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ORDINANCE NO. 90- 52  
AN ORDINANCE CREATING A BOARD OF MANAGERS  
FOR THE VILLAGE CEMETERY OF THE VILLAGE OF CHATHAM;  
ESTABLISHING THE POWERS AND DUTIES OF THE BOARD OF MANAGERS;  
AUTHORIZING THE TRANSFER OF CERTAIN FUNCTIONS AND FUNDS  
PERTAINING TO THE CEMETERY TO THE BOARD OF MANAGERS; AND  
REPEALING CERTAIN PROVISIONS OF ORDINANCES OF THE VILLAGE

WHEREAS, the Village of Chatham owns and operates a cemetery established by Ordinance No. 80-4 and Ordinances prior thereto; and

WHEREAS, the Village Board has heretofore engaged in the operation and management of the cemetery for the benefit of the Village; and

WHEREAS, the Village Board deems it advisable to create a Board of Managers for the Village cemetery and vest the Board of Managers with powers with respect to the operation, maintenance and funding of the cemetery in order to provide better control of the cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM:

SECTION 1. The creation and establishment of the Chatham Municipal Cemetery in the Village of Chatham, Illinois, is hereby ratified and confirmed.

SECTION 2. There is hereby established pursuant to Section 11-52.2-1 of the Illinois Municipal Code, Ill. Rev. Stat., Ch. 24, for the management, care, and maintenance of the cemetery, a Board of Managers who shall be composed and shall have the powers and duties as set forth hereinafter.

SECTION 3. The President shall appoint, with the advice and consent of the Village Board, 5 persons to the Board of Managers of the Chatham Municipal Cemetery (hereinafter "Board of Managers"). Initially, 2 managers shall be appointed for a 3-year term; 2 managers shall be appointed for a 4-year term; and, 1 manager shall be appointed for a 5-year term. The terms of the appointed managers shall commence January 1, 1991. The President and Chairman of the Human Services Committee of the Village Board are ex officio, nonvoting members of the Board of Managers. The Village Board may remove from office any or all of the appointed Managers or the Treasurer for nonperformance of duties or for misappropriation or wrongful use of the funds or property, and may require a just and proper accounting for the same.

SECTION 4. As soon as practical after their appointment, the Board of Managers shall meet and elect from their number one manager to act as the President of the Board of Managers; one manager to act as the Clerk of the Board of Managers and one manager to act as the Treasurer of the Board of Managers. The manager elected Treasurer of the Board shall execute a bond payable to the people of the State of Illinois for the use of the Board of Managers in a penal sum of not less than double the value of such money or funds coming into his or her possession as such Treasurer, conditioned for the faithful performance of his duties and for the faithful accounting for all money or funds which by virtue of his or her office comes into his possession,

and shall be in such form and with such securities, and preserved in the same manner, as the bond of the Treasurer of the Village.

SECTION 5. The Board of Managers shall serve without compensation except for expenses actually incurred, which shall be reimbursed in accordance with Village reimbursement policies. The Board of Managers shall meet at least monthly until July, 1991 and at least quarterly thereafter. Meetings of the Board of Managers shall be subject to laws and ordinances regarding open meetings.

SECTION 6. The Board of Managers shall have the following powers with respect to the control, maintenance and operation of the Village Cemetery:

- A. It shall have charge and control of the Village Cemetery.
- B. It shall promulgate rules and regulations for the efficient operation of the cemetery, subject to approval by resolution of the Village Board.
- C. It shall receive and hold money, funds and property in perpetual trust for the maintenance, care, repair, upkeep or ornamentation of the cemetery.
- D. It shall accept gifts, donations and bequests of money, funds and property for the use and benefit of the Village Cemetery.
- E. It shall prevent and prohibit any division of lots in the cemetery or the erection or placing of any monument, tombstone, or fixture which may be unsightly or improper,

*incl. Fee schedule*

and direct and cause to be removed all unsightly and improper improvements, adornments and enclosures, monuments, tombstones and fixtures.

F. It may contract with the owners, or other interested parties, for the maintenance and repair of foundations of monuments and vaults on cemetery lots.

G. It may expend receipts from whatever source when necessary to maintain and improve the cemetery. However, the board shall only spend money actually in cemetery funds not held in trust.

H. It shall keep the cemetery in good repair and order, and enforce the ordinances of the Village and rules and regulations established by the Board of Managers in relation to the cemetery and shall report violations to the President or any police officer for prosecution. It shall supervise the workmen or laborers employed in any improvements of the cemetery.

I. It shall keep a plat of the cemetery and a numerical list of all the blocks, squares, and lot numbers thereon. The name of the owner shall be marked opposite the block or square or part thereof sold.

J. It shall cause to be dug all graves, attend to the interment of all dead bodies and fill up, trim, keep and preserve the graves in good order. The depth of each grave shall be in accordance with currently accepted practice and

standards generally in use in recognized, reputable cemeteries.

