I. Call to Order

II. Roll Call

III. 30 Minute Citizen Comment Period:

Each speaker will be provided up to three minutes to speak. Persons wishing to participate (speak) during the Citizen Comment portion of the meeting virtually must email jcase@sanmarcostx.gov prior to 12:00 p.m. the day of the meeting. A call-in number/link will be provided for participation. Written comments can also be submitted to jcase@sanmarcostx.gov for distribution to the board prior to the meeting. Those wishing to speak in person may sign up in person on the day of the meeting. Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up.

MINUTES

1. Consider approval, by motion, of the May 22, 2024, regular meeting minutes.

DISCUSSION

2. Hold discussion regarding the recommendation submission by Sharon Lawrence.

ACTION

3. Discuss and consider the approval of the Cemetery Commission Bylaws.

4. Consider approval of Recommendation Resolution 2024-01RR recommending the amendment of Section 22.014(a)(8) All monuments placed in areas of the cemetery must be all granite, marble, bronze, stone, or material approved by the San Marcos Cemetery Commission, and must have a reinforced concrete base. Any monument more than eight feet high is required to have an engineered foundation and be approved by the cemetery commission upon a finding that the proposed monument is suitable for the location based on such factors as safety, interference with maintenance, compatibility with the scale, height, massing and design aesthetic of surrounding monuments, or similar factors deemed relevant by the commission.
REPORTS

5. Receive a brief report from scheduled commissioners who checked the condition of the cemetery.

6. Receive a brief staff report on the status of the cemetery expansion project.

IV. Question and Answer Session with Press and Public.
This is an opportunity for the Press and Public to ask questions related to items on this agenda.

V. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov.

For more information on the Cemetery Commission, please contact the Parks and Recreation Department at parksinfo@sanmarcostx.gov.
I. Call to Order
The meeting was called to order at 4:04 pm by Chair Patsy Pohl.

II. Roll Call

Commissioners Present
Fay Cliett Gillham
Gina Eben
Tim Bauerkemper
Patsy Pohl
Cindy Casparis
Brenda Butler

Commissioners Absent
Clay Sullivan

Staff Present
Jamie Lee Case, Director
Jessica Ramos, Assistant Director
Bert Stratemann, Operations Manager
Valerie Valdez, Administrative Coordinator

III. 30 Minute Citizen Comment Period: Each speaker signed up prior to the meeting being called to order will be called in the order in which they signed-up. Each speaker will be provided up to three minutes to speak. Persons wishing to participate (speak) during the Citizen Comment portion of the meeting must email jcase@sanmarcostx.gov prior to 12:00 p.m. the day of the meeting. A call-in number/link will be provided for participation. Written comments can also be submitted to jcase@sanmarcostx.gov for distribution to the board prior to the meeting.

Clinton Hajek the owner of Tri-County Monuments introduced himself to the Commission. He let them know he is available for questions regarding MonuGrid products.

MINUTES

1. Consider approval, by motion, of the March 27, 2024, regular meeting minutes.

A motion was made by Fay Cliett Gillham, seconded by Brenda Butler, to approve the March 27, 2024, regular meeting minutes.

The motion carried by the following vote:

For: 6 - Fay Cliett Gillham, Gina Eben, Tim Bauerkemper, Patsy Pohl, Cindy Casparis, Brenda Butler

Against: 0 -
ACTION

2. Discuss and consider the approval of the Cemetery Commission Bylaws.

Jamie Case requested the commission postpone this item.

A motion was made by Gina Eben, seconded by Fay Cliett Gillham, to postpone the discuss and consideration of the Cemetery Commission Bylaws.

The motion carried by the following vote:

For: 6 - Fay Cliett Gillham, Gina Eben, Tim Bauerkemper, Patsy Pohl, Cindy Casparis, Brenda Butler

Against: 0 -

Absent: 1 – Clay Sullivan

3. Hold discussion regarding other materials as concrete replacement for monument foundations.

Clinton Hajek, owner of Tri-County Monuments, gave the commissioners an overview of his products and previous projects he has completed throughout other cemeteries. He explained his product is made to last. Chair Patsy Pohl asked about the durability of the product. Fay Cliett Gillham asked about the cost of the products. Gina Eben asked if the commission is taking action to use this product specifically. The other commissioners voiced they would take action to use a substitute material. The commissioners agreed to bring this item back as a Recommendation Resolution action item.

REPORTS

4. Receive a brief report from scheduled commissioners who checked the condition of the cemetery.

The commissioners discussed the damage that was assessed after the recent storm. Gina stated she went to the cemetery after the storm. Jamie stated she drove to the cemetery after the storm. Brenda said she can hear the tree crews sawing from her house. Bert said there has been up to 6 tree crews at the cemetery at once. They are removing the trees that are a safety hazard first. Then they will go back and remove damaged trees next. Tim noted trees that they saw during their walk. Bert said he will share the commissioners’ list with the Urban Forrester.

5. Receive a brief staff report on the status of the cemetery expansion project.

Bert stated they are hoping to have a plan set available for bid in the next three weeks. However, funding will not be available until fiscal year 2025. Tim asked when does the fiscal year start. Jamie replied October 2025. Jamie stated that this project is funded using
CIP money, so funding takes place in the Spring. Gina Eben asked when the fence is going up. There needed to be security around the new and old section. Bert stated the fencing will be covered with the CIP funds.

FUTURE AGENDA ITEMS

6. Commission Members may provide requests for discussion items for a future agenda in accordance with the board’s approved bylaws. **No further discussion will be held related to topics proposed until they are posted on a future agenda in accordance with the Texas Open Meetings Act.**

- Receive a presentation from Sharon Lawrence
- Consider approval of a Recommendation Resolution
- Discuss and consider approving the changes to the bylaws.

IV. Question and Answer Session with Press and Public.
This is an opportunity for the Press and Public to ask questions related to items on this agenda.

- No were no questions from the Press or Public.

V. Adjournment

Tim Bauerkemper moved to adjourn at 4:59PM. Gina Eben seconded the motion.

