



MEMORANDUM

TO: Mayor and City Council

FROM: Sara L. Hensley, CPRP, Director,
Parks and Recreation Department

DATE: July 31, 2014

SUBJECT: Update on Resolution No. 20131017-042 – Cemetery Ornamentation

On October 17, 2013 City Council passed Resolution No. 20131017-042, directing the City Manager to conduct a public engagement process to evaluate cemetery rules, in particular existing rules about grave ornamentation. The resolution directed the City to implement a policy allowing ornamentation that is appropriately sensitive to personal and cultural expressions of grief within the boundaries of a burial plot, subject to applicable laws allowing removal for health and/or safety reasons, and, pending the outcome of a stakeholder process and final policy direction from the City Council.

The Parks and Recreation Department (PARC), through a professional services solicitation process, engaged the community engagement firm of Smith|Associates to facilitate public input on the current City of Austin cemetery rules and regulations and seek consensus on potential revisions to those rules. Smith|Associates, along with Cemetery Operations staff, also coordinated the development of the project schedule and event milestones.

Beginning April 28, 2014, the public was advised of the current effort to revise the cemetery rules and regulations through press releases, email blasts to email subscribers, Facebook and other social media updates, signs posted in municipal cemeteries, updates to the PARC website, and direct contact with 48 community organizations. Public input was solicited from May 1-27, 2014 through *Speak-Up Austin*, individual stakeholder telephone interviews and email correspondence.

In an effort to provide a variety of meeting formats, the process included three dedicated public input sessions in a format that encouraged written comments and an additional public input session dedicated to general public verbal comments that were transcribed and also included in the rules update process. There have been a total of four input meetings held around our community to provide the public an opportunity to review current rules and provide recommendations and commentary.

Currently, 282 attendees and respondents provided input resulting in 2,914 unique comments on the current and proposed rules:

- 208 survey responses via *Speak-Up Austin*
- 9 responses via telephone interviews
- 12 responses via email exchange
- 24 attended the public input meeting on May 20, 2014, Northwest Recreation Center
- 6 attended the public input meeting on May 21, 2014, Carver Cultural Center
- 8 attended the public input meeting on June 5, 2014, Zilker Botanical Garden
- 12 attended the public input meeting on June 18, 2014, Zilker Botanical Garden

Smith|Associates reviewed and analyzed all the input received and attempted to find compromises that would achieve the goals specified by the City Council. This work utilized Smith|Associates' skills in conflict resolution and public policy dispute resolution to frame submittal of public input and categorize this input into a useable format.

Several primary recommended changes are evident in the proposed cemetery rule revisions:

1. Designation of a small number of items that are not permitted anywhere in the cemeteries (such as items that easily deteriorate, are offensive, or are illegal)
2. Owners' ability to place plants, memorabilia, and any other permitted objects in a "Memorialization Space" at the head of the burial space to memorialize loved ones as the owners see fit
3. Published regular monthly cleanups in which dead plants, deteriorated items, and non-permitted items are removed from the cemeteries
4. Permitted use of benches or chairs with the approval of the Cemetery Administrator

The City Council Resolution also required the collaborative input of the Parks and Recreation Board (PARB) Cemetery Working Group. A June 9, 2014 briefing was provided to the two existing working group members, Chairwoman Jane Rivera and Board Member Lynn Osgood, on the input process and rules recommendation.

Cemetery Master Plan

In March, 2014, the City began a comprehensive master plan process for the City's five historic municipal cemeteries, which include Austin Memorial Park Cemetery, Evergreen Cemetery, Oakwood Cemetery, Oakwood Cemetery Annex, and Plummers Cemetery. The City of Austin selected AmaTerra Environmental, Inc. to develop the master plan, which is expected to take a year to complete. The master plan will include recommendations related to historic preservation, tree care, funding, partnerships, and general cemetery management issues. This will be the first planning effort for the city's five historic municipal cemeteries.

Project Consolidation

We have previously communicated that the Cemetery Rules Review would be coming forward to the City Council and PARB for review and recommendation this summer. However, staff has decided that the better course of action is to integrate this rules review process into the larger cemetery master planning process. While this decision was made following the June 9, 2014 meeting with the PARB Cemetery Working Group, all PARB members, including the remaining members of the Cemetery Working Group, have been informed of the change. The cemetery master plan team is well-positioned to take the extensive public input and incorporate the rules and regulations recommendations into one complete and comprehensive document to guide the future of our cemeteries. We have begun to consolidate the rules update process with the cemetery master plan and anticipate submitting both efforts for review and approval in Spring of 2015. During this interim period, Cemetery staff will continue to enforce the rules as stipulated by City Council in the October 2013 Resolution.

Should you have any questions, please contact Gilbert Hernandez, Cemetery Manager, at (512) 978-2322 or at gilbert.hernandez@austintexas.gov.

cc: Marc A. Ott, City Manager
Bert Lumbreras, Assistant City Manager
Tony Arnold, Project Manager, Parks and Recreation Department
Gilbert Hernandez, Cemetery Manager, Parks and Recreation Department
Kim McKnight, Preservation Planner & Cultural Resource Specialist, Parks and Recreation Department
Parks and Recreation Board Members

Attachment: Council Resolution No. 20131017-042

RESOLUTION NO. 20131017-042

WHEREAS, grieving the death of a loved one is a personal, cultural, and sacred rite that takes many forms throughout our society; and

WHEREAS, for centuries humans have decorated graves with images and objects; and

WHEREAS, the City of Austin has had a policy to prohibit particular grave ornamentation at the municipal cemeteries but has not enforced these rules consistently for many years; and

WHEREAS, families have placed plantings and objects on the graves of loved ones; and

WHEREAS, Texas Health & Safety Code Section 711.001 (25) defines a burial plot as “space in a cemetery *owned* by an individual or organization” [emphasis added]; and

WHEREAS, state law also empowers municipalities to implement reasonable regulations regarding grave and burial lot maintenance; and

WHEREAS, on October 1, 2013, the City posted notices indicating its intent to begin enforcing regulations related to grave ornamentation; and

WHEREAS, City cemetery staff plans to begin tagging and documenting non-compliant gravesites and to institute a 30-day deadline for removal of plantings and objects; and

WHEREAS, staff plan to begin the program at Austin Memorial Park on November 1, 2013, and on January 1, 2014, at Evergreen Cemetery; and

WHEREAS, staff have indicated that they have undertaken this effort in response to complaints from the public about benches, statuary, trellises, perimeter pavers, vegetation, and other memorials not permitted as per cemetery rules; and

WHEREAS, one of the recommendations of the Parks and Recreation Board Cemetery Working Group was to create a plan for increased enforcement of the cemetery rules and regulations and to include a date by which spaces must be brought into compliance; and

WHEREAS, the City must ensure a safe environment for cemetery workers and visitors; and

WHEREAS, many public and private cemeteries regulate what can be placed at a gravesite and where; and

WHEREAS, it is important to protect the rights of the deceased as well as the rights of friends and relatives who wish to acknowledge their loved ones with personalized visual expressions at their gravesites; and

WHEREAS, rules and regulations must strike a careful balance between preserving safety and the common good and respecting personal and cultural expressions of grief; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to implement a policy allowing ornamentation within the boundaries of a burial plot, subject to applicable laws allowing removal for health and/or safety reasons. The policy will remain in effect pending the outcome of a stakeholder process and final policy direction from the City Council.

BE IT FURTHER RESOLVED:

The City Manager, in collaboration with stakeholders and a working group of the Parks and Recreation Board, shall evaluate whether current cemetery policies related to grave ornamentation are appropriately sensitive to personal and cultural expressions of grieving, while preserving necessary safety for cemetery workers and respect for the values of all families.

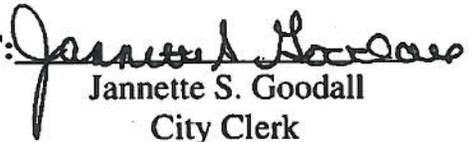
This evaluation should include a survey of best practices in culturally and ethnically diverse cities.

BE IT FURTHER RESOLVED:

The City Manager shall provide a detailed summary of the outcomes of the stakeholder process to the City Council within six months.

ADOPTED: October 17, 2013

ATTEST:


Jannette S. Goodall
City Clerk