

**Bylaws of the Historic  
Sylvester Cemetery Association**

Effective January 1, 2020

**ORGANIZATION:**

This Association was established as a tax-exempted non-profit 501 (c)(13) in 2003 for the purpose of preserving and maintaining the Historic Sylvester Cemetery, located in DeKalb County, Georgia. The Association shall be operated as a non-profit organization, with no personal benefit to any individual member of the Association.

The Association is composed of members who meet the burial eligibility requirements as established by the Trustees of the Association. Eligibility requirements may be amended from time to time by a simple majority vote of the Trustees. Exceptions to the eligibility requirements may be made by a unanimous vote of the Trustees.

**MANAGEMENT:**

These Bylaws provide for the management and care of the Historic Sylvester Cemetery through the elected members of a Board of Trustees, elected annually by the Association membership and a Cemetery Manager approved by a majority of the elected Board of Trustees.

**MEETINGS:**

The Board of Trustees shall set the time and place of the Annual Meeting and any additional meetings as necessary to perform their duties for the management of the Historic Sylvester Cemetery and betterment of the Association. The Annual Meeting shall be held during the month of March each year, unless otherwise designated by the Trustees. Association members shall be informed in writing by mail or email no less than fourteen days prior to said meeting. Due diligence by the Association Secretary to maintain a current contact list of the Association membership will be made to provide notice of the Annual Meeting. The Association Secretary may also elect to place a notice of the Annual Meeting in the *East Atlanta Porch Press* or another local publication a month prior to the meeting. Subsequent meetings may be held by the Board of Trustees to discuss operational or safety issues as deemed necessary by the Trustee Officers. No public notice shall be required for Trustee meetings.

## **TRUSTEES:**

Trustees shall be elected by a simple majority of Association members present at the Annual Meeting and may succeed themselves. The number of Trustees elected shall be set and approved by the Association membership at the Annual Meeting. Trustees will consist of a minimum of three officers and other board positions as designated by the Association President. A Trustee vacancy may be filled by the Association President by approval of a majority of the remaining Trustees to complete the term of that vacant position.

## **OFFICERS AND ADMINISTRATION:**

Officers shall be elected annually from and by the Association members present at the Annual Association Meeting and shall serve for the current year. Trustee election requires a quorum and simple majority of those Association members and other stakeholders present at the Annual Meeting. A majority of the current Trustees being present is required for a quorum. Officers of this Cemetery Association shall be a President, Secretary and Treasurer. These officers may succeed themselves. A majority of officers shall approve a Cemetery Manager designated by the Association President to conduct the daily operation of the cemetery and enforcement of the Cemetery Rules and Regulations in effect and any additional cemetery policies amended and approved by the elected officers of the Cemetery Association.

1. The Association President shall preside at all meetings and shall be charged with the overall responsibilities pertaining to cemetery policy, management and on-going projects and programs. He/She may appoint such individuals and committees as deemed necessary to accomplish charge of the office.
2. The Association Secretary shall keep the records of the Association Annual Meeting and subsequent Trustee proceedings and unless otherwise assigned by the President, conduct the correspondence, issue notices as are provided for in these bylaws, make application for periodic grants and perform other and further duties as the President may request including annual fundraising efforts with the Cemetery Association members and other supporters of the Historic Sylvester Cemetery.
3. The Association Treasurer shall collect all monies and issue receipts for the same. He/She shall deposit all such monies in the name of the Historic Sylvester Cemetery with a bank designated by the Board of Trustees of the Historic Sylvester Cemetery Association. This includes money derived from donations, bequests, grants and burial/maintenance fees. The Association Treasurer shall be responsible for keeping complete and accurate records of all Association monies and to make a complete

financial report to the Association membership at the Annual Meeting of the Historic Sylvester Cemetery Association. The Treasurer will also be responsible to make payment from the Association's bank account all annual licensing fees required by the City of Atlanta and the State of Georgia and for the establishment and maintenance of an electronic website for the benefit of the Historic Sylvester Cemetery. The Treasurer will also be responsible to provide accounting documentation needed for the annual filing of IRS Form 990-EZ as directed by the Association President.

## **FINANCE:**

The Board of Trustees of the Cemetery Association shall review annually and designate a depository for funds of the Association. All funds withdrawn shall be by the signature of either the President or Treasurer. Possession of the Historic Sylvester Cemetery Association checkbook and financial records shall be with the Association Treasurer. The Board shall establish procedures for the issuance of checks from the Cemetery Association's bank account and maintain the required documentation for reimbursement and/or payment for all expenses by Cemetery Trustee-authorized contractors and by the Cemetery Manager.

## **RULES AND REGULATIONS:**

The Rules and Regulations for the governance of the Historic Sylvester Cemetery Association provide for the Trustees to have full authority to prescribe such rules and regulations as necessary for the security and protection of the Historic Sylvester Cemetery property and cemetery lot owners. References made herewith to the Cemetery Rules and Regulations are set forth in the latest list of Cemetery Rules and Regulations reviewed, amended and adopted by the Board of Trustees.

## **BURIAL ELIGIBILITY:**

The Historic Sylvester Cemetery was originally established for the purpose of providing burial space for the deceased residents of Atlanta, DeKalb County, Georgia. The families, descendants and heirs of the original deed holders are eligible for burial in the Historic Sylvester Cemetery.

While the Cemetery or the Cemetery Association can not sell deeded burial plots in the Historic Sylvester Cemetery, the Board of Trustees recognizes it's responsibility to provide for the burial of residents who can not establish a familial link to an original deed holder. The

**Board of Trustees may, from time to time, grant a Certificate of Interment Right to individuals wanting to be buried in the Historic Sylvester Cemetery. Upon application for a Certificate of Interment Right to a Trustee, the full Board of Trustees will vote to provide a suitable burial site and will establish a fee to cover any incidental expenses of site preparation and to help cover the cost of maintenance of the common space of the cemetery property. This fee does not provide for Perpetual Care of the plot nor does it relieve the holder of the Interment Right the responsibility of keeping the plot in good order. A majority of the Board of Trustees is needed to approve the application and upon majority approval and payment in full of any applicable fees, the Board will direct the Cemetery Manager to work with the family of the deceased to find a suitable burial plot.**

### **AMENDMENT OF BYLAWS:**

**Any Amendment to these Bylaws shall be proposed by resolution, in writing, through a duly elected Trustee. Such resolution may be discussed, amended, or otherwise altered in accordance with parliamentary procedure, and when called for a vote, shall be balloted upon at the Annual Meeting. If the proposed Resolution or amended Resolution is adopted by a 2/3 majority vote of the members present, the same shall become effective. No vote shall be taken unless the Secretary has given written notice to all known Association Members, including the proposed changes, not less than fourteen (14) days prior to the date, time and place of such meeting.**

### **RULES FOR BURIAL:**

**Historic Sylvester Cemetery does not sell burial plots or family burial tracts. The Cemetery is operated and maintained by a Board of Trustees and their designees. The following rules for the use of the Cemetery property establish your responsibilities, those of this Association and the mortuary of your choice. They will be of guidance to you when the time comes to have a burial in the Historic Sylvester Cemetery.**

- 1. Contact one of the Cemetery Trustees and state your desire to use the Historic Sylvester Cemetery for a burial.**
  - a. Establish your eligibility to use the Cemetery with that Trustee. One of the following conditions must be met for a person to be buried at the Historic Sylvester Cemetery:**
    - 1. Provide the original or a copy of the original deed to the cemetery plot and your familial link to the original deed holder.**
    - 2. If a copy of the original deed is not available, provide a documented familial link to the original deed holder of the plot.**