__________________________________________________________________________
Cemetery Commission Chair                                           Staff Liaison

Notice of Assistance at the Public Meetings

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After Memorial Day last year, I elected to develop a comprehensive database of the veterans buried in the San Marcos City Cemetery (Spanish American War forward) so those individuals might be honored appropriately on Memorial and Veterans Days and through the Wreaths Across America program. Once I began working on the project, I saw the need to expand the effort to develop a current inventory of all individuals buried in the Cemetery. Toward that end, I am working to ensure that:

- An entry for every identifiable burial has been created on Find-a-Grave.org, the international graves directory;
- That entry includes basic information about the individual (e.g., full name, birth/death dates, and veterans status), a gravesite photograph, AND the correct plot location; and
- The information has been checked by a physical inspection of every grave marker (permanent or temporary) visible on the cemetery grounds.

Although the effort remains ongoing, Find-a-Grave currently shows for the San Marcos City Cemetery:

1. For additional information, contact the author at (512) 757-8669 or via email to “611Juniper@gmail.com.”
2. The current cemetery database includes slightly less than 7,100 entries, approximately 1,000 below the verified entries in the FindAGrave database.
3. Resources used include existing entries on Find-a-Grave, the cemetery database and related records, the 1990 cemetery database published by the Hays County Historical Commission, FamilySearch.org, newspaper articles, published obituaries, and (thanks to a tip from Grady Early) records of the Rogers – Pennington Funeral Home. (Ledgers from 1900 – 1944 have been digitized and are available through the Texas State University Library, https://dc.library.txstate.edu/node/7727.)
4. Thousands of those entries also now include a published obituary and/or additional background material about the individual to not only honor them, but also to highlight the history of the community.
8,076 memorials (including the individuals honored in Serenity Garden); and
931 veterans.\(^5\)

**RECOMMENDATIONS**

Based on that effort, I want to encourage (in the strongest terms possible) that the City move expeditiously to enhance customer services offered at the City Cemetery.

\(^5\) My goal is to complete the basic work by the end of June. I anticipate verifying an estimated 8,150 graves of which about 175 will be missing a plot location. I hope that the maps in the caretaker’s office will be able to reduce that number dramatically.
1. **Ensure an Ongoing Commitment to Developing and Maintaining a Current Directory of All Individuals Buried in the Cemetery.**

By the time I conclude this project, I will have invested an estimated 2,500+ hours in doing the research and data entry for this project. It’s been such a time-consuming project because of many data entry errors and omissions. Much to my surprise, there appears to be no system in place for adding current burials to the database.

2. **Place a Current Cemetery Directory at Visitors’ Fingertips.**

Specifically, I encourage the City to do as volunteers have done for the cemetery in Nebraska where most of my relatives are buried. Several years ago, volunteers photographed all the graves in that cemetery and updated the database for the 6,000 people buried there. Community residents also fundraised to finance the construction of a kiosk placed at the entrance to the cemetery where all visitors could have instant access to an up-to-date cemetery directory. As the above picture illustrates, a large-scale cemetery map also appears in the kiosk, making it much easier for visitors to find their loved ones.

Before you express concern about the cost of such a project for the city cemetery, I’d note that cemetery is in the countryside (about 1.5 miles outside the town of 2,000). In 2004, a notorious F4+ tornado came through the area, thus, the need to build a sturdy enclosure.

I would suggest that a similar kiosk/map system could be placed on the side of the mausoleum using a standard bus shelter. The cemetery’s software system would appear to be easily transferrable into a kiosk – thus avoiding those costs. So I think it’s a doable (and financially feasible) project in the near future (especially if donor/sponsor dollars are accepted).
Placement there – especially with appropriate signage – would catch everyone’s attention as they come into the cemetery. In the event of serious (wind) storms, the mausoleum would offer protection, in part. Solar panels placed atop the mausoleum (unseen by the public) also could power the kiosk.  

If visitors know about the online directory, small cell phone screens make it difficult to read the information. That’s why a well-designed onsite directory is essential. (I’d love one with the capacity to print out a map for people to carry with them.)

3. **Fix the Maps!**

Much to my surprise, I discovered that the main map posted on the cemetery’s website is wrong! (See page 2.) It shows Sections Ramsay A4 & B4 which don’t exist and doesn’t show the new columbarium, Dixon 4, Old Original AOP, Tower 2, or Woodlawn Sections 6 – 8 among other omissions. Internal street names are either missing on the map (e.g., Connie Road) or they are incorrect (e.g., Primrose is listed one way on the map and another way on the street signs in the cemetery).

There’s one correct map posted online (see page 7) but that’s in the website section on the Wreaths Across America program; however, it’s busy design makes it hard to read.

4. **Install More Informative Signage in the Cemetery.**

If you’re familiar with the cemetery’s plot system, you know it’s irrational! In many cases, the sections don’t follow natural dividers (internal roads). Because I assume it’s impossible to replot the cemetery, I strongly suggest that metal signs be placed at the corners of each section that give the section name “Ramsay B1” or “McGehee Z.” That would be enormously helpful!!! And yes, adding GIS information will be invaluable too!

5. **Digitize the Cemetery Plot Maps! Make Them Accessible Online.**

While speaking with the caretaker, I noticed the paper maps (which contain burial information) hanging all over his office. PLEASE tell me that those maps have been digitized and the images are in secure storage somewhere. If not, please find an architectural or construction firm with large size scanning equipment (if the city planning department doesn’t have it) and get those precious maps digitized ASAP! One small fire or a mighty windstorm could destroy those valuable records!

6. **Make the Cemetery Deeds Database Easily Searchable.**

Information on ownership of cemetery plots (another useful data set) is virtually unusable because individuals cannot search the cemetery deeds database only. If I’m looking for information about a cemetery plot owned by a Hughson, for example, use of the word HUGHSON generates thousands of entries from not only the cemetery deeds database but also from City Council records and other official sources. That’s particularly problematic because the deeds themselves are filed by cemetery section and then document number – NOT by plot number or owner name.

7. **Solicit Volunteers and Train Them to Clean Headstones.**

One of the most frustrating aspects of my work identifying veterans buried in the cemetery is that many headstones are difficult (if not impossible) to read. It’s apparent from then/now photographs that I’ve seen posted on FindAGrave that there are effective ways to clean many/most of the headstones to address that deterioration. A regular training program on this skill for plot owners or interested parties would be ideal.

