

# BY-LAWS OF THE PHILLIPS CEMETERY ASSOCIATION

REVISED & APPROVED APRIL 25, 2015

## ARTICLE I. NAME

*This organization shall be known as the Phillips Cemetery Association. Our State Charter is dated June 20, 1968, Number 248240.*

## ARTICLE II. DURATION

*The Association is now and shall always remain a non-profit corporation, and the period of its duration is perpetual.*

## ARTICLE III. OBJECTIVES

*The purpose or purposes for which the Association is organized are: to own, operate, maintain, preserve and beautify this community Cemetery.*

## ARTICLE IV. MEETINGS

*Regular stated meetings of the Association shall be held the last Saturday in April. The Officers and Board of Directors shall meet quarterly and any other time there is a need for a meeting.*

## ARTICLE V. OFFICERS AND TERMS OF OFFICE

- 1. A President shall be elected to serve for three years and also will serve as Chairman of the Board of Directors.*
- 2. A Recording/Corresponding Secretary shall be elected to serve for three years.*
- 3. A Treasurer shall be elected to serve for three years.*
- 4. Four (4) Board of Directors shall be elected to serve for four year staggered terms.*
- 5. An Officer may serve as many terms as the Association re-elects that officer.*

## ARTICLE VI. DUTIES OF OFFICERS

**Section 1.** *The President shall serve as the executive officer of the Association, preside at all meetings of the Association, serve as Chairman of the Board of Directors, exercise general supervision over the affairs of the Association and perform other duties as are ordinarily incumbent upon a President.*

**Section 2.** *The Recording/Corresponding Secretary shall keep and maintain minutes of all regular and called meetings of the Association and be responsible for any correspondence including mail-outs for meetings. Conduct such correspondence as may be required by the President and/or the Board of Directors. Also, assist the Treasurer in maintaining records of membership and meeting attendance.*

**Section 3.** *The Treasurer shall collect and bank contributions that are received, shall make a financial report at the regular meetings of the Association, shall keep complete records of all finances, and these records shall be audited as Association deems appropriate. The audit will be conducted by a committee of three (3) appointed by the President. Also, the Treasurer shall keep a record of all gravesites and those gravesites reserved, and the columbarium records, plus keep all sets of plats (manual and electronic) up to date. The Treasurer shall assist the Secretary in maintenance of membership and attendance records. The Association shall maintain a surety bond on the Treasurer.*

**Section 4.** *The Board of Directors shall at all times hold itself ready to aid and serve in an advisory capacity to the Association and make needed recommendations to the Association. Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The Board of Directors shall have the right without notice to make exceptions or modifications in any of the rules and regulations, when the same appears advisable. Any such temporary exceptions or modifications shall in no way be construed as affecting the general application of these rules and shall be permitted only as specifically allowed and approved by a majority of the Board of Directors.*

## **ARTICLE VII. VACANCIES IN OFFICE**

**Section 1.** *In the event an office becomes vacant, for any reason, the vacancy shall be filled immediately by the President subject to approval of the Board of Directors.*

**Section 2.** *Election Procedures: At the next regular meeting of the Association, the President shall announce the expiring term or vacancy. The President shall call for nominations from the floor and hold election at that same meeting. The elected individual shall then fill the unexpired term of the office.*

## **ARTICLE VIII. A. MAINTENANCE OF PHILLIPS CEMETERY**

**Section 1.** *The Cemetery Association shall direct generally all improvements within the Cemetery and upon all plots and graves, before as well as after interments have been made therein. All such action shall be taken by the Directors as the representatives of the Association membership.*

**Section 2.** *Headstones, grave markers and any other permanent structures must be approved by the Board of Directors or their appointed representatives before they are erected. They shall not encroach on any adjacent gravesite, walkway or roadway. They shall be uniform in appearance and size with the majority of existing headstones, markers and any other permanent structures in Phillips Cemetery. Footstones shall be at ground level only.*

**Section 3.** *There shall be no trees, shrubbery, plants of any kind including cactus planted, except the ones approved by the Board of Directors. If permission is granted a variance form must be signed and kept on file.*

