

Greene County Indiana Cemetery Commission

By Laws

Article I

General

Section 1: Name

The Greene County Cemetery Commission (hereinafter "Commission") was created and exists pursuant to the laws of the state of Indiana and shall be known as the Greene County Cemetery Commission (IC 23-14-67 et seq.). The Commission is an agency of the Civil County of Greene, state of Indiana and was established by a resolution of the Greene County Board of Commissioners in 2013.

Section 2: Purpose

The purpose of this Commission is to identify and resource efforts to restore and maintain one (1) or more eligible cemeteries within the county. Per IC 23-14-67 section 1, a cemetery eligible for the Commission's assistance:

- (1) is without funds or sources of funds for reasonable maintenance;
- (2) has suffered neglect and deterioration;
- (3) may be the burial grounds for an Indiana pioneer leader or veteran of an American war, including the Revolutionary War; and
- (4) either:
 - (A) was established before 1875; or
 - (B) is a burial ground for a veteran of the Civil War.

Section 3: Policy Statement

It shall be the policy of this Commission to give due consideration to the concerns of private property owners on which any burial grounds are located and will act in concert with County Commissioners, Township Trustees, government or private Cemetery Associations and/or entities located in Greene County, Indiana.

Article II

Membership and Duties

Section 1: Members

The Commission shall consist of five (5) residents of Greene County who are appointed by the Greene County Commissioners pursuant to IC 23-14-67-2.

Section 2: Duties

The Commission shall meet each year in the month of January for the purpose of organizing, and reorganizing the Board of the Commission, and shall elect a President, a Vice President, and Secretary.

- (1) The President of the Commission shall preside over all meetings of the Commission according to an agenda approved by the President of the Commission and shall conduct the meeting in accordance with "Roberts Rules of Order." The President shall maintain records of monies available and spent and shall work with the Greene County Auditor to file necessary reports, forms, and invoices.
- (2) The Vice President shall conduct all meetings in the absence of the president and shall assume the office of president should that office become vacant.
- (3) The Secretary shall record and preserve minutes of all meetings of the Commission and make them available upon request. The Secretary shall also maintain the List of Cemeteries and all records generated by the Commission.
- (4) Members of the Commission, inclusive of positions above, shall conduct inspections of cemeteries in coordination with the property owner as necessary. Members shall gather and provide information in the development of the List of Cemeteries and develop, document, and execute cemetery restoration projects.

Article III

Meetings

Section 1: Meetings

Meetings of the Commission, unless altered by the Commission, will be held monthly at a regular time and place. These meetings will be open to the public and notice of the meetings will be provided to the media by the County Attorney and posted as required by law.

Section 2: Quorum

At any meeting of this Commission, a quorum shall be necessary to conduct business. A quorum shall exist when at any such meeting three (3) or more, members of the Commission are present.

Article IV

Reports and Budgets

Section 1: Plan and Budget

The Commission shall prepare an annual budget before July 1 for the ensuing year and present it to the County Auditor, County Commissioners, and County Council for approval at an appropriate time and in a timely fashion.

Section 2: Annual Report to the County

The Commission shall prepare and present an annual report to the County Commissioners and County Council during the month of March. This report shall include a review of expenditures for the previous year, and a presentation of activities (such as inspection, recording, restoration efforts of cemeteries) planned and scheduled for the ensuing year.

Section 3: Annual Report to the Historical Bureau

Before March 1st each year, the Commission shall file an annual report with the Indiana Historical Bureau. The report should include, at a minimum, information regarding:

- (1) The budget of this Commission for the preceding calendar year,
- (2) Expenditures made by this Commission during the preceding calendar year,
- (3) A listing of activities of the Commission during the preceding calendar year,
- (4) The plans of the Commission for the calendar year during which the report is filed.

Article V

Rights, Responsibilities & Duties of the Commission

Section 1: General

It shall be the duty of the Commission, unless altered by statute or by the Greene County Commissioners, to identify, locate, and document all cemeteries located in the county. The Commission shall determine, through physical inspection and research, if a cemetery is eligible as defined in Article 1, Section (2) above. The Commission shall identify required and available resources necessary to restore and perform initial maintenance of an eligible cemetery. The Commission shall coordinate with the eligible property owner (Township Trustee, Cemetery Association, or private landowner) for agreed upon restoration efforts.

Section 2: List of County Cemeteries

The Commission shall develop and maintain a list of all cemeteries located in the County. The list may be compiled from maps, local knowledge, information from historical societies, etc. The list shall indicate:

- (1) cemetery name,
- (2) township cemetery is located,
- (3) GPS location of cemetery in latitude and longitude (provided from Greene County GIS website: <https://greenein.wthgis.com/> or other method),
- (4) year established,
- (5) indication of burial location of a veteran (by conflict) and or Indiana Pioneer,
- (6) name and contact information of party responsible for maintenance (township trustee, cemetery association, or private landowner),
- (7) indication, through coordination with the responsible party, of available funds or sources of funds for restoration and reasonable maintenance,
- (8) notes or remarks indicating current status of cemetery condition and date inspected,
- (9) indication whether the cemetery is a cemetery described in Article 1, Section (2) above.

