

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

BEING A BY-LAW to govern the appointment of additional officers for the Cemetery Board of the St Andrew's Presbyterian Cemetery of Richmond, Ontario, to establish roles and responsibilities for all officers, and to establish additional business practices for the operation of the Cemetery Board,

WHEREAS the St Andrew's Presbyterian Cemetery was established in the year of our Lord, one thousand eight hundred and forty-five (1845) consisting of Lot 11, Maitland Street West, and Lot 11, Fortune Street East in the Village of Richmond in the Township of Goulbourn,

AND WHEREAS the said Cemetery is owned by the St Andrew's Presbyterian Church of Richmond, Ontario and operated by means of an elected Board of Trustees, called the Cemetery Board, which derives its authority from the Session and congregation of the church and acts on their behalf,

AND WHEREAS the elected Board of Trustees deems it necessary to establish a By-Law to define roles and responsibilities of officers of the Cemetery Board and to define minimum business practices for the operations of the Board,

BE IT THEREFORE enacted as a By-Law of the St Andrew's Presbyterian Cemetery of Richmond, Ontario, under the direction of the Board of Trustees, and which shall come into full force and effect on the date of passing.

READ A FIRST TIME

THIS 22 DAY OF December, 1993

Eileen A Brown  
Secretary-Treasurer

M. C. Story  
Chairman of the Board

READ A SECOND AND THIRD TIME, SHORT AND PASSED

THIS 28 DAY OF APRIL, 1994

Carrie Fyfe  
Secretary-Treasurer

M. C. Story  
Chairman of the Board

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AND WHEREAS the said Cemetery is owned by the St Andrew's Presbyterian Church of Richmond, Ontario and operated by means of an elected Board of Trustees, called the Cemetery Board, which derives its authority from the Session and congregation of the church and acts on their behalf,

AND WHEREAS the elected Board of Trustees deems it necessary to establish a By-Law to define roles and responsibilities of officers of the Cemetery Board and to define minimum business practices for the operations of the Board,

BE IT THEREFORE enacted as a By-Law of the St Andrew's Presbyterian Cemetery of Richmond, Ontario, under the direction of the Board of Trustees, and which shall come into full force and effect on the date of passing.

READ A FIRST AND SECOND TIME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1994

\_\_\_\_\_  
Secretary-Treasurer

\_\_\_\_\_  
Chairman of the Board

READ A THIRD TIME, SHORT AND PASSED

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1994

\_\_\_\_\_  
Secretary-Treasurer

\_\_\_\_\_  
Chairman of the Board

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

APPOINTMENT OF ADDITIONAL OFFICERS,  
ROLES AND RESPONSIBILITIES OF ALL OFFICERS,  
AND  
ADDITIONAL BUSINESS PRACTICES OF THE CEMETERY BOARD

TABLE OF CONTENTS

1.00 PREFACE - GENERAL INFORMATION	PAGE 3
2.00 DEFINITIONS	PAGE 3
3.00 APPOINTMENT OF ADDITIONAL OFFICERS	PAGE 5
4.00 ROLES AND RESPONSIBILITIES OF ALL OFFICERS	PAGE 5
5.00 ADDITIONAL BUSINESS PRACTICES OF THE CEMETERY BOARD	PAGE 7
6.00 SCHEDULE 'A' - ANNUAL FINANCIAL STATEMENT	PAGE 11

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

1.00 PREFACE - GENERAL INFORMATION

- 1.01 The "St Andrew's Presbyterian Cemetery of Richmond, Ontario" is owned and operated by the St Andrew's Presbyterian Church of Richmond, Ontario, primarily for the use of members of the congregation.
- 1.02 The Cemetery is directed and managed by a board of three or more trustees duly elected on a regular basis by the members of the congregation at the Annual General Meeting of the Church, which meeting is normally held in January or February of each year.
- 1.03 The Cemetery currently requires the financial support of the Church to meet its moral obligations and legal obligations under the Cemeteries Act. However, the vision for the future of the Cemetery is that it will be a self-sustaining non-profit entity within the Church's program. This By-law is drafted with that vision in mind.