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6 A second terminal could be placed in the chapel.
8 The highest priority should be to clean the headstones for Pedro Gonzales, the only Union soldier buried in the cemetery, and the three British pilots buried in Section Roselawn C.
8. Protect the Headstones.

It bothers me to walk through the cemetery and see broken headstones being trampled on by visitors. Although the plots are private property, I doubt any member of the public thinks that basic maintenance/preservation isn’t a responsibility of the cemetery manager.

The fixes don’t need to be elaborate. Simply create some sort of bracing system to maintain the headstones upright. I suggested exploring plexiglass covers to protect the older headstones.

In addition, efforts must be made to protect headstones from disappearing. Find-a-Grave memorials show several headstones that are no longer visible in the cemetery. That occurs, in part, because the markers flat to the ground subside slightly and then become silted over. In other cases, I’ve figured out that they disappear because the grave diggers dump dirt on the area around a new grave, at times covering over grave markers for other nearby graves. Cemetery staff, therefore, needs to mark off all the nearby grave markers to avoid that problem.

Note: I’d draw your attention to the Wren family grave marker (shown above) which was damaged by falling trees during the recent storm. I hope that it will be reassembled out of respect for the family.

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By the great stroke of luck recently, I was able to help the marker for Baby Karnes in Dixon 3 avoid that fate.
9. Install a Watering System for the Animals That Reside In/Visit the Cemetery.

One of the nicest features of the cemetery is that it’s home to Pete, a few dozen deer, lots of incredibly cute squirrels, and a multitude of other animals and birds. Since Summer 2017, I’ve been maintaining the (now seven) water stations in the cemetery for Pete and the other animals/birds that live in and/or visit the cemetery. Rather than my informal (plastic tub) system, several permanent fountains/watering stations should be established around the cemetery.

Although a central waterfall style fountain (or two) would be wonderful, an easy approach is to replicate what has been done in Section McGehee Z. (See photograph to the right.) A cement water container has been built immediately underneath an existing faucet. It’s readily accessible not only to the deer and Pete, but the birds, squirrels, and other animals as well.

During the summer months, the animals consume a prodigious amount of water so the size should be increased. That would allow the caretaker (and volunteers from the neighborhood) to maintain sufficient water levels with limited effort.

10. Pete!

Many of us were alarmed recently when Pete appeared to have mobility issues. (When alerted to the problem, the Parks Director acted immediately to investigate.) Given Pete’s advancing years, it is important that a care and safety plan be in place for him. If that requires financing beyond that available in the current city and/or cemetery budget, I trust that a fundraising effort will be undertaken immediately.

Although the birds and deer can move easily around the cemetery to access water, multiple stations are desirable to meet the needs of the dozens of squirrels that call the cemetery home! (The watering stations also need to be low enough so they can access the water.) For the birds, restoration of the bird baths already in the cemetery would be wonderful too!
The one current map – posted in the Wreaths Across America section of the city’s website.
Bylaws Template Update

Purpose and Duties of the Parks and Recreation Board remain the same as stated within Ordinance.

Article 3. Membership

G. Except as specifically duly authorized by their respective board or the City Council, an individual board member may not:

1) act in an official capacity on behalf of the board;
2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the board (or commission); or
3) participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member’s respective board or commission.
Article 3. Membership

J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:

1) notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
2) complete and submit the conflict of interest disclosure form;
3) when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
4) thereafter, leave the room until consideration of the matter is concluded; and
5) abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.
Bylaws Template Update

Article 3. Membership
K. In accordance with Chapter 36 of the Texas Penal Code, members of the board (or commission) shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

Article 4. Officers
D. The term of chair and vice-chair shall be for one year, beginning March 1 and ending the last day of February.

Article 6. Agendas
A. Agenda items must comply with Article 2. Purpose and Duties. (already present in subsection D, but also added here)
B. Item 8. Items for Future agendas was removed to prevent unintended violations of the Open Meetings Act. Future agenda items for discussion will continue to follow the standard process.
Bylaws Template Update

Article 7. Meetings
B. Reduced the wait time for a quorum to be established from 30 minutes to 15 minutes before the meeting is deemed cancelled.

K. All votes shall be conducted by roll call rather than simple voice vote.

M. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others as reflected in Section 2.045 of the City Code.

Article 9. Committees
C. Changed to two members, maximum of three if the board has over 7 members.
Attendance Policy Reminder

City Code Sec. 2.069. - Absence from meetings.

• The voluntary absence of a board or commission member from three consecutive regular meetings or 25% of the board or commission will result in automatic resignation of the member from the board or commission
  – We have 11 meetings per year, 3 unexcused absences equals 25%
• Excused absence means an absence by a board or commission member that results from a medical reason of the member or a relative of the member, child care for a newly born or newly adopted child during the first eight weeks of the child's life, family emergency, or jury duty.
• Voluntary absence means an absence other than an excused absence, to also include failure to inform the staff liaison of an absence prior to a scheduled meeting.
ARTICLE 1. NAME.

The name of the board is ____________________________ (board or commission name as it appears in the City Code).

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is ____________________________. (Insert the information directly from the City Code.)

Personnel matters are not within the purview of the Board/Commission

[Note: Concept is not to be deleted; it is now addressed in Article XI]

ARTICLE 3. MEMBERSHIP.

A. The board (or commission) is composed of ________ (insert the number of members directly from the City Code) members appointed by the city council.

B. A member serves at the pleasure of the city council and may be removed if not in compliance with these bylaws.

C. Qualifications: (Insert the information directly from the City Code.)

D. Board (or commission) members serve for a term of ________ (insert the number of members years directly from the City Code) years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, the term begins on the date of appointment that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.

E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, -parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city.

[Note: Moved from Article 6, Agendas, item B.]

F. All vacancies shall be filled as provided for by in accordance with Section 2.071, Vacancies of the City Code and posted on the city council agenda.
**FG.** Except as specifically duly authorized by their respective board *(or commission)* or the City Council, an individual board *(or commission)* member may not:

1. act in an official capacity on behalf of the board *(or commission)* except through the action of the board *(or commission)*;
2. make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the board *(or commission)*; or
3. participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member’s respective board or commission.