Section 3: Inspection of County Cemeteries

Each cemetery shall be physically inspected to determine if the cemetery has suffered neglect and deterioration. Inspections shall be coordinated with the property owner for cemeteries located on private land. Inspections may be documented using the Cemetery Inspection Checklist.

The year a cemetery was established may be determined by data provided by a historical society, other source, or visual inspection of headstones for the earliest date of death found in the cemetery.

The Commission shall determine if a cemetery is a burial ground for a veteran of an American War or Indiana Pioneer based on evidence presented to the Commission from any of the following:

- (1) The Indiana historical bureau,
- (2) The Indiana historical society,
- (3) The County or other historical society,
- (4) Indiana Landmarks,
- (5) The division of historic preservation and archeology of the department of natural resources,
- (6) The Indiana archives and records administration.

Indiana Pioneer is defined as having resided in the county on or prior to 31 December 1840 (The Society of Indiana Pioneers, <https://indianapioneers.org/>).

Section 4: Determine Restoration and Maintenance Requirements

Restoration of a cemetery that has suffered neglect and deterioration is the effort(s) required to improve the state of the cemetery to a “maintained” condition as described below. Restoration efforts include one or more maintenance activities or other desirable or necessary activities such as repairing and cleaning of monuments or erosion control.

Maintenance of cemeteries is defined in IC 23-14-68-3. Maintenance of a cemetery includes the following:

- (1) Resetting and straightening all monuments.
- (2) Leveling and seeding the ground.
- (3) Constructing fences where there are none and repairing existing fences.
- (4) Destroying and cleaning up detrimental plants (as defined in IC 15-16-8-1), rampant weeds, and rank vegetation.
- (5) Mowing the lawn.

Maintenance of a cemetery is the responsibility of the property owner. However, per IC 23-14-78-4(d), a property owner is not required to construct a fence where there is not one unless the township or the county provides the supplies, labor, and other expenses for the construction.

A lack of funds or expertise for reasonable maintenance may result in neglect and deterioration of the cemetery. Property owners or concerned citizens may bring requests for restoration assistance to the Commission. The Commission may identify restoration requirements upon physical inspection of the cemetery.

The Commission shall document and prioritize requested or identified restoration requirements of the eligible cemeteries in the county.

Section 5: Planning and Resourcing Restoration Projects

A restoration project is one (1) or more restoration efforts coordinated with the property owner for execution at an eligible cemetery. A member of the Commission may assume responsibility for the planning and execution of a restoration project. Planning is the coordination of resources and documentation of restoration efforts for the restoration project. All restoration project plans shall be agreed to by the property owner and approved by majority vote of the Commission prior to execution.

In accordance with Indiana Administrative Code 312 IAC 22-4, a license issued by the Indiana Department of Natural Resources is required to probe the ground to locate fallen grave memorials in known cemeteries, recover fallen grave memorials, and restore or reset memorials. The application for the license, Indiana State Form 53862, is located at <https://forms.in.gov/>.

Resources include labor, supplies, equipment, and available funds necessary to execute restoration efforts. Labor may be volunteers or hired. If hired, it is desirable to hire bonded commercial businesses located in the County to the maximum extent possible. Supplies and equipment may be procured for restoration projects. All equipment and remaining supplies after executing a project remain the property of the Commission and shall be retained for future use in the covered trailer under the cognizance of the Commission. The scale of restoration projects may be reduced due to a lack of sufficient funds controlled by the Commission.

Section 6: Funds

Funds under the control of the Commission are maintained by the County Auditor and are released in support of restoration projects upon presentation of receipts or invoice and approval of the President. Funds available to the Commission are generally in the form of donations from the community or grants. If the Commission ceases to operate or is terminated by the Commissioners, any remaining funds shall revert to the county general fund.

In accordance with IC 23-14-67-3, the Commission may request the levy of an annual tax for the purpose of restoring and maintaining one (1) or more applicable cemeteries that are located in the county. The tax may not exceed fifty cents (\$0.50) on each one hundred dollars (\$100) of assessed valuation of property in the county.

Article VI

Amendments to these By-Laws

Any proposal for amendment to these by-laws shall be submitted in writing at any meeting of the Commission. The proposed amendment shall be read into the minutes of the meeting and shall be held under advisement until the next meeting of the Commission when the proposed amendment shall be read and fully discussed. After consideration, a vote shall be taken and a vote of at least three (3) Commission members (voting in favor of the amendment) shall be necessary for the amendment to tentatively be adopted subject to the approval of the Greene County Board of Commissioners.