K. It shall keep a record of the lots, niches and crypts for which trust fund care has been provided, and provide such care to the respective grounds, lots, niches and crypts so far as the income of the funds shall permit. It shall report the cost of the care of such lots, niches and crypts annually to the Village Board of Trustees and from time to time report the conditions of the lots, niches and crypts under trust fund care.

SECTION 7. On or before April 15, 1991, and each April 15 thereafter, the Board of Managers shall adopt and forward to Board of Trustees of the Village:

A. A budget for the operation, maintenance and preservation of the cemetery. Such budget shall include a detailed statement of receipts and expenditures projected to be received and expended from May 1 of the year of submission to the following April 30.

B. A schedule of fees and charges for the purchase of burial plots and charges for services of the cemetery to be charged which shall be effective from May 1 of the year of submission until the following April 30.

Upon receipt of such items from the Board of Managers, the Village Board shall consider said items and shall approve them as submitted or with such alterations, revisions or amendments as

the Village Board deems appropriate, as reflected in the annual Village appropriation ordinance.

SECTION 8. The Treasurer of the Board of Managers shall have the custody of all money and property received in trust by the Board of Managers and shall pay out the same only upon the written order of the Board of Managers, signed by the President and Clerk thereof. The Treasurer shall keep permanent books of record of all such trust funds and all receipts and disbursements thereof, and for what purposes received and disbursed, and shall annually make a written report to the Board of Managers, under oath, showing balances, receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested. The report shall be audited by the Board of Managers and if found correct, shall be transmitted to the Village Board at the same time that the Treasurer of the Village is required by law to make his report, and to be approved and preserved in the same manner, if found to be correct.

SECTION 9. The Clerk of the Board of Managers shall keep, in a book provided for such purposes, a permanent record of the proceedings of the Board of Managers, signed by the President and attested by the Clerk, and shall also keep a permanent record of the several trust funds from what sources received, the amounts thereof and for what uses and purposes, respectively. The Clerk shall provide copies of minutes after their approval to the Village Clerk, President and Chairman of the Village Board Human Services Committee.

SECTION 10. There is hereby established a trust fund named "Village of Chatham Cemetery Care Trust" which shall be in the custody and control of the Board of Managers and shall be administered as provided in this section.

A. Any person may give, donate or bequeath any sum of money or any funds, securities, or property of any kind to the Board of Managers, in perpetual trust, for the maintenance, care, repair, upkeep or ornamentation of such cemetery, or any lot or lots, or grave or graves in such cemetery, specified in the instrument making such gift, donation or legacy. The Board of Managers are hereby authorized and empowered to receive and hold in perpetual trust, any such money, securities, funds and property so given, donated or bequeathed to it in trust. The principal of such trust fund shall be kept intact, and perpetually invested, and the income thereof, shall be perpetually applied for the purposes specified, in the instrument making such gift, donation or legacy and for no other purpose.

B. All funds or property received in trust on the purchase of lots or as gifts, grants, bequests, devises or contributions under or pursuant to trust fund care agreements shall be placed in the custody of a bank or trust company designated by the Board of Managers. The funds shall be invested pursuant to guidelines promulgated by the Board of Managers under the laws of Illinois relating to proper fiduciary investments.

C. The expense of managing, investing and caring for the trust funds vested in the Board of Managers shall be paid from the income of those funds. The net income from the investment of such trust funds, after management, investment and care expenses, shall be allocated and used for the care of the lots and the general care and maintenance of the cemetery subject to the terms and provisions of the respective purchase agreements, trust fund care agreements, gifts, grants, devises, contributions and bequests, the deeds issued by the Board of Managers, the ordinances of the Village and the laws of the State of Illinois.

D. The Board of Managers shall consult from time to time with the Village Treasurer and the Financial Advisory Committee of the Village regarding cemetery finances.

E. The Board of Managers shall, in consultation with the Village Attorney, develop a standard form cemetery lot purchase agreement which will provide for a portion of the purchase price to be placed in perpetual trust for the maintenance, care, upkeep and ornamentation of the entire cemetery.

SECTION 11. The Board of Managers shall have its initial meeting in January, 1991. On or before June 1, 1991, the Board of Managers shall prepare for review and approval of the Village Board, a set of rules and regulations for the cemetery.

SECTION 12. This Ordinance is effective January 1, 1991. All prior ordinances of the Village pertaining to cemeteries are



repealed, except that rules and regulations pertaining to the cemetery which are currently in effect shall remain in effect until superseded by regulations of the Board of Managers.

SECTION 13. The proper officers of the Village are authorized and directed to implement this Ordinance and to render technical, financial and legal advice to the Board of Managers and to assist the Board of Managers in its operations.

PASSED by the President and Board of Trustees of the Village of Chatham and filed in the office of the Village Clerk of Chatham, Illinois, on \_\_\_\_\_, 1990.

VILLAGE OF CHATHAM

{Seal}

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_