**GH.** Attendance at board *(or commission)* meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

**HI.** A member who seeks to resign from the board *(or commission)* shall submit a written resignation to the chair of the board *(or commission)*, and the staff liaison, or who shall notify the city clerk’s office. If possible, the resignation should allow for a thirty-day notice so the city council can appoint a replacement.

**J.** Members must comply with Chapter 2, Article 5.2 —Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:

1. notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
2. complete and submit the conflict of interest disclosure form;
3. when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
4. thereafter, leave the room until consideration of the matter is concluded; and
5. abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.

**K.** In accordance with Chapter 36 of the Texas Penal Code, members of the board *(or commission)* shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

**ARTICLE 4. OFFICERS.**

**A.** The officers of the board *(or commission)* shall consist of a chair and a vice-chair.

**B.** Officers shall be elected annually by a majority vote of the board *(or commission)* at the first regular meeting on or after March 1 during the agenda item posted for this purpose.
1) *Per In accordance with Section. 12.09 of the City Charter — Holdover of officers of the City Code, if the previous chair continues on the board or commission they will preside over the meeting and conduct the election.*

2) *If the previous chair is no longer on the board (or commission) and the vice chair continues on the board (or commission) the vice chair will preside over the meeting and conduct the election.*

3) *If neither the chair nor the vice-chair remain on the board (or commission) the staff liaison shall conduct the election of the chair, at which point the newly elected chair will preside over the remainder of the meeting, including the election of the vice-chair.*

C. *In the event of a vacancy of the chair or vice-chair during the term a current officer becomes ineligible to serve as an officer, the board (or commission) may hold an election at the next regular meeting agenda. As needed, the vice-chair shall conduct the election of the chair or the chair shall conduct the election of the vice-chair.*

C.D. *The term of office shall be one year, beginning the first day of March April 1st and ending the last day of February March 31st.*

D.E. *A member may not hold more than one office at a time.*

**ARTICLE 5. DUTIES OF OFFICERS.**

A. *The chair shall be in person at the meeting location, preside at board (or commission) meetings, approve review each final meeting agenda, and execute approved meeting minutes.*

B. *In the absence of the chair, the vice-chair may preside, if in person, and shall perform all duties of the chair.*

C. *In the absence of both the Chair and the Vice-Chair at the meeting location, the board (or commission) should elect an interim a temporary chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary chair, who shall serve only for the current meeting. The temporary chair must be present at the meeting location.*

D. *The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.*

E. *The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).*

**ARTICLE 6. AGENDAS.**

A. *Agenda items must comply with Article 2. PURPOSE AND DUTIES.*

B. *The following general order of business should be used for regular meetings of the board (or commission):*
1. Call to order
2. Roll call
3. Citizen Comments – 3 minutes per speaker
4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting, which normally do not need separate discussion)
5. Presentations and/or by city staff or outside entities invited by the board (or commission.)
5.6 Public Hearings as needed
6. Items for action or discussion/direction
7.8 Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
8. Items for future agendas
9. Executive Session (in accordance with Open Meetings Act exceptions)
10. Question and Answer Session.
11. Adjournment

B. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city. [Moved to Article 3. Membership, item E.]

C. The board (or commission) may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the board (or commission) as provided in Article 2.

D. The chair or two or more members may place a discussion item on an agenda for a regular board (or commission) meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic by written request. The agenda item must comply with Article 2 PURPOSE AND DUTIES.

E. After first consulting with and receiving input from the staff liaison, the chair shall approve review each final meeting agenda as prepared by the staff liaison. The chair may not remove an item placed on an agenda by the staff liaison, prior direction of the board (or commission) under subsection (CB) above, or placed on an agenda as a discussion item by two members under subsection (C) above.

F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk’s Office for posting no later than 72 hours before the meeting. If the 72 hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk’s Office by 4:30 p.m. on the last business day before the weekend or holiday.
G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

A. The board (or commission) meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.

B. If a quorum (a majority of the voting members) does not convene within one half hour fifteen minutes of the posted time for the meeting, then the meeting is deemed may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

B-C. The board (or commission) will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.

C-D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the board (or commission).

D-E. The following types of actions may be taken or motions can be made during a meeting:
   1. Approval - Means the item is approved as proposed.
   2. Conditional approval - Means approval for the item will take effect upon the occurrence of the conditions.
   3. Approval as amended - Means the item is approved with changes from the original proposal.
   4. To Table - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
   5. Remove from Table – Means to bring back the previously delayed item for consideration.
   6. Postpone - Means postponement of consideration of the item, either until a definite time date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
   7. Reconsider - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
   8. Withdraw - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
   9. Close debate ("calling for the question") – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.  
   Note: A friendly amendment, agreed to by persons who made and seconded a motion, does not require a separate vote from the original motion.

11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.

12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the board (or commission), or upon each board (or commission) member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

E. In accordance with the Open Meetings Act, discussion and action is limited to the items listed on the agenda for a meeting. Discussion of any subject not listed on the agenda must be limited to whether to place the item on the agenda for a future meeting.  
   [Note: Covered in item A above.]

F. Board (or commission) meetings will adhere to Sec. 2.045 – Rules of decorum for city council and city board and commission meetings of the San Marcos City Code.  
   [Note: Rules regarding citizen comment are addressed in M below. Rules regarding decorum are addressed in Article 10 A.]

G.F. The board (or commission) shall meet (select one of the following: monthly, quarterly, or when the board is legally required to meet in order to comply with a legal deadline.) In October of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

H.G. Special meetings of the board (or commission) shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the board (or commission). A special meeting may be called upon the written request of the chair or any three (two for boards/commissions of less than 7) members of the board (or commission). A board (or commission) may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, no more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.

I.H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.

J.I. A majority of the voting membership of the board (or commission) members constitute a quorum regardless of vacancies.

K. If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting is deemed cancelled.
L. To be effective, a board (or commission) action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

M. All votes shall be conducted by roll call rather than simple voice vote.

N. The chair has the same voting privilege as any other member. (Unless otherwise stated within the board or commission’s Ordinance). The voting privileges of members is defined in the Ordinance defining that board (or commission).

O. The board (or commission) will allow citizens to address the board (or commission) during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. See Section 2.045 of the City Code for details.

P. The staff liaison shall prepare the meeting minutes. The minutes of each board (or commission) meeting must include the vote of each member on each item before the board (or commission) and indicate whether a member voted in favor, against, abstained or is absent, or failed to vote on an item. Example:
   For: Member 1, Member 2, Member 3, Member 4
   Against: Member 6
   Absent: Member 5 (line only needed if someone is absent)
   Recused: Member 7 (line only needed if someone has recused)

Q. The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The ________ (liaison’s department name) shall retain all other board (or commission) documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

R. The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. RECOMMENDATIONS.

A. The board (or commission) is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.

B. In order to communicate recommendations by a board (or commission) to the City Council, the board (or commission) must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit a policy the recommendation resolution that has been approved by a majority of the membership in the form of a resolution to the city clerk and city manager for distribution to the city council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.
C. The board *(or commission)* will submit an annual report to the city clerk by February 28 of each year.

**ARTICLE 9. COMMITTEES.**

A. The________________________ *(Name of the board or commission)* shall have the following standing committees: *(Name and describe the duties of each Committee.)*  
If the board does not have any committees, use the following alternate language:

B. The________________________ *(Name of the board or commission)* does not have any standing committees, but may have ad hoc committees as necessary.

C. Each committee must be established by an affirmative vote of the board *(or commission).* Each committee shall consist of at least three-two, maximum of three (limit of two if the board has less than 7 members) board *(or commission)* members approved by the board *(or commission).* A staff member shall be assigned to each committee by the director of the *(department name).*

D. A committee may designate a choose the chair, with the member’s members’ consent, but is not required to do so.

E. Quorum requirements do not apply to committees.

F. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 *(Texas Open Meetings Act).* A quorum of the membership is not allowed to be present.

G. Each committee shall update the board *(or commission)* at least quarterly on their work.

**ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.**

A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. Board *(or commission)* meetings will adhere to Section. 2.046. – Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.

B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the board *(or commission).*

C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other board *(or commission)* members, or members of the public.

D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:  
1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
3. Order the person to leave the meeting. If the offending person is a member of the board (or commission), the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

A. Personnel Issues: Personnel matters are not within the purview of the Board/Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a board/commission recommendation. Neither the Board/Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Board/Commission and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.

B. All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the ___________________________ (insert - board or commission name) at their meeting held on ___________________________ (insert – month date, year).

(Signature of Executive or Staff Liaison) (Title of Executive or Staff Liaison)
BYLAWS OF THE
CEMETERY COMMISSION

ARTICLE 1. NAME.

The name of the board is the Cemetery Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the cemetery commission is to act as a liaison between the city staff and citizens to determine citizen expectations and give recommendations to the city council for budget, maintenance, projects, and special programs at the cemetery based on these expectations.

The cemetery commission will:

(1) Provide a yearly report to the city council on cemetery progress, programs, needs and other matters of concern;

(2) Plan special projects at the cemetery, such as historical or genealogy searches and the opening of new sections;

(3) Make city staff aware of special problems, including but not limited to violations of the maintenance contract and vandalism;

(4) Meet periodically with city staff to develop projects, discuss problems, plan capital improvements, discuss budgets and funding and consider other matters of concern;

(5) Present plans to the city council for needed improvements, including but not limited to fence repairs and water line improvements, and make recommendations to the city council on these improvements;

(6) Review bids for the cemetery maintenance contract and engineering work to be prepared at the cemetery and make recommendations to the city council for selection of persons to perform the work; and

(7) Monitor the financial standing of the cemetery and make recommendations to the city council for changes.
ARTICLE 3. MEMBERSHIP.

A. The commission is composed of seven (7) members appointed by the city council.

B. A member serves at the pleasure of the city council and may be removed if not in compliance with these bylaws.

C. Qualifications: Commissioners must be appointed by the city council

D. The terms of office of members will be staggered. The terms of three members will expire in odd-numbered years, and the other four terms will expire in even-numbered years. Terms will be for two years. Term years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.

E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city.

F. All vacancies shall be filled in accordance with Section 2.071, Vacancies of the City Code and posted on the city council agenda.

G. Except as specifically duly authorized by their respective commission or the City Council, an individual commission member may not:

1) act in an official capacity on behalf of the commission;
2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the commission; or
3) participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member’s respective board or commission.

H. Attendance at commission meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

I. A member who seeks to resign from the commission shall submit a written resignation to the chair of the commission and the staff liaison, who shall notify the city clerk’s office. If possible, the resignation should allow for a thirty-day notice.

J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or
commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:

1) notify the staff liaison who shall provide a conflict-of-interest disclosure form to the member;
2) complete and submit the conflict-of-interest disclosure form;
3) when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
4) thereafter, leave the room until consideration of the matter is concluded; and
5) abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.

K. In accordance with Chapter 36 of the Texas Penal Code, members of the commission shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

**ARTICLE 4. OFFICERS.**

A. The officers of the commission shall consist of a chair and a vice-chair.

B. Officers shall be elected annually by a majority vote of the commission at the first regular meeting on or after March 1 during the agenda item posted for this purpose.
   1) In accordance with Section 12.09 of the City Charter, if the previous chair continues on the board or commission they will preside over the meeting and conduct the election.
   2) If the previous chair is no longer on the commission and the vice chair continues on the commission the vice chair will preside over the meeting and conduct the election.
   3) If neither the chair nor the vice-chair remain on the commission the staff liaison shall conduct the election of the chair, at which point the newly elected chair will preside over the remainder of the meeting, including the election of the vice-chair.

C. In the event of a vacancy of the chair or vice-chair during the term, the commission may hold an election at the next regular meeting. As needed, the vice-chair shall conduct the election of the chair, or the chair shall conduct the election of the vice-chair.

D. The term of office shall be one year, beginning the first day of March and ending the last day of February.

E. A member may not hold more than one office at a time.

**ARTICLE 5. DUTIES OF OFFICERS.**
A. The chair shall be in person at the meeting location, preside at commission meetings, review each final meeting agenda, and execute approved meeting minutes.

B. In the absence of the chair, the vice-chair may preside, if in person, and shall perform all duties of the chair.

C. In the absence of both the Chair and the Vice-Chair at the meeting location, the commission should elect a temporary chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary chair, who shall serve only for the current meeting. The temporary chair must be present at the meeting location.