2.00 DEFINITIONS

- 2.01 Cemetery shall mean the existing cemetery owned and operated by the St Andrew's Presbyterian Church of Richmond, Ontario, located on Lot 11, Maitland Street West, and Lot 11, Fortune Street East in the Village of Richmond in the Township of Goulbourn.
- 2.02 Church shall mean the St Andrew's Presbyterian Church of Richmond, Ontario.
- 2.03 Congregation shall mean the congregation of the Church when meeting in an official congregational meeting, such as the Annual General Meeting held on or about January of each year.
- 2.04 Session shall mean the board of elders who govern operation of the Church.
- 2.05 Ministry shall mean the Ministry of Consumer and Commercial Relations of the Province of Ontario.
- 2.06 Cemeteries Act shall mean the Cemeteries Act (Revised) 1992, being chapter 4 of the Revised Statutes of Ontario,

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

including the approved regulations duly issued under authority of the Cemeteries Act.

- 2.07 Constitution shall mean the constitution of the St Andrew's Presbyterian Cemetery of Richmond, Ontario, duly approved and passed by the Congregation.
- 2.08 Trustee shall mean a person who is duly elected by the Congregation, or otherwise duly appointed, in accordance with the terms of this constitution for the governance of the operations of the Cemetery.
- 2.09 Cemetery Board shall mean the board of all Trustees who are duly elected by the Congregation, or otherwise duly appointed, for the governance of the operations of the Cemetery.
- 2.10 Annual Installation Meeting shall mean the annual meeting of the Cemetery Board for the installation of officers, as prescribed in the Constitution.
- 2.11 Chairman shall mean the Chairman of the Cemetery Board duly elected by the Cemetery Board at their Annual Installation Meeting in accordance with the terms of the Constitution.
- 2.12 Secretary-Treasurer shall mean a Trustee appointed by the Cemetery Board from among its members to administer the records and financial details of the Board.
- 2.13 Caretaker shall mean a Trustee appointed by the Cemetery Board from among its members to maintain and care for the grounds, monuments and general property of the Cemetery.
- 2.14 Plan shall mean the official plan of the Cemetery grounds, maintained by the Secretary-Treasurer, showing the designated areas such as lots, plots, sections, walkways, the vehicle avenue, etc.
- 2.15 Section (or Row) shall mean a designated row of several lots as shown on the Plan and marked by a capital alphabetic letter, or pair of letters.
- 2.16 Lot shall mean an area of land in the Cemetery on the Plan having a size by dimension of 4'0" by 11'0" and intended for the interment of human remains.

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

- 2.17 Plot shall mean a contiguous area of land consisting of one or more lots side by side and for which the Cemetery Board has issued a single outstanding Certificate of Interment Rights.
- 2.18 Rights Holder shall mean the holder of Interment Rights for a plot, normally documented by a Certificate of Interment Rights duly issued by the Cemetery Board.
- 2.19 Trust Funds shall mean that amount of monies from the sale price of a lot as set aside and deposited with a trust company for investment of which the interest proceeds will be used for Care and Maintenance of the Cemetery property and the monuments, as per the Cemeteries Act.
- 2.20 Trust Account shall be the account or accounts with The Public Trustee, Ministry of the Attorney General, 145 Queen Street, Toronto, Ontario, who administers the Trust Funds as directed by the Board of Trustees.
- 2.21 General Account shall mean the local bank account(s) established by the Cemetery Board in accordance with the Cemeteries Act to maintain the Cemetery property and monuments. This term includes all such chequing and savings accounts.
- 3.00 APPOINTMENT OF ADDITIONAL OFFICERS
- 3.01 The Cemetery Board is to appoint a Secretary-Treasurer from among its member Trustees, which appointment must be renewed each year at the Annual Installation Meeting.
- 3.02 The Cemetery Board is to appoint a Caretaker from among its member Trustees, which appointment must be renewed each year at the Annual Installation Meeting.
- 4.00 ROLES AND RESPONSIBILITIES OF ALL OFFICERS
- 4.01 The Chairman of the Cemetery Board will be responsible for the following:
- a. As incumbent Chairman, to convene and initially chair the Annual Installation Meeting, as per the Constitution;