**Section 4.** *There shall be no lights, benches, curbs, rocks and/or concrete of any type at gravesites except the ones approved by the Board of Directors. All requests must be in writing, with a diagram, and approved by the Board of Directors.*

**Section 5.** *Holders containing flowers or other decorations should be removed as soon as the flowers or decorations wither and/or fade. The right is reserved by the Association to make such removal. Glass containers are prohibited at any time.*

**Section 6.** *The Board of Directors (BOD) reserves the right to remove and correct any improvement, structure, and/or act which in the sole opinion and discretion of the BOD violates rules and regulations set out in the preceding five (5) Sections for this Article VIII.A., without the consent of the parties violating the said Section. The Directors shall provide the violating parties written notice at the address provided in the Members Agreement and Restrictions (MAR), setting forth the violation and requesting that the violation be corrected, and such notice shall be deemed effective notice to both the party signing the MAR and the family of the "Deceased" as set forth in the MAR as of the date that the letter is posted in a U.S. Post Office facility by certified mail, return receipt requested. The family of the deceased shall have four (4) weeks following notification to correct the violation. Thereafter the BOD shall have the right to correct the said violation without further notification to the party signing the MAR and to the family of the Deceased. The violating party will be responsible for reimbursing the Association for any expense incurred by the Association to correct the violation. This reimbursement must be paid within four (4) weeks of the date the BOD incurs the expense of correcting the violation. Failure of the family of the deceased to so reimburse the Association may, at the option of the BOD, result in the denial of granting future gravesites to family members of the deceased.*

**Section 7.** *All Gravesites MUST have a concrete (or better) liner.*

## **ARTICLE VIII.B. MAINTENANCE OF COLUMBARIUM NICHEs OF PHILLIPS CEMETERY**

**Section 1.** *Columbarium Niches are 11" x 6 7/8" x 7" having room for two Cremains in each niche. Family of deceased is responsible for providing a sealed container for the niche. Purchase of Niches includes engraved names of deceased along with birthdates and dates of death.*

**Section 2.** *Once Columbarium Niche is sealed, there will be a charge for opening and resealing the niche. (See Article X.B.)*

**Section 3.** *The Cemetery Association shall direct generally all improvements within and around the Columbarium and niches, before as well as after interments have been made therein. All such action shall be taken by the Directors as the representatives of the Association Membership.*

**Section 4.** *There shall be no trees, shrubbery, plants of any kind including cactus planted, except the ones approved by the Board of Directors. If permission is granted, a variance form must be signed and kept on file.*

**Section 5.** *There shall be no lighting, benches, curbs, rocks and/or concrete of any type except the ones approved by the Board of Directors. All requests must be in writing, with a diagram, and approved by the Board of Directors.*

**Section 6.** *Holders containing flowers or other decoration are not allowed. Flowers left after memorials should be removed as soon as the flowers fade and/or wither. The right is reserved by the Association to make such removal. Glass containers are prohibited at all times.*

**Section 7.** *The Board of Directors (BOD) reserves the right to remove and correct any improvement, structure, and/or act which in the sole opinion and discretion of the BOD violates rules and regulations set out in the preceding six (6) Sections for this Article VIII.B. without the consent of the parties violating the said Section. The Directors shall provide the violating parties written notice at the address provided in the Members Agreement and Restrictions (MAR), setting forth the violation and requesting that the violation be corrected, and such notice shall be deemed effective notice to both the party signing the MAR and the family of the "Deceased" as set forth in the MAR as of the date that the letter is posted in a U.S. Post Office facility by certified mail, return receipt requested. The family of the deceased shall have four (4) weeks following notification to correct the violation. Thereafter the BOD shall have the right to correct the said violation without further notification to the party signing the MAR and to the family of the Deceased. The violating party will be responsible for reimbursing the Association for any expense incurred by the Association to correct the violation. This reimbursement must be paid within four (4) weeks of the date the BOD incurs the expense of correcting the violation. Failure of the family of the deceased to so reimburse the Association may, at the option of the BOD, result in the denial of granting future gravesites to family members of the deceased.*

