

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 78 (PARKS AND RECREATION) TO ADD ARTICLE IX (CEMETERIES); ESTABLISHING A CEMETERY ADVISORY BOARD; DEFINING TERMS; PRESCRIBING POWERS AND DUTIES OF THE BOARD; PROVIDING FOR BOARD MEMBER APPOINTMENT, QUALIFICATIONS, TERMS, MEETINGS AND REMOVAL; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, cemeteries are among the most valuable historic and cultural heritage resources;

WHEREAS, Article XI, Section 18 of the Home Rule Charter of the City of Wylie, Texas (“Wylie” or “City”) and state law authorize Wylie to acquire, establish and own all property that may be useful or necessary for establishing, maintaining and operating one or more cemeteries;

WHEREAS, the Wylie Cemetery Association has asked Wylie to consider taking over operation and maintenance of the Wylie and Hughes Cemeteries;

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) desires to explore whether to take over operation and maintenance of the Wylie and Hughes Cemeteries and, to assist in that process, finds that it would be helpful to establish a cemetery board to act in an advisory capacity; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Wylie to amend Chapter 78 (Parks and Recreation) of the City’s Code of Ordinances, Ordinance No. 2021-17, as amended (“Code of Ordinances”), as set forth below, to promote public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 78 (Parks and Recreation) of the Code of Ordinances. Chapter 78 (Parks and Recreation) of the Code of Ordinances is hereby amended to add Article IX (Cemeteries) as follows:

“CHAPTER 78 – PARKS AND RECREATION

ARTICLE IX – CEMETERIES

DIVISION 1 – IN GENERAL

Sec. 78-300. – Sec. 78-349. - Reserved.

DIVISION 2 – CEMETERY ADVISORY BOARD

Sec. 78-350. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Board* means the Cemetery Advisory Board of the City of Wylie, Texas.
- (b) *Board Member* means a person who serves as a member of the Board.
- (c) *Cemetery* means each cemetery owned or controlled by the City.
- (d) *City* means the City of Wylie, Texas.
- (e) *Staff Liaison* means the City Manager of the City of Wylie, Texas, or his/her designee.

Sec. 78-351. - Establishment of the Cemetery Advisory Board.

There is hereby created and established the Cemetery Advisory Board for the purposes of providing recommendations to preserve, protect and maintain cemeteries; raise funds for the protection and maintenance of cemeteries; make recommendations to the City Council regarding appropriations for funds raised and operation of cemeteries; and to encourage the preservation and designation of historical cemeteries in the City.

Sec. 78-352. - Number of Members; Appointment; Terms.

The Board shall consist of seven members to be appointed by the City Council. The City Council may appoint up to two alternates to serve in the event of an unexpired vacancy. Alternate members may participate in all board meetings and activities but have no voting rights. If a quorum is needed, an alternate may be allowed to vote without any special action by the Board or City Council.

Board members shall be appointed by the City Council for a term of two years; provided, however, that the members of the first Board to serve shall be appointed so that three (3) members shall serve one (1) year terms and four (4) members shall serve two (2) year terms. The limit for consecutive service on the Cemetery Advisory Board is three (3) consecutive, full terms, regardless of term length (2-year, 3-year, etc.). Service in office for more than half of a term shall constitute

a full term; service in office for less than half of a term shall not count toward a term limit. After expiration of the term limit, the member must wait one year before reapplying to the same board. Should a Board member's replacement not be qualified upon the expiration of any term of a Board member, then that Board member shall hold over on the Board until a qualified replacement Board member has been appointed. Each Board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council.

Sec. 78-353. - Board Member Qualifications.

Each Board member shall be a qualified voter and shall not be an employee of the City. Each Board member shall have any other qualification as the City Council deems necessary and appropriate.

Sec. 78-354. - Meetings.

The Board shall meet at least once each month at such time and place as shall be fixed by the Board by its standing rules, which meetings shall be open to the public. Special meetings may be called by the chairperson or by written request sent to the chairperson or vice-chairperson by three members of the Board. Minutes shall be kept of all such meetings, and any special meetings, with copies of said minutes and any other reports to be promptly transmitted to the City Council and the City Manager. The Board shall have technical and logistical support provided as determined by the City Manager.

Sec. 78-355. - Vacancies.

When vacancies occur on the board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the unexpired term.

Sec. 78-356. - Removal.

Each board member serves at the pleasure of the City Council and may be removed by a majority vote of the City Council. The consequences of Board member absences shall be governed by Article VIII of the City Charter.

Sec. 78-357. - Quorum; Voting.

Four (4) board members shall constitute a quorum of the Board for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the Board shall be valid or binding unless adopted by the affirmative vote of a majority of those Board members present and voting.

Sec. 78-358. - Officers.

The Board shall have a chairperson and vice-chairperson whose terms shall be one (1) year. The chairperson and vice-chairperson shall be appointed by the Board. Neither the chairperson nor vice-chairperson shall serve as an officer for more than two (2) consecutive terms. The chairperson shall preside over meetings and shall be entitled to vote upon each issue. The vice-chairperson shall assist the chairperson in directing the affairs of the board. In the absence or disability of the chairperson, the vice-chairperson shall assume all duties of the chairperson.

Sec. 78-359. - Powers and Duties.

- (a) The Board shall act principally in an advisory capacity to the City Council and the City staff in any matter pertaining to municipally owned and operated cemeteries.
- (b) The Board shall have the power to:
 - (1) Develop a set of bylaws governing rules of procedure for the Board's meetings and operation, which must be approved by the City Council;
 - (2) Review and recommend actions to the City Council for proposed amendments to rules and regulations governing cemeteries and the historic preservation of cemeteries;
 - (3) Work with City staff to recommend an annual budget for projects, facilities and upkeep costs within municipally owned and operated cemeteries;
 - (4) To solicit and make recommendations to City staff and City Council regarding grants, gifts and donations from public and private sources for cemetery purposes;
 - (5) Encourage public outreach, education and awareness programs;
 - (6) Work with City staff regarding security matters at the cemeteries to lessen damage to monuments, cornerstones and fences; and
 - (7) Exercise other powers and duties as prescribed and authorized by the City Council.
- (c) All powers and duties prescribed and delegated herein are delegated to the Board, as a unit, and all action hereunder shall be of the Board acting as a whole. No action of any individual Board member is authorized, except through the approval of the City Council.

- (d) The Board shall not have the power to obligate the City for funding and/or expenditures or incur any debt on behalf of the City.

Secs. 78-360 – 78-369. - Reserved.”

SECTION 3: Savings/Repealing Clause. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of April, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary