

## Chapter 1 Cemetery Board.

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### Section 2.1.10. Purpose.

The Fairfield Town Cemetery Board of Directors (hereinafter in this Title may be referred to as "Cemetery Board" or "Board.") is hereby established for the purpose of enhancing the public health, safety, morals, and general welfare of the Fairfield Town Cemetery. The cemetery shall be managed and operated by the Cemetery Board pursuant to the provisions of this chapter.

### Section 2.1.20. Board Established.

A. Cemetery Board. There is hereby created and established a Cemetery Board of Directors of the Fairfield Town Cemetery, which shall consist of three to five (3-5) members who shall be residents of the Town of Fairfield. Only one member of the Town Council is allowed to be a member of the Cemetery Board at any given time. All Directors shall be appointed by the Mayor, with the advice and consent of the Town Council, for terms as set forth below or until their respective successors are appointed.

#### B. Terms of Members:

1. The Board shall consist of three to five (3-5) members, to be appointed by the Mayor, with the advice and consent of the Town Council.
2. Each member of the Board shall serve for a term of five (5) years or until his successor is appointed. Terms shall begin on July 1st. of each year. Members' terms shall be staggered so that no more than one(1) members' term expires each year. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.
3. A board member shall not be automatically re-appointed to a second term.
4. Board members shall be residents of Fairfield Town for at least six (6) months prior to appointment.
5. Board members may be removed by the Mayor for the failure of duties, with the advice and consent of the Town Council.

**Section 2.1.30. Election of Cemetery Board Officers.** A Chairperson and Vice-Chairperson shall be elected by a majority of the Cemetery Board annually at the next regularly scheduled meeting after June 30 and at other times as required. A quorum must be present to elect the Chairperson and Vice-Chairperson. If a quorum is lacking, the Board will hold an election at the next regularly scheduled meeting at which a quorum is available.

1. The Chair and Vice-Chair shall serve terms of one (1) year. No member shall serve as Chair for more than three (3) consecutive terms.
2. In the absence of the Chair, the Vice-Chair shall have all the power of the Chair.
3. The Chairperson shall preside at all Cemetery Board meetings and have the powers generally assigned to such offices in conducting the meetings.
4. Other Responsibilities of Chair, Delegation to Vice-Chair. The Chair may delegate duties to the Vice-Chair, or may authorize the Vice-Chair to perform specific duties during his/her absence or in the case of his/her disability to perform necessary Board functions in a timely manner.
5. Managerial Responsibilities. The Chair shall conduct all meetings of the Cemetery Board, interface with the Mayor in the conduct and affairs of the Board and exercise management of the affairs of the Board consistent with these rules, Fairfield Town and State Law.

**Section 2.1.40. Duties of the Cemetery Board.**

A. Agendas.

1. The agenda for each meeting of the board shall be prepared by the Chairperson or the Chairperson's designee and said agenda shall cover all matters of business pertaining to the operation of the cemetery that is in need of discussion or approval at that time.
2. Items to be added to the agenda must be approved by the Chair or designee.
3. The agenda may be divided into sections and continue at subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
4. Copies of the agenda will be available to all Board members at least two days prior to a regular meeting date and be posted in three (3) public places and on the Public Meeting Website twenty-four (24) hours in advance of the meeting.

B. Minutes. Written minutes shall be kept of all regular and special meetings and shall be transmitted to board members following such meetings. A permanent set of minutes shall be maintained at the Town Offices, and all records of the Board shall be open to inspection during normal business hours. Copies of the minutes shall be on the Public Meeting Website.

C. Volunteers. Members of the Cemetery Board shall be deemed "volunteers" for the purposes of the Town ordinances/code, rules, regulations, and policies concerning personnel; provided, however, members shall be considered "employees" for the purposes of the Utah Governmental Immunity Act.

D. Regular Meetings. The Cemetery Board shall meet in regular meetings at a time designated by the Directors. Special meetings may be convened at any time as determined by the Town Council or the chairperson of the board upon giving notice to all members of the Cemetery Board. The absence of a member of the board from three (3) regular meetings in any four (4) month period shall have the effect of vacating the office of the member unless such absence is authorized or approved by Board action. All meetings must comply with Utah Code Annotated Title 52, chapter 4, as amended, relating to open and public meetings

**Section 2.1.50. Appointment and Compensation.**

A. Appointment and Compensation of Sexton. The Cemetery Board of Directors shall recommend a qualified person as Sexton to have immediate charge of the cemetery with such duties and compensation for his/her services as it shall fix and determine. The Mayor, with the advice and consent of the Town Council shall appoint a Sexton upon the recommendation of the Board. The Sexton shall act as the executive officer for the Cemetery Board. The Board shall appoint, upon the recommendation of the Sexton, other personnel as needed.

