




MEMORANDUM

TO: Mayor and City Council

FROM: Kimberly A. McNeeley, CPRP, Acting Director
Austin Parks and Recreation Department 

DATE: November 17, 2017

SUBJECT: Cemetery Rules and Regulations

The Cemetery Rules revision process was initiated on October 17, 2013, when City Council approved Resolution No. 20131017-042, directing the City Manager and by extension the Parks and Recreation Department (PARC) to conduct a public engagement process to evaluate the Cemetery Rules. In 2013, PARC reviewed the existing Cemetery Rules and developed a dispute resolution process. In July 2014, PARC prioritized the completion of the Cemetery Master Plan in order for the plan to provide a framework for the rules revision. In 2015, Austin City Council approved the Historic Cemeteries Master Plan.

In the summer of 2015, McDoux Preservation, LLC, finalized the Cemetery Rules Report. The report focused on grave ornamentation practices in the five municipal cemeteries, and included a summary of public responses related to grave ornamentation and recommendations. In March 2016, the Cemetery Manager developed a public process for gathering the maximum feedback related to updating and enforcing the Cemetery Rules with a focus on grave ornamentation. The first community meeting was held on October 27, 2016. Public feedback was accepted via Speak-Up Austin.

February to April, 2017 – Conversation Corps led guided discussions in two locations, Yarbrough Library and Britton, Durst, Howard, and Spence Building. The conversations focused on grave ornamentation, associated religious and cultural practices, and the maintenance requirements that restrict ornamentation placement and materials. The goal was to gather input from stakeholders of many different professions, ethnic backgrounds, and religious communities. A summary of input through the facilitated conversations and Speak-Up Austin discussion was shared with stakeholders.

June 2017 – The draft Cemetery Rules and Regulations were completed. This draft incorporated recommendations from the 2015 Cemetery Rules Project Report, stakeholder feedback, as well as safety and maintenance challenges. The draft rules were subsequently reviewed by the City of Austin Law Department.

October 2017 – The updated rules were presented to stakeholders during two public engagement meetings. Additional input and feedback was received and was incorporated into the final draft of the Cemetery Rules and Regulations.

November 2017 – The Cemetery Rules and Regulations will be submitted to the City Clerk's Office to initiate the adoption of rules process, in accordance with the established City of Austin Rule Adoption

Process, Chapters 1-2.

(https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1-2ADRU)

To Summarize Chapters 1-2, the rule adoption process outlines PARD's responsibility to post public notice of the proposed rules, allow for a comment period, and respond to the comments before adopting the rules. At the conclusion of the public comment period, the PARD Director will file a notice of rule adoption with the City Clerk. The adopted rules are subject to an appeal process that is also outlined in Chapters 1-2. A person may appeal the adoption of the rules to the City Manager within 30 days after the notice of rule adoption is posted by the City Clerk. This is the final stage of a multi-year public engagement progression.

Once the new Rules have been adopted, a ninety (90) day notification period will begin. Notifications will include direct mail and email to Cemetery stakeholders, press releases, signage at the five (5) cemeteries, notification to partner agencies, and social media/print advertising. Enforcement of the Rules will begin after the notification period is complete. At that time, any outstanding non-compliant issues in the cemeteries will receive tags on the gravesites notifying plot owners that they will have 30 days to become compliant.

Should you have any questions, please contact my office at (512) 974-6722.

Cc: Elaine Hart, Interim City Manager
Sara L. Hensley, CPRP, Interim Assistant City Manager