D. The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.

E. The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).

ARTICLE 6. AGENDAS.

A. Agenda items must comply with Article 2. PURPOSE AND DUTIES.

B. The following general order of business should be used for regular meetings of the commission:
   1. Call to order
   2. Roll call
   3. Citizen Comments – 3 minutes per speaker
   4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting)
   5. Presentations by city staff or outside entities invited by the commission
   6. Public Hearings as needed
   7. Items for action or discussion/direction
   8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
   9. Executive Session (in accordance with Open Meetings Act exceptions)
   10. Question and Answer Session
   11. Adjournment

C. The commission may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the commission as provided in Article 2.

D. The chair or two or more members may place a discussion item on an agenda for a regular commission meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic. The agenda item must comply with Article 2 PURPOSE AND DUTIES.
E. After first consulting with and receiving input from the staff liaison, the chair shall review each final meeting agenda as prepared by the staff liaison. The chair may not remove an item placed on an agenda by the staff liaison, prior direction of the commission under subsection (B) above or placed on an agenda as a discussion item by two members under subsection (C) above.

F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk’s Office for posting no later than 72 hours before the meeting. If the 72-hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk’s Office by noon on the last business day before the weekend or holiday.

G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

**ARTICLE 7. MEETINGS.**

A. The commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.

B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

C. The commission will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.

D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the commission.

E. The following types of actions may be taken or motions can be made during a meeting:
   1. **Approval** - Means the item is approved as proposed.
   2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
   3. **Approval as amended** - Means the item is approved with changes from the original proposal.
   4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
   5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
   6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.

8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.

9. **Close debate** ("calling for the question") – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.

10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.

11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.

12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the commission, or upon each commission member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

F. The commission shall meet monthly, or when the board is legally required to meet in order to comply with a legal deadline. In October of each year, the board shall adopt a schedule of the meetings for the upcoming year.

G. Special meetings of the commission shall be called by the staff liaison to comply with a statutory deadline, or a deadline established by Council or by a vote by the commission. A special meeting may be called upon the written request of the chair or three members of the commission no more often than once a quarter.

H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.

I. A majority of the voting membership of the commission members constitute a quorum regardless of vacancies.

J. To be effective, a commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

K. All votes shall be conducted by roll call rather than simple voice vote.

L. The chair has the same voting privilege as any other member. The voting privileges of members is defined in the Ordinance defining that board (or commission).
M. The commission will allow citizens to address the commission during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. See Section 2.045 of the City Code for details.

N. The staff liaison shall prepare the meeting minutes. The minutes of each commission meeting must include the vote of each member on each item before the commission and indicate whether a member voted in favor, against, abstained or is absent. Example: For: Member 1, Member 2, Member 3, Member 4
   Against: Member 6
   Absent: Member 5 (line only needed if someone is absent)
   Recused: Member 7 (line only needed if someone has recused)

O. The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Parks and Recreation department shall retain all other commission documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

P. The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. RECOMMENDATIONS.

A. The commission is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.

B. In order to communicate recommendations by a commission to the City Council, the commission must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit the recommendation resolution to the city clerk and city manager for distribution to the city council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.

C. The commission will submit an annual report to the city clerk by February 28 of each year.

ARTICLE 9. COMMITTEES.

A. The Cemetery Commission does not have any standing committees, but may have ad hoc committees as necessary.

B. Each committee must be established by an affirmative vote of the commission. Each committee shall consist of at least two, maximum of three commission members approved
by the commission. A staff member shall be assigned to each committee by the director of
the Parks and Recreation Department.

C. A committee may choose the chair, with the members’ consent, but is not required to do so.

D. Quorum requirements do not apply to committees.

E. Committees are not required to post their meetings in accordance with the Texas
Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership
is not allowed to be present.

F. Each committee shall update the commission at least quarterly on their work.

ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.

A. During meetings, members shall preserve order and decorum, and shall not interrupt or
delay proceedings. Commission meetings will adhere to Section. 2.046. - Rules of Decorum
for City Council and City Board and Commission Meetings of the City Code.

B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to
members of the public appearing before the commission.

C. Members shall refrain from rude and derogatory remarks and shall not belittle staff
members, other commission members, or members of the public.

D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting
in the following ascending order of action:
1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately or the person will be
ordered to leave the meeting.
3. Order the person to leave the meeting. If the offending person is a member of the
commission, the Chair shall call for a vote on the expulsion of the member from the
meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

A. Personnel Issues: Personnel matters are not within the purview of the Commission and are
not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a
commission recommendation. Neither the Commission nor any of its members shall
recommend, instruct, or request the City Manager or any of the City Manager’s subordinates
to change the job qualifications for a current employee, appoint, or remove any person from,
office or employment. The Commission and its members are prohibited from giving order
to subordinates of the City Manager either publicly or privately.
B All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the Cemetery Commission at their meeting held on May 22, 2024.

(Signature of Executive or Staff Liaison)  (Title of Executive or Staff Liaison)
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 22, CEMETERIES, OF THE SAN MARCOS CITY CODE BY, AMONG OTHER THINGS, CORRECTING TYPOGRAPHICAL ERRORS IN VARIOUS SECTIONS AND AMENDING SECTIONS 22.013 AND 22.014; ADOPTING A FEE SCHEDULE RELATED TO THE USE AND OPERATION OF THE CEMETERY; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 22, Cemeteries, of the San Marcos City Code is hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by strikethroughs.):

Sec. 22.001. Definitions.

In this chapter:

*Block* means a group of multiple contiguous lots.

*Caretaker* means the person employed by the city or by the city's cemetery maintenance contractor to oversee the operation and maintenance of the cemetery. Unless otherwise stated, the caretaker may delegate his duties and authority under this chapter to an authorized representative.

*Cemetery* means the San Marcos Cemetery.

*Columbarium* means a structure at the cemetery with niches for the placement of funeral urns.

*Crypt* means an area of the city-owned mausoleum for the interment of one person in a casket, or cremains for up to 12 persons.

*Decoration* means any item that is not a monument.

*Ecofriendly* means the interment of a deceased person in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled.