Upon request of the Board, and with the advice and consent of the Mayor and Town Council, the Sexton may also be deemed a Town employee. The Sexton may be compensated as approved by the Council.

B. Appointment of Recording Secretary; Duties and Compensation. The Mayor of Fairfield, with the approval of the Town Council, shall appoint a secretary to act as the Recording Secretary to serve the Cemetery Board. The Recording Secretary or designee shall post agendas and take the minutes of all proceedings of the Board, which minutes shall be the official record of all proceedings before the Board, as approved by a majority vote of the members of the Board in attendance at a meeting where a Quorum has been established. The minutes of all meetings of the Board shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with GRAMA.

Upon the request of the Board, and with the advice and consent of the Mayor and Town Council, the Recording Secretary or designee may be deemed a Town employee. The Recording Secretary may be compensated as approved by the Council.

C. Compensation for Cemetery Board of Directors. Cemetery Board Directors shall serve on a voluntary basis without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid from cemetery funds.

D. Use of Volunteers or Town Employees and Compensation. Upon request by the Cemetery Board, the Mayor or designee may provide the Cemetery Board with volunteers or Town employees and employee management, pursuant to the pay range tables and other employee policies established for Town employees. The funding, if approved for said employees, shall come from the cemetery budget.

E. Non-Paid Town Official. Any individual that has served as Mayor or on the Town Council or in any capacity as elected or appointed for four (4) years without compensation may purchase two (2) cemetery plots at a reduced rate as listed in the Fairfield Town Fee Schedule.

**Section 2.1.60. Power and Authority of Cemetery Board.**

A. The board has the authority, consistent with Fairfield Town and Utah State Statute, to adopt policies and procedures for the Fairfield Town Cemetery.

B. Upon the approval of the Town Council, the Cemetery Board shall:

1. Have control of the expenditures of the cemetery fund, in coordination with the Mayor, or designee, and within the purchasing policies and budgets established by the Town Council;

2. Have control of the construction, lease, or sale of cemetery buildings and the operation and care of the cemetery;
3. Except as set forth in this chapter or by resolution, all other administrative control with respect to the cemetery is reserved for the Mayor or designee;
4. Act as an advisory board to the Town Council on all policy and budgetary matters pertaining to the cemetery and to the Mayor in respect to the administrative powers reserved to the Mayor in this title.

**Section 2.1.70. Cemetery Maintenance.**

The Cemetery Board shall be in charge of the care and maintenance of the cemetery. They shall establish policies for its operation and, in general, carry out the spirit and intent of the state law as set forth in Utah Code Annotated section 9-7-401 et seq., as amended.

**Section 2.1.80. Space for Cemetery Board Meetings and Equipment.**

The Town staff shall establish and furnish suitable space for the meetings and business of the Cemetery Board. They shall also provide needed storage space for cemetery equipment as needed.

**Section 2.1.90. Funding.**

A. At the beginning of each year, a preliminary budget shall be prepared by the Cemetery Board and staff for the following fiscal year, which runs from July 1 to June 30. The budget draft shall be submitted to the Mayor by April 1st for inclusion in the Town budget to be presented at a public hearing with final approval by the Town Council at a regular Town Council Meeting.

B. All tax monies received for the cemetery, monies received from the sale of burial plots, as well as donated monies, shall be deposited in the Town treasury to the credit of the cemetery fund and shall not be used for any other purpose except that of the Fairfield Town Cemetery. Said fund shall be drawn upon by the authorized officers of the Town upon presentation of properly authenticated vouchers.

**Section 2.1.100. Annual Reports.**

The Cemetery Board shall make an annual report to the Town Council on the condition and operation of the cemetery, including a financial statement. The Board shall also provide for the keeping of such records.

**Section 2.1.110. Unlawful Acts.**

It shall be unlawful for any person to mark, deface, mutilate or destroy any gravestone or other property of the cemetery.

**Section 2.1.120. Penalty.**

Any person violating any provision of this section shall be guilty of a Class B Misdemeanor.