

Delaware Cemetery Board Bylaws

Article 1 – Name and Type of Board

The name of the Board shall be known as the Delaware Cemetery Board. The Board is a public board, which is governed by 29 *Del. C.*, c. 79A, Cemetery Registration and Distressed Cemetery Fund, c. 100. Freedom of Information Act and Governor's Executive Orders relating to state emergencies.

Article 2 – Mission

The mission of the Delaware Cemetery Board is to provide for the registration of cemeteries in Delaware, to refer complaints from the public related to cemeteries appropriately, and to monitor and administer a fund that can be used to ameliorate the conditions in a distressed cemetery.

Article 3 – Board Composition and Terms

The Delaware Cemetery Board shall consist of five members appointed by the Secretary of the Delaware Department of Health and Social Services including three owners or operators of a cemetery and two public members.

Each member shall serve for three years and may successively serve additional terms. A person appointed to fill a vacancy on the Board in the middle of a term shall serve the remainder of the unexpired term of the former member and may renew if desired.

By law, members of the Board shall serve without compensation. However, they may be reimbursed for reasonable and necessary expenses related to their duties to the extent the funds are available, and the expenditures are in accordance with State laws and regulations.

Administrative support for the Delaware Cemetery Board shall be provided by the State Division of Public Health, Delaware Health Statistics Center (DHSC).

Article 4 – Selection of Chair

The Chair of the Delaware Cemetery Board shall be elected by the other board members, and the Chair's term of service shall be for three years. Upon completion of the Chair's term, the Board may re-elect the current Chair or elect another member of the Board.

The Chair of the Delaware Cemetery Board can be any member of the Board except for staff from the State Division of Public Health and any other state agency personnel.

Article 5 – Chair and Board Duties

Section 1 – Chair Duties

The Chair shall provide an agenda for each meeting, preside at all meetings of the Delaware Cemetery Board, or designate a board member to conduct the meeting in his/her absence, preserve order during the meetings, form committees as necessary, approve the members of committees, serve as an ex-officio member of such committees, sign all documents connected with the activities of the Delaware Cemetery Board or its committees requiring such signature, and be responsible for facilitating the policies adopted by the Delaware Cemetery Board or its committees.

Section 2 - Meeting Attendance

The Board members must make every effort to attend two out of three public meetings in person at the anchor location. Absences due to illness, vacations, and emergencies are considered excused, but the Board member must provide written notice to the Chair and/or DHSC administrative support staff as soon as possible before the meeting to ensure there is a quorum.

Section 3 – Resignation from Board

Before board terms expire, the DHSC administrative support staff will ask the board members if they would like to renew.

All board members must provide written notification of their intent to resign from the board to the Chair who will notify the DHSC administrative support staff.

Article 6 – Meetings

The Delaware Cemetery Board shall hold regularly scheduled meetings and at such times as the Chair deems necessary or at the request of a majority of the Board Members.

Section 1 - Notice of Meetings

Notice of the date/time, location, and a draft meeting agenda shall be given, in writing, to all board members in advance of the meeting. Any notices of the public meetings must adhere to 29 *Del. C.*, § 10004 (e). Any matters not included in the agenda may be considered for discussion upon a favorable vote of a majority of the members in attendance. Notice of special meetings and intended agenda items for special meetings shall be given to all board members in advance.

Section 2 - Minutes of Meetings

The DHSC administrative support staff shall maintain accurate minutes of all Delaware Cemetery Board meetings. Minutes shall include, but not be limited to, a record of all Cemetery Board actions, attendance at meetings, and a summary of discussions. The draft minutes of each meeting shall be sent to each Cemetery Board member two weeks after a meeting and shall be included in the board packet for the following meeting. Minutes will be made available to the public in accordance with 29 *Del. C.*, § 10004, (f).

Article 7 - Voting

Section 1 - One Vote

Each Delaware Cemetery Board member shall be entitled to one vote. Decisions will be made with a simple majority vote.

Section 2 - Abstentions

Delaware Cemetery Board members may register their abstention on any vote which shall be reflected in the minutes.

Article 8 - Amendments of Bylaws

These bylaws may be amended or replaced upon the affirmative majority vote of the Delaware Cemetery Board at any meeting of the Board, provided that any proposed changes have been given to all Board members at least two weeks prior to any action at a meeting.