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

- b. As incumbent Chairman, to preside over the annual election for the position of Chairman, as per the Constitution;
  - c. As recently elected Chairman, to chair the remaining items on the standard agenda of the Annual Installation Meeting;
  - d. To liaise with the Congregation and with Session;
  - e. To receive direction from the Congregation or from Session;
  - f. To convene and chair meetings of the Cemetery Board from time to time during the term of office as required;
  - g. To prepare and submit an annual financial account to Session, in the format prescribed in this Bylaw, in time to be included in the Church's Annual Report to the Congregation;
  - h. To provide general oversight of the operations of the Cemetery to ensure that all activities are consistent with the limitations prescribed in the Cemeteries Act, direction received from the Church, and all approved Bylaws of the Cemetery Board; and
  - i. To oversee the development, modification, passing and approval (by the Ministry) of any Bylaws which may be deemed necessary.
- 4.02 The Secretary-Treasurer of the Cemetery Board will be responsible for the following:
- a. To maintain the records and financial accounts of the Cemetery Board, including the General Account, the Trust Account, minutes of meetings, and records of transactions with Rights Holders;
  - b. To maintain a list of all active and historical files;
  - c. To ensure a log is maintained of all active files which have been signed out to the homes of officers of the Cemetery Board;

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

- d. To ensure all meetings of the Cemetery Board are properly minuted;
  - e. To manage the sale and re-purchase of Interment Rights, including execution of contracts, issuance of Certificates of Interment Rights, and processing of transfers;
  - f. To receive 'Notifications of Intent to Inter' from Rights Holders, to review various items of related documentation provided by Rights Holders and to approve or not approve various requests from Rights Holders, on behalf of the Cemetery Board, as appropriate; and
  - g. To act as chairman in his/her absence, when required.
- 4.03 The Caretaker of the Cemetery Board will be responsible for the following:
- a. To oversee the ongoing maintenance of the Cemetery grounds, including cutting of grass, removal of weathered or withered decorations and leveling of sunken graves;
  - b. To oversee the opening of lots for interments and disinterments;
  - c. To oversee the placement and removal of foundations, monuments, markers and corner posts, including the placement of temporary wooden markers to guide the work of contractors; and
  - d. To oversee the correction of problems with monuments, markers, trees, shrubs, obstructions or faults on the Cemetery grounds.
- 5.00 ADDITIONAL BUSINESS PRACTICES OF THE CEMETERY BOARD
- 5.01 All activities of the Cemetery Board will be motivated by christian charity, trust and respect for the living and the dead.
- 5.02 The Cemetery office will be co-located with the Church office, located at 3529 McBean Street, Richmond, Ontario.

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

The operating licence of the Cemetery will be prominently displayed on a wall in the Cemetery office. The historical records of the Cemetery will be maintained in a cabinet in the Cemetery office.

- 5.03 Active files and records of the Cemetery may be maintained in the homes of officers of the Cemetery Board, but such files must be noted in a log and signed out from the Cemetery office by the responsible officer.
- 5.04 All meetings of the Cemetery Board must be arranged at a time agreeable to all Trustees.
- 5.05 All decisions of the Cemetery Board, while sitting, will be by unanimous agreement of all Trustees present.
- 5.06 A meeting of the Cemetery Board will be considered to have a quorum if more than fifty percent of all Trustees are present.
- 5.07 All meetings will be recorded in minutes which will be available to the Trustees within thirty calendar days after the meeting.
- 5.08 The Cemetery Board will prepare an Annual Financial Statement as per Schedule 'A', attached hereto.
- 5.09 Whereas the Cemetery currently does not generate sufficient funds to carry on its business, and whereas the Church regularly pays for work done on behalf of the Cemetery Board, and whereas the Cemetery is to henceforth be operated as a self-sustaining program:
  - a. Any funds required of the Church by the Cemetery Board must be obtained in the form of a re-payable interest-free loan, approved by the Board of Managers of the Church;
  - b. The amount of the loan(s) and the terms of repayment are to be negotiated between the Board of Managers of the Church and the Cemetery Board, and must be within the limitations of the Cemeteries Act;
  - c. The aggregate amount of all such loans from the Church to the Cemetery Board, starting at year 1993, will be

