

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ADVISORY COMMISSION ON HISTORICAL CEMETERIES

**RULES AND REGULATIONS GOVERNING THE PROCEDURES FOR THE OPERATION OF  
THE ADVISORY COMMISSION ON HISTORICAL CEMETERIES**

**September 2008**

**As Amended:**  
February 2011

Authority: These regulations are authorized pursuant to Chapter 23-18.3 of the Rhode Island General Laws of 2006, as amended, and have been promulgated pursuant to the procedures set forth in the Administrative Procedures Act, Chapter 42-35 of the Rhode Island General Laws.

**Rules and Regulations Governing the Procedures for the Operation of the  
Advisory Commission on Historical Cemeteries**

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**Rules and Regulations Governing the Procedures for the Operation of the  
Advisory Commission on Historical Cemeteries**

**RULE 1. PURPOSE**

The purpose of these rules and regulations is to establish the operating procedures of the Commission for administering the Historical Cemeteries Act.

**RULE 2. AUTHORITY**

These rules and regulations are promulgated pursuant to Chapter 23-18.3 of the Rhode Island General Laws of 2006, as amended, which authorizes the Commission to (3-1a) to study the location, condition, and inventory of historical cemeteries in Rhode Island and to make recommendations to the general assembly relative to historical cemeteries in Rhode Island.

**RULE 3. APPLICATION**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Commission to effectuate the purposes of state law, goals, and policies.

**RULE 4. DEFINITIONS**

For the purposes of these regulations, the following terms shall have the following meanings:

(A) Act – Chapter 23-18 of the General Laws, entitled the Historical Cemeteries Act including any amendments thereto.

(A) Chairperson – The Chairperson of the Advisory Commission on Historical Cemeteries elected pursuant to Rule 23-18.3-1(i).

(B) Commission – The Advisory Commission on Historical Cemeteries Commission as established by Chapter 23-18.3 of the Rhode Island General Laws of 2006 as amended.

As used in these rules and regulations, all terms not defined herein shall have the meaning given them in Chapter 23-18.3 of the State of Rhode Island General Laws of 2006 as amended.

**Rules and Regulations Governing the Procedures for the Operation of the  
Advisory Commission on Historical Cemeteries**

**RULE 5. MEETINGS**

**5.1 REGULAR MEETINGS**

Regularly scheduled meetings of the Commission shall be established by the Commission at the beginning of each Commission year, which runs from September through August. Meetings shall take place in September, November, April and June.

**5.2 SPECIAL MEETINGS**

The Chairperson may call special meetings at any time upon forty-eight (48) hours public notice.

**5.3 NOTICE OF MEETINGS**

Notices of meetings and agendas will be posted on the Secretary of State Web site.

**5.4 OPEN MEETINGS**

All Commission meetings and records shall be consistent with the Open Meetings Law, Chapter 42-46 of the Rhode Island General Laws of 1956, as amended, and the Access to Public Records Act, Chapter 38-2 of the Rhode Island General Laws of 1956, as amended.

**5.5 ATTENDANCE**

Commissioners shall not miss more than three consecutive meetings.

5.6 Commission will follow the most recent Roberts Rules of Order Newly Revised if there is an issue.

5.7 Quorum shall constitute 50% of current membership plus 1; commissioners must be present and voting.

5.8 Commissioners will demonstrate a commitment to the organization's mission as stated in the Rhode Island General Laws 23-18.3.1 of 2006 as amended.

5.9 Commissioners will contribute his/her skills and knowledge

5.10 Commissioners will inform him/herself on issues that affect the organization's goals as stated in Rhode Island General Laws 23-18.3.1 of 2006 as amended.

## **RULE 6. OFFICERS**

6.1 The officers of the Board are a Chair, and a Vice-Chair.

6.2 Duties of the officers are as follows:

### Chair

- The Chair schedules and posts meetings according to Open Meetings law.
- The Chair compiles an agenda and presides over meetings.
- The Chair reports monthly to Commissioners on events or activities of interest to the Commission.
- The Chair drafts annual report and brings to full Commission for review and approval.
- The Chair fields questions and requests for information between meetings and makes appropriate referrals, as do all Commissioners.
- The Chair appoints committees as necessary.

### Vice-Chair

- The Vice-Chair assists the Chair in conducting the affairs of the Board and acts in the Chair's absence.

6.3 Nominating and Election Procedures

- The Chair appoints a nominating committee at the regular April meeting of each year.
- The nominating committee submits a slate of names to be distributed to the full Commission before the regular June meeting.
- Elections take place at the regular June meeting.

6.4 Term limits

- No officer may serve more than four consecutive years in the same office.

6.5 Vacancies in office will be handled as follows:

- In the event of resignation or incapacity of the Chair, the Vice-Chair becomes the Chair for the unexpired portion of the term.
- In the event of resignation or incapacity of the Vice-Chair, the vacancy is filled for the unexpired term by special election.

#### **RULE 7. SECRETARY**

- A secretary is appointed by the Commission.
- The secretary need not be a member of the Commission.
- The secretary prepares minutes of the Commission meetings and submits them to the Chair.
- The Secretary signs the approved minutes and files in Record Book.

#### **RULE 8. DUTIES AND LIMITATIONS OF THE COMMISSION AND ITS MEMBERS**

- The Commission is not a regulatory agency and acts in an advisory capacity only.
- Recommendations and referrals made by the Commission and its members must be based on R.I. General Laws 23-18 and the Rhode Island Cemetery Handbook.
- The Commission and its members make recommendations relative to historic cemeteries to individuals and entities.
- The Commission and its members refer individuals and entities to the city, town, or appropriate regulatory agency.
- Commissioners must bring to the full Commission any issues not fully addressed by the R.I. General Laws 23-18 and the Rhode Island Cemetery Handbook or any situation involving a dispute.
- The full Commission must approve all recommendations, statements, and referrals pertinent to any situation involving a dispute.

#### **RULE 9. SUPERSEDED RULES AND REGULATIONS**

On the effective date of these rules and regulations, all previous rules and regulations shall be superseded.

**RULE 10. EFFECTIVE DATE**

The foregoing rules and regulations, after due notice, are hereby adopted and filed with the Secretary of State this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to become effective twenty (20) days thereafter, in accordance with the provisions of Section 42-17.1, and Chapters 42-35 of the Rhode Island General Laws of 1956, as amended.

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Evelyn L Wheeler, Chair  
Advisory Commission on Historical Cemeteries