

**RULE NO.: R161-18.08**

**NOTICE OF RULE ADOPTION**

**ADOPTION DATE: August 2, 2018**

By: Kimberley McNeeley, Acting Director  
Austin Parks and Recreation Department

The Director of the Austin Parks and Recreation Department has adopted the following rule. Notice of the proposed rule was posted on May 24, 2018. Public comment on the proposed rule was solicited in the May 24, 2018 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

The Austin Parks and Recreation Department located at 919 W. 28 ½ Street, Austin, Texas 78705, see D'Anne Williams; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

**EFFECTIVE DATE OF ADOPTED RULE**

A rule adopted by this notice is effective on August 2, 2018.

**TEXT OF ADOPTED RULE**

**R161-18.08: Section 14.4.0 Rules for Cemeteries Owned and Operated by the City of Austin**

No changes have been made to the text of the Proposed Rule.

**SUMMARY OF COMMENTS**

All comments received regarding Proposed Rule R161-18.08 were submitted through email to the Parks and Recreation Department. The Parks and Recreation Department has reviewed comments received and has determined that changes are not warranted. A spreadsheet of the comments and Department responses is attached along with supplemental letters, memos, general theme responses and enforcement policy to assist in response clarifications.

A copy of the comments and responses is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

The Austin Parks and Recreation Department located at 919 W. 28 ½ Street, Austin, Texas 78705, see D'Anne Williams; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

#### **AUTHORITY FOR ADOPTION OF RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code.

#### **APPEAL OF ADOPTED RULE TO CITY MANAGER**

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the city clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City Manager shall make a decision.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption R161-18.08, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

**REVIEWED AND APPROVED**



Kimberly McNeeley, Acting Director  
Austin Parks and Recreation Department

Date: 7-31-18



Anne L. Morgan  
City Attorney

Date: 8/1/18



## TRANSMITTAL

**TO:** Allyson Evans, Legal Department  
**FROM:** D'Anne Williams, Parks and Recreation, Rules SPOC  
**DATE:** July 31, 2018  
**SUBJECT:** Cemetery Rules Adoption Notice

OCC RECEIVED AT  
AUG 2 '18 PM 12:28

Transmitted herewith are:

1. Notice of Rule Adoption for Rule No. R116-18.08
2. 14.4.0 – Rules for Cemeteries Owned and Operated by the City of Austin ( no changes from proposed rules)
3. Public Comments received and responses
4. Memos and Letters referred to in comment responses
5. Enforcement Notification Policy and Engagement process

As noted, the rules have not changed from the proposed to final adopted rules. Chad Shaw was our legal reviewer.

**Our final date for adoption is August 2, 2018.**

Please let me know if you have any questions. Thank you,

D'Anne Williams  
Parks and Recreation  
512-974-9456  
[Danne.williams@austintexas.gov](mailto:Danne.williams@austintexas.gov)