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

reported in the Annual Financial Statement of the Cemetery Board, which will become part of the Church's Annual Report; and

- d. Should the Cemetery Board report a surplus of discretionary funds at the end of any fiscal year, the congregation or the Session may direct a repayment of a portion of outstanding loans.
- 5.10 The standard agenda of the Annual Installation Meeting of the Cemetery Board will include:
- a. Election of the Chairman (to be presided over by the incumbent Chairman);
  - b. Appointment of the Secretary-Treasurer and Caretaker;
  - c. Review of the finances of the Cemetery Board (by outgoing/incoming Secretary-Treasurer);
  - d. Review of the Public Records (by the outgoing/incoming Secretary-Treasurer);
  - e. Review of issues of public safety (by the outgoing/incoming Caretaker);
  - f. Preparation of notification to the Ministry about licencing fees (if required), trust account status, change of Trustees, and any other matters that need to be reported.
- 5.11 The Annual Installation Meeting will be chaired initially by the incumbent Chairman, or in the case he/she is not available, by the incumbent Secretary-Treasurer. The first item on the agenda must be election of the new Chairman. Once elected, the new Chairman will take over the agenda provided by the incumbent Chairman.
- 5.12 All cheques drawn against the accounts of the Cemetery Board require the signature of at least two of the Chairman, the Secretary-Treasurer or the Caretaker.
- 5.13 Except for the repayment of loans negotiated from the Church under clause 5.09 above, Cemetery funds will not be transferred to Church accounts or used to pay Church bills.

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

- 5.14 The Cemetery Board will offer services such as selling interment rights, managing the use of Cemetery assets by rights holders, and establishing and overseeing rules and regulations governing the operation of the Cemetery. The Cemetery Board shall otherwise offer the minimum of services and supplies consistent with ownership of an active cemetery, and shall facilitate access to the Cemetery by commercial services, contractors and suppliers acting on behalf of Rights Holders.

ST ANDREW'S PRESBYTERIAN CEMETERY

BYLAW 94-001

6.00 Schedule 'A' - Annual Financial Statement

Year Ending 31 December, 19\_\_.

6.01 General Account:

a. Bank Balances - 1 Jan \_\_:

Savings	\$ x,xxx.xx	
Chequing	\$ x,xxx.xx	
On Hand	<u>\$ x,xxx.xx</u>	\$ x,xxx.xx

b. Receipts:

Lot Sales	\$ x,xxx.xx	
Donations	\$ x,xxx.xx	
Loan from Church	\$ x,xxx.xx	
Interest: Bank	\$ x,xxx.xx	
Trust Fund	<u>\$ x,xxx.xx</u>	<u>\$ x,xxx.xx</u>
		\$ x,xxx.xx

c. Disbursements:

Insurance	\$ x,xxx.xx	
Grass Mowing	\$ x,xxx.xx	
Caretaker	\$ x,xxx.xx	
Monument Mtce.	\$ x,xxx.xx	
Transfer to Trust Fund	\$ x,xxx.xx	
Repayment to Church	\$ x,xxx.xx	
Miscellaneous	<u>\$ x,xxx.xx</u>	\$ x,xxx.xx

d. Bank Balances - 31 Dec \_\_:

Savings	\$ x,xxx.xx	
Chequing	\$ x,xxx.xx	
On Hand	<u>\$ x,xxx.xx</u>	<u>\$ x,xxx.xx</u>
		\$ x,xxx.xx

6.02 Care and Maintenance Trust Account:

[The Public Trustee]

a. Balance - 1 Jan __	\$ x,xxx.xx	
b. Receipts	\$ x,xxx.xx	
c. Interest	<u>\$ x,xxx.xx</u>	\$ x,xxx.xx
d. Interest Disbursements	\$ x,xxx.xx	
e. Balance - 31 Dec __	<u>\$ x,xxx.xx</u>	\$ x,xxx.xx