*Lot* means a parcel of property defined as a lot on the official plat maps of the cemetery, intended for the interment of up to two persons in caskets or up to six cremains.

*Monument* means a headstone, grave marker or similar permanent object of stone, bronze, or concrete that serves as a memorial to a person interred in the lot...
upon which the monument is located.

*Niche* means a space in a columbarium intended for the placement of a funeral urn containing the cremains of one person.

*Section* means a group of contiguous multiple blocks.

**Sec. 22.005. Purchase of certificates for the right of interment in lots, mausoleum crypts, or niches.**

(a) All purchasers of certificates for the right of interment in cemetery lots, mausoleum crypts, or columbarium niches must first select from the available lots, crypts, or niches at the cemetery. Such certificates may be purchased from the city. The placement or use of private mausoleums at the cemetery is prohibited.

(b) Upon payment of the entire purchase price for a certificate for the right of interment is a designated lot, mausoleum crypt of columbarium niche, the city will issue the certificate which reserves the cemetery lot, crypt, or niche for use by the purchaser or the purchasers’ heirs, successors or assigns.

(c) Each certificate for the right of interment will be issued to only one person including a designated representative under subsection (d).

(d) When there are two or more purchasers of a certificate for the right of interment in a lot, crypt, or niche, the purchasers may designate one or more persons to represent the purchasers regarding the certificate and file written notice of the designation with the city. In the absence of a notice, the city is authorized to permit an interment in a lot, crypt, or niche at the request or direction of any registered co-purchaser of the property.

(e) All cemetery certificates for the right of interment will grant to the purchaser only the right to use the lot, crypt, or niche for interment of only human remains, subject to the requirements of this chapter.

(f) The price for each certificate for the right of interment in a lot, crypt or niche is established by the city council according to the number of lots, crypts or niches reserved for use by the certificate.

(g) A person desiring to purchase a certificate for the right of interment may pay the total purchase price or choose to set up an account with the city and pay the purchase price over an extended period of time according to the terms set out in this section. However, the city reserves the right to refuse interment in any lot, crypt, or niche for which the full purchase price has not been paid. A certificate for the right of interment will not be issued for any lot, crypt, or niche until the full purchase price has been paid.

(h) A person desiring to pay the purchase price over time must enter into
an agreement with the city. This agreement will provide that the city will, in a default, refund the entire amount paid by the purchaser, less an administrative fee established by the city council.

(i) A person desiring to pay the purchase price over time will be required to pay an initial deposit of at least 10 percent of the cost of the certificate. The remaining balance shall be paid within 12 months of the initial deposit. Purchases of eight or more certificates must be paid in full at the time of purchase. Purchases of 10 or more certificates are not permitted unless approved by the San Marcos Cemetery Commission.

Sec. 22.006. Transfer of lots.

(a) The purchaser of a certificate for the right of interment in a lot, crypt or niche may transfer the certificate only by a written instrument.

(b) The transferee must register the transfer of the certificate with the city. All transfers are subject to section 22.005. The city may refuse to register a transfer if the purchase price for the certificate has not been paid in full. In the event a transfer is requested when the purchase price has not been paid in full, the person receiving the certificate will assume full responsibility for such payment prior to receiving a certificate for the right of interment.

Sec. 22.007. Repurchase of certificates by city.

A purchaser or holder of a certificate of a right of interment may apply with the city to sell the certificate to the city. The city may, at its option, repurchase certificate at the price designated by the city council and on file in the city clerk's office at the time of original purchase.

Sec. 22.008. Reserved.

Sec. 22.009. Cemetery maintenance.

(a) The city will provide for the general care and maintenance of the cemetery.

(b) The cemetery perpetual care fund maintained by the city is dissolved, subject to such funds being reallocated within the city's budget for cemetery purposes.

(c) Such care and maintenance include the cutting of the grass at reasonable intervals, the cleaning of the lots and the care and pruning of the trees and shrubs that may be placed along the walks, roadways, and boundaries. Care and maintenance by the city do not include the maintenance, repair or replacement of any gravestones, monuments, or memorials; the planting of flowers or ornamental plants; the maintenance or doing of any special or unusual work in the cemetery; or
the construction or reconstruction of any damaged marble, granite, bronze, or concrete, or concrete substitute work on any lot.

(d) Any activity done by a contractor for the person having the lawful right of use or maintenance of a lot, or their representative, that is not part of the city's general care and maintenance will require a permit. Such permit will require payment of a fee as established by the city council.

Sec. 22.010. Interments.
(a) A completed application for interment in the cemetery must be filed with the city before excavation begins for a burial or before remains are placed in the mausoleum or columbarium.

(b) The applicant must specify the exact location of the burial space to be used. When for any reason an in-ground burial space cannot be opened where specified, the caretaker may direct the burial space to be opened in a location in the cemetery deemed by the caretaker to be best and proper, notifying the mortuary, so as not to delay the funeral.

(c) The mortuary performing interment services must secure the gravesite, must provide for the immediate cleaning of the gravesite, and must remove all debris, fill or equipment resulting from or used by the mortuary.

(d) The mortuary performing interment services, for any casketed or shrouded remains, must use an outside burial container made of concrete, metal, poly, or other material approved under state law.

(e) The maximum number of burials allowed per lot is
(1) Two casketed burials, or four shrouded burials (stacked);
(2) One casketed burial, or two shrouded burials and six cremations, or
(3) Six cremations or ten cremations within one outside burial container.

(f) The number of cremains to be placed in the columbarium niche shall be compliant with the manufacture’s intended design.

(g) The maximum number of placements in a mausoleum crypt is:
(1) One casket; or
(2) Twelve cremations.

(h) Ecofriendly burials must be placed in biodegradable coffin or shroud, but will be interred with a concrete outside burial container.
(1) Embalming is not permitted if the burial is to be considered ecofriendly.

Sec. 22.013. Curbing.
(a) The person having the lawful right of use or maintenance of a cemetery lot must apply to the city and obtain a permit before installing or constructing curbing of any type within the cemetery.

(b) No curb permit may be issued before the purchase price for the lot or certificate associated with the lot to be curbed has been paid in full.

(c) Any number of lots may be curbed so long as the purchase price and perpetual care fees for the lots has been paid.