## **ARTICLE IX.A. ELIGIBILITY**

### **THE FOLLOWING ARE ELIGIBLE TO BE BURIED IN PHILLIPS CEMETERY:**

**Section 1.** *Current residents and their children, who live in the Dripping Springs Independent School District.*

- a. Includes stepchildren*
- b. Includes legally adopted children*
- c. Excludes foster children*
- d. Excludes live-in house guests of any duration*

**Section 2.** *Applicants with extenuating circumstances approved by a majority of the Board of Directors.*

## **ARTICLE IX.B. COLUMBARIUM ELIGIBILITY**

*Anyone may purchase a niche in the Phillips Cemetery Columbarium (no prerequisite family requirements). (See Article X.B.)*

## **ARTICLE X. A. FUNDING OF THE CEMETERY**

### **FUNDING SHALL COME FROM MEMBERS AND FRIENDS OF THE ASSOCIATION:**

**Section 1.** *The request for contribution of seven hundred fifty (\$750.00) that is made at the assignment of a gravesite will go into the general fund to be used for the upkeep, maintenance, beautification and other incurred expenses of the Cemetery. The remains of no human individual shall be buried or interred in Phillips Cemetery without a burial contribution of seven hundred fifty (\$750.00) paid to the Phillips Cemetery Association.*

**Section 2.** *Love gifts and donations are accepted and go into the general fund.*

## **ARTICLE X.B. FUNDING OF THE COLUMBARIUM**

**Section 1.** *Single cremains placed in the 11" x 6 7/8" x 7" niche costs seven hundred fifty (\$750.00) which includes engraving of name and dates to be approved by family.*

**Section 2.** *One additional cremains in the same niche is three hundred seventy-five (\$375.00) which includes engraving of name and dates to be approved by family. This price also includes the opening and resealing of the niche.*

**Section 3.** *Once Columbarium Niche is sealed, there will be a charge of fifty (\$50.00) to reopen and reseal for other than Section 2 above.*

**Section 4.** *Love gifts and donations are accepted and go into the general fund.*

## **ARTICLE XI. A. ASSIGNMENTS OF GRAVESITES**

**Section 1.** *Gravesites are assigned, not sold, and granted only as needed. (See Article IX.A.)*

**Section 2.** *Two members of the Board of Directors must concur in granting a gravesite.*

**Section 3.** *At the time of assignment for a gravesite, applicant may reserve one plot if the deceased is a spouse or two plots if the deceased is a child with two (2) surviving parents.*

**Section 4.** *Extenuating circumstances will be considered by the Board of Directors, and have to be approved by a majority of the Board. The Board of Directors reserves the right to rescind the assignment of any gravesite.*

**Section 5.** *All gravesite assignments approved as of April, 1998, remain unchanged, unless changed in writing by the survivors of the reservation(s).*

## **ARTICLE XI.B. RESERVATIONS FOR COLUMBARIUM**

**Section 1.** *Columbarium Niches may be sold in advance to anyone requesting a Niche (no prerequisite family requirements).*

**Section 2.** *Payment in full is required for reservation of a Columbarium Niche. (See Article X.B.)*

## **ARTICLE XII. COMMITTEES**

*Standing committees or special committees may be created by appointment of the President, who will appoint the chairman and members and announce such appointments at a regular meeting of the Association.*

## **ARTICLE XIII. PARLIMENTARY AUTHORITY**

*Any person who is duly elected to office in the Association shall be deemed to have accepted these By-Laws and shall be bound by them in all respects.*

## **ARTICLE XIV. PROCEDURE FOR NEW BUSINESS**

*Any member of the Association may present a matter they feel should be considered by the Association.*

## **ARTICLE XV. AMENDMENTS**

*Any amendment to these By-Laws may be adopted by a two-thirds (2/3) vote of the members present, at any meeting, provided notice of the proposed amendment has been sent to the Association members prior to the meeting at which an amendment is to be considered.*