

AN ORDINANCE CREATING THE TRUSSVILLE CEMETERY REHABILITATION AUTHORITY

WHEREAS, § 11-47-40 of the Code of Alabama, as amended, states that all cities and towns in the state have the power to own, regulate, improve, lay out, and control town or city cemeteries and permit additions thereto; and

WHEREAS, § 11-80-13 of the Code of Alabama, as amended, permits city governments “...to establish a city cemetery rehabilitation and board to oversee the registration and maintenance of neglected cemeteries within their municipal limits;” and

WHEREAS, the Trussville Cemetery Association (“TCA”) approached the City of Trussville (“City”) requesting permission to convey certain public cemeteries that it presently owns, namely Mount Nebo Cemetery and Trussville Memorial Cemetery, to the City; and

WHEREAS, based upon the character and nature of certain cemeteries, the City has found it necessary, proper, and provides for the health, safety, and welfare of its citizens to create a cemetery rehabilitation authority in order to oversee the registration and maintenance of these cemeteries along with other cemeteries which may be added from time to time in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRUSSVILLE, ALABAMA, that the Trussville Cemetery Rehabilitation Authority be and is hereby formed as a non-profit public corporation under the laws of the state of Alabama and the Code of Ordinances of the City of Trussville, Alabama.

BE IT FURTHER ORDAINED that the Articles of Incorporation of the Trussville Cemetery Rehabilitation Authority (hereinafter “Authority,”) a copy of which is attached as Exhibit “A,” are hereby approved and adopted, and that these Articles of Incorporation shall be executed and properly filed with the state of Alabama.

BE IT FURTHER ORDAINED that the Board of the Authority be and is hereby created, and that five (5) members shall be nominated by the Mayor and submitted to the City Council for approval.

BE IT FURTHER ORDAINED that the Mayor shall nominate and the City Council approve the five (5) initial board members who shall serve staggered terms.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized and directed to take all actions that are reasonably necessary and execute any documents to create and form the Authority including, but not limited to, execution of the Articles of Incorporation attached as Exhibit “A.”

BE IT FURTHER ORDAINED that the Authority be and is hereby authorized to take any and all action deemed necessary and proper in accordance with state law and the Code of Ordinances of the City of Trussville.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon its adoption, approval, and publication as required by law.

ADOPTED AND APPROVED THIS THE 21ST DAY OF JANUARY, 2021



Alan Taylor, Council President



Buddy Chat, Mayor

ARTICLES OF INCORPORATION
TRUSSVILLE CEMETERY REHABILITATION AUTHORITY

The undersigned incorporator, desiring to form a non-profit corporation under the laws of the State of Alabama, do hereby certify:

ARTICLE I

Pursuant to the Ordinance No. 2021-005-ADM, which was passed by the City Council on the 21st day of JANUARY 2021, attached to this instrument as Exhibit A, and in conformity with the Code of Alabama, § 11-80-13 (1975), the name of the following incorporation shall be:

Trussville Cemetery Rehabilitation Authority (“Authority”).

ARTICLE II

The time period this Authority may exist is perpetual.

ARTICLE III

The Code of Alabama, § 11-80-13 (1975), authorizes the Authority to exercise the following powers and responsibilities:

- (A) To identify, catalogue, and record neglected cemeteries in the City of Trussville, Alabama; specifically, Trussville Memorial Cemetery, Mt. Nebo Cemetery, and others which may be added or removed from time-to-time hereafter;
- (B) To forward the list of neglected cemeteries to the Alabama Historical Commission on at least a yearly basis;
- (C) To work with private landowners to determine the frequency of access for either special work days and/or for visits by family to restore and maintain the graves and to give access to genealogical researchers;
- (D) To accept private donations of monies for the purposes listed herein and in Code of Alabama, § 11-80-13 (1975);
- (E) To provide access, upon proper request, to financial data and banking records to ensure the proper use of private financial donations; and
- (F) To accept the assistance of private citizens or family as well as money donated by private citizens of family in order to afford the upkeep and restoration of cemeteries designated as neglected and to establish a trust fund for such purposes, if so deemed wise and appropriate by the appointed Board Members; and
- (G) To take other such measures which are permitted by law.

ARTICLE IV
MEMBERSHIP

The Authority shall have no members other than that of the Board.

ARTICLE V
SELECTION OF BOARD MEMBERS

The Trussville Cemetery Rehabilitation Authority shall consist of no less than three (3) nor more than five (5) members, who shall be selected in accordance with Authority's By-Laws, nominated by the Mayor, and confirmed by the City Council. Board Members shall serve staggered terms.

ARTICLE VI
OPERATIONS AND DISTRIBUTION OF ASSETS

- (A) No part of the net earnings of the Authority shall inure to the benefit of any member, director, or officer of the Authority or any private individual (except that reasonable compensation may be paid for services rendered to or for the Authority affecting one or more of its duties), and no director, officer of the Authority or private individual shall be entitled to share in the distribution of any of the Authority's assets on dissolution of the Authority, except beneficiaries of the Authority for the purposes for which the Authority has been organized as set out in Article II of the Bylaws. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Authority shall not participate in, or intervene in any political campaign on behalf of any candidate in public office.
- (B) Notwithstanding any provision of this certificate, the Authority shall not conduct or carry on any activities not permitted under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deducted under Section 170(c)(2) of such Code and Regulations as they now exist, or as they may hereafter be amended.
- (C) Upon dissolution of the Authority or winding up affairs, after payment of all the liabilities of the Authority, the assets of the Authority shall be distributed to the City of Trussville, Alabama. Such a distribution shall be made upon a vote of a majority of the Board.

ARTICLE VII
REGISTERED OFFICE AND AGENT

The address of the initial registered office of the Authority shall be 131 Main Street, Trussville, Alabama 35173. The initial registered agent of the Authority shall be Garrick L. Stotser, Esq. whose address is 1780 Gadsden Highway, Birmingham, Alabama 35235.

ARTICLE VIII
BOARD MEMBERS

There shall be five (5) initial board members who shall be selected as provided in Article V of these Articles. All board members shall hold staggered terms as provided for in the Authority's By-Laws.


ARTICLE IX
INCORPORATOR

The name and address of the incorporator is as follows:

City of Trussville, Alabama
Mayor Buddy Choat
131 Main Street
Trussville, Alabama 35173

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this the 22nd day of JANUARY, 2021.

INCORPORATOR
CITY OF TRUSSVILLE, ALABAMA


BUDDY CHOAT
MAYOR

Attest: 
Dan Weinrib, City Clerk

CERTIFICATION

I, Dan Weinrib, City Clerk of the City of Trussville, Alabama do hereby certify that this is a true and correct copy of Ordinance Number ~~2021-205~~ ADM of the City of Trussville, Alabama, adopted on January 21, 2021, and posted in the following places:

Trussville City Hall
Trussville Public Library
Trussville Civic Center

on January 22, 2021, and effective five days thereafter.

Given under my hand and seal this 22nd day of January, 2021.


Dan Weinrib, City Clerk
City of Trussville, Alabama