equipment; buildings, monuments, and structures; insurance coverage of all kinds; ownership and burial records; administrative services properly applicable to the operation of the cemetery(ies) and other necessary appurtenances and services at reasonable intervals and proportions, the allocations of which, out of the funds available, shall be in the discretion of the Committee.

(d) The funds deposited to The Operational Fund shall be used at the discretion of the Committee for similar purposes as outlined in Section IV (c).

(e) The Committee is hereby given the full power and authority to determine upon what cemetery property, for what purpose, and in what manner the net income or interest of The Perpetual Care Fund and funds of The Operational Fund shall be expended, and it shall expend such funds, as, in its sole judgment, it may deem advisable for the purposes mentioned heretofore. The Committee may also expend the income or interest for attorney's fees and other costs necessary to the preservation of its legal rights.

(f) The sums paid in or contributed to the funds of the Committee are expressly authorized for a charitable and eleemosynary purpose. Such funds discharge a duty, from the persons contributing, to the persons interred or to be interred in the cemetery(ies) and likewise are for the benefit and protection of the public in that the cemetery(ies) is(are) preserved and benefitted and prevented from becoming a place of reproach and desolation in the community.

(g) No graves shall be opened or closed, and no plot shall be kept in order or adorned, except by and under the supervision of the Committee, or by such person as may be designated by it; and no labor of any kind shall be performed in the cemetery(ies), except by and under the supervision and control of the Committee, or by such person as may be designated by it.

(h) The granting of a plot or plots in the cemetery(ies) to an individual or family shall be under the sole discretion of the Committee.

(i) The grading of any plot in the cemetery(ies), and all excavations and foundations in any plot for graves, disinterments, monuments, vaults, headstones, or other purposes, shall be done by the Committee or under the supervision of the Committee.

(j) All the floricultural and kindred work, including the planting of shrubs, bushes and trees, shall be done by the Committee or under the supervision of the Committee.

(k) The Committee reserves the right to remove from any plot or from the cemetery(ies), either wholly or in part, any tree or bushes that shall be, in its judgment, detrimental to any adjacent plot, path or drive, or that shall be unsightly or obstructive, or the roots or foliage of which shall interfere with any adjacent plot.

(l) The Committee shall make its own rules and regulations as to allowance of pets on the cemetery(ies), parking and driving of vehicles on the cemetery(ies) lands, visitors' rights to the cemetery(ies) and perfect any other rule or regulation it may deem appropriate for the proper operation of the cemetery(ies), all within the laws and ordinances of the State of Virginia and County of James City.

### **Section VI - Meetings & Quorum**

The Committee shall hold quarterly meetings during each fiscal year and such interim meetings as necessary to conduct the business of the Committee. Any three (3) or more members of the Committee present at a meeting shall constitute a quorum. The Committee will provide an annual report to the congregation that shall include a summary of all financial and interment records for the year.

### **Section VII - Voting and Expenses**

At any regular or called meeting of the Committee, any three (3) voters shall constitute a majority. All Officers and Directors of the Committee shall serve without salary or bonus, except that the Committee may reimburse such Officers or Directors for part of all the expenses incurred by them in connection with Committee business.

### **Section VIII - Disposition of Assets Upon Dissolution**

In the event of the dissolution of this Committee or OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH, or the Committee shall cease to carry out the objects and purposes herein set forth, all the assets under control of the Committee shall (1) be placed under control of OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH with The Perpetual Care Fund to be continued as herein stipulated; or (2) The Perpetual Care Funds are to be placed under control of a Trust Officer of the financial institution wherein the funds are deposited with the objectives to be continued as herein stipulated.

### **Section IX - Fiscal Year and Rules of Business**

(a) The fiscal year is to be the calendar year or as determined by the Committee.

(b) The rules of order for this Committee are to be Robert's Rules of Order (as revised). The Order of business is to be such as the Committee shall prescribe.

### **Section X - Effective Date**

These By-Laws shall become effective immediately upon adoption by a majority vote of the Board of Trustees of OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH present and voting and may be revised by a majority vote of the congregation at any regular or called congregational meeting.