(d) Curbs must be flush with existing terrain, must be constructed entirely of steel reinforced concrete, concrete substitute, marble, or granite and must conform to the following specifications:

(1) Concrete or concrete substitute curbing.
   a. Curbing will be 18 inches wide along exterior lot lines in the cemetery property; six inches is to be within the lot; 12 inches is to be outside the lot.
   b. Curbing will be six inches wide along interior lot lines and must be placed within the lots being curbed.
   c. Curbing will be four inches deep.
   d. One reinforcing iron size three rebar will be installed along the entire length of the curbing.
   e. Dixon Addition, Section 1, curbing will be centered on the common boundary of the burial and must be 6 inches wide on all sides.

(2) Granite and marble curbing.
   a. Curbing will be four inches in width and must be placed within the lots being curbed.
   b. Granite or marble used for curbing must be mortared with a bonding agent of the same color as the granite or marble and designed for the purpose of bonding granite to granite, or marble to marble.
   c. Curbing will be six inches deep.

(3) An exception to flush curbing may be granted by the cemetery commission if adjoining lots have raised curbs.
Sec. 22.014. Decoration of lots, crypts, and niches.

(a) Monuments. Monuments in the cemetery are subject to the following:

(1) No memorial, monument, or grave marker, except a temporary marker placed by a funeral home, is allowed on any burial lot until the purchase price for the right of use of the lot has been fully paid and the instrument granting the right of use has been delivered to the purchaser.

(2) The person having the lawful right of use or maintenance of a cemetery lot, or their agent must apply for and obtain a permit from the city before erecting a monument, except a temporary marker placed by a funeral home.

(3) Persons erecting monuments shall not leave material or rubbish on adjoining lots. Work must be completed as soon as possible, and any material or rubbish must be removed at once.

(4) Persons erecting monuments are responsible for any damage done by them to any property in the cemetery, including grass and trees. All work is subject to the control and direction of the caretaker.

(5) Wooden planks must be used for placing and rolling stone monuments on rocks or grass.

(6) Businesses are prohibited from placing their names on any monument or placing signs within the cemetery to advertise the firm or its products.

(7) The location of any proposed monuments or curbing must be identified by city staff before construction begins. It is mandatory to coordinate in advance any such installation of monuments or curbing with the city staff. Failure to notify or consult with city staff regarding any installation or failure to comply with any city ordinances herein may result in corrective measures taken at the expenses of the responsible party.

(8) All monuments placed in areas of the cemetery must be all granite, marble, bronze, stone, or material approved by the San Marcos Cemetery Commission, and must have a reinforced concrete, or concrete substitute base made of material approved by the San Marcos Cemetery Commission. Any monument more than eight feet high is required to have an engineered foundation and be approved by the cemetery commission upon a finding that the proposed monument is suitable for the location based on such factors as safety, interference with maintenance, compatibility with the scale, height, massing and design aesthetic of surrounding monuments, or similar factors deemed relevant by the commission.

(9) The maintenance of all monuments in the cemetery is the responsibility of the person having the lawful right of use or maintenance of the lot associated with the
monument, or their surviving family members or descendants. This maintenance will include, but is not limited to, the following:
   a. The cleaning of the monument,
   b. Ensuring that the monument is seated properly, and
   c. Repairing any damage to the monument or the structure of the monument, including replacement, if necessary.

(10) In the event that a monument is in need of maintenance, the parks and recreation director will send a letter requesting such repairs to the person having a lawful right or use or maintenance of the lot or their surviving family members or descendants, if known, advising of the necessary maintenance. If such persons cannot be located, then the parks and recreation director will publish a newspaper notice of the necessary maintenance in accordance with the procedures described in V.T.C.A., Estates Code, Chapters 51 and 202. If the necessary maintenance is not performed within the time period stated in the notice, then the city may, in the interests of safety, initiate action to have the necessary maintenance performed, or have the monument removed. The finance director will bill any cost incurred by the city for the maintenance to such persons, if known.

(b) Flowers, shrubs, trees, or decorations. Flowers, shrubs, trees, and decorations in the cemetery are subject to the following:

(1) Flowers, shrubs, or trees may be planted and cultivated on any lot except in the Dixon Addition, Section 1, provided that no planting or removal of shrubs or trees is allowed without first obtaining the written authorization from the caretaker.

(2) Fresh cut flowers may be placed on any lot, in the mausoleum, or near the columbarium but they must be removed within two weeks or when, in the caretaker's opinion, they become unsightly or detrimental to maintenance. The caretaker may remove flowers not so removed.

(3) Artificial flowers, sprays or wreaths are allowed, but they will be removed by the caretaker when they become unsightly or blow off the lot on which they were placed.

(4) All decorations must be firmly secured or fastened to the ground or monument. Posts or poles are not allowed to be staked into the ground.

(5) Animal feeders or animal houses are not allowed.

(6) No items may be hung from any tree, shrub, or plant.

(7) Glass containers are prohibited.

(8) Unfilled vases will not be allowed to remain on a lot unless permanently affixed to a monument.
   a. Unfilled vases will be removed from lots on the first day of the month and held for
the lot owner for one month.

b. After one month, unclaimed vases will be disposed of at the caretaker's discretion.

c. In addition to monuments, lots may have benches of marble, granite, concrete, or material approved by the cemetery commission. Any other structural amenities, which must also be primarily of marble or granite, must have the approval of the cemetery commission before being placed on the lot.

d. Unapproved items will be removed by the caretaker and disposed of at the caretaker's discretion. Weathered and unsightly items will be removed during the spring and fall cleanup.

e. The caretaker is authorized to enforce the provisions of this section.

SECTION 2. The fees related to use and operation of the cemetery set forth in Exhibit A, attached hereto and made a part hereof, are approved and adopted.

SECTION 3. In codifying the changes authorized by this ordinance, paragraphs, sections, and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 6. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 7. This ordinance will take effect after its passage, approval, and adoption on second reading.

PASSED AND APPROVED on first reading on July 2, 2024.

PASSED, APPROVED AND ADOPTED on second reading on July 16, 2024.

Jane Hughson
Mayor
Attest:

Elizabeth Trevino
City Clerk

Approved:

Barbara Quirk
Interim City Attorney