

By-Laws

ARTICLE I

The name of this Association shall be known as “David’s Cemetery Association”.

ARTICLE II

A holder of one or more mausoleum spaces, grave spaces or columbarium spaces shall become a member of the Association, and is entitled to one vote at the annual meeting for election of members of the Board of Trustees. Joint owners shall be entitled to a divisional share of one vote equal to their respective right of ownership. The exercise of voting privileges shall be made by personal attendance, and in no other manner.

ARTICLE III

The Annual Meeting of the Association shall be in September of each year, unless otherwise directed by the Board of Trustees of the Association. Notice of the Annual Meeting shall be made ten days prior thereto by notice in a newspaper of general circulation in the area of the principal place of business. No member is entitled to any additional notice other than provided herein. The Annual Meeting of the membership shall be for the purpose of electing member-trustees, to operate and govern the Association.

ARTICLE IV

The governing body of this Association shall be the Board of Trustees. There shall be a minimum of five and a maximum of eight Trustees, with each Trustee having a term of three years each. If a vacancy occurs on the Board of Trustees by death, resignation or disability, the remaining members of the Board of Trustees may elect a successor Trustee to the vacancy who shall continue to serve until their successors are elected and qualified. The election of Trustees, at the Annual Meeting or other meeting, shall be conducted by the President, or Vice-President in the absence of the President.

ARTICLE V

At any meeting of the Board of Trustees, a majority of the Trustees shall constitute a quorum to conduct the business affairs of the Association.

ARTICLE VI

The Board of Trustees shall meet in regular or special session as often as necessary to conduct the business affairs of the Association, upon call thereof by the President, or Vice-President in the absence of the President. Each incumbent Trustee shall be entitled to at least ten days advance notice of any regular scheduled meeting.

ARTICLE VII

At the Annual Meeting of the Association, after the nomination and election of the members of the Board of Trustees for the expired terms, the Board of Trustees shall convene in open session to elect the officers of the Association. The term of the officers shall be for a period of one year, expiring after the election of the Trustees at the following Annual Meeting.

ARTICLE VIII

At any called meeting of the Board of Trustees, each Trustee shall have one vote in conducting the business affairs of the Association. A majority of the Board shall be required to amend, alter or create the by-laws of the Association. A majority of those Trustees in attendance at any legal meeting may create rules and regulations necessary for the proper operation of the Association.

ARTICLE IX

The officers of the Association shall consist of a President, Vice-President, Secretary and Treasurer, and shall be elected from the Board of Trustees.

ARTICLE X

The Board of Trustees shall establish by-laws and rules and regulations as are necessary to maintain the purposes of the Association.

ARTICLE XI

A copy of the by-laws and rules and regulations shall be maintained in an open and conspicuous place in the office of the Association and shall be furnished to any member.

ARTICLE XII

The President of the Association, in addition to other duties, herein specified, shall conduct the Annual Meeting and special meetings of the Board of Trustees, and other meetings as are necessary for the operation of the Association. He/She shall exercise all duties required by law and these by-laws, and shall sign all legal documents required to be executed by the Association, approve all cash disbursements, and such other duties usually incidental to the office of the President. He/She shall preside at all meetings of the Board of Trustees and the Annual Meeting of members, and shall call special meetings of the Board of Trustees whenever requested by two other members of the Board, or at his/her own instance.

ARTICLE XIII

The Vice-President shall discharge all duties delegated by the President; and on the absence, death or disability of the President, he/she shall perform and discharge all duties of the President.

ARTICLE XIV

The Secretary shall keep and maintain all books, papers and records and accounts of the Association, excepting the books of the Treasurer. He/She shall give notice of all meetings, countersign any instrument creating membership in the Association and maintain a minute book of all meeting of the Board of Trustees. He/She shall maintain and file with the proper government agency all reports required by state or federal law. He/She shall perform such other duties as the Board of Trustees shall direct.

ARTICLE XV

The Treasurer shall be responsible for the Association funds. He/She shall receive all funds and make disbursements after proper approval by the President or his/her designated Trustee. He/She shall be responsible for all banking requirements and represent the Board in meetings with bank officers, He/She shall maintain books of account in accordance with generally accepted accounting principles and practices. He/She shall present quarterly and annual financial reports for Board approval. He/She shall establish adequate accounting controls to assure that the Association's assets are protected as well as to see that adequate insurance protection is provided. He/She shall report to the President any indications of deficiencies. He/She shall be responsible for all Federal, State and Local tax returns and Internal Revenue Service requirements. He/She shall work closely with the Superintendent in all matters associated with office staff personnel. He/She will represent the Board in all matters with the outside auditors. He/She will serve as Chairman of the Finance Committee and other miscellaneous duties as assigned by the President.

ARTICLE XVI

The Board of Trustees shall create a Finance Committee of at least three members of the Board, who shall be responsible for funding of the Perpetual Care Fund required by the Ohio Revised Code, and who shall be trustees for said fund. The Finance Committee shall serve for a period of one year upon appointment at the Annual Meeting.

ARTICLE XVII

The Board of Trustees shall have control of all property and business of the Association.

ARTICLE XVIII

In the absence of any testamentary disposition of ownership of a grave space, crypt and/or niche, such ownership shall pass to the surviving spouse, if any; otherwise to the oldest living child if any; otherwise to the oldest living grandchild.

ARTICLE XIX

The order of business of any meeting of the Board of Trustees shall be as set forth in Robert's Rules of Order.

ARTICLE XX

All members of the Association shall abide by the by-laws and rules and regulations as enacted by the Board of Trustees. Any member may request an amendment or modification of any by-law or rule or regulation by serving the Secretary a written request at the office of the Association, stating the necessity for the amendment or hardship created by an existing by-law or rule or regulation. At the next meeting of the Board of Trustees, the requests of the membership shall be considered by the Board of Trustees. Any member may request of the President an interpretation of any rule or regulation, whose decision shall be binding until formal presentation to the Trustees at their next meeting.

ARTICLE XXI

The Board of Trustees may employ such personnel, as they deem necessary, for the proper operation of the cemetery, whether for daily functions or long-range planning. All employees serve at the direction of the Board of Trustees, through its officers, and shall have no power to alter or modify any rule or regulation approved by the Board.

ARTICLE XXII

Nominations for Trustees shall be given to the Secretary by 1, July, of each year, in writing.

David's Cemetery
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www.davidscemetery.com