



## Legislation Details (With Text)

**File #:** Ord. 2021-48 **Version:** 1 **Name:**  
**Type:** Ordinance **Status:** Individual Consideration  
**File created:** 6/11/2021 **In control:** City Council  
**On agenda:** 7/6/2021 **Final action:**  
**Title:** Consider approval of Ordinance 2021-48, on the first of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, eliminating the issuance of a recorded deed as the instrument granting a right of interment at the cemetery, removing the reference of a specific city department responsible for cemetery matters, 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Recommendation Resolution 2021-01RR, 3. Recommendation Resolution Exhibit A - Cemetery Commission Redline Chapter 22 Amendments, 4. Recommendation Resolution Exhibit B - Cemetery Commission Proposed Fee Schedule, 5. Median Cost of Funeral Information

Date	Ver.	Action By	Action	Result
7/6/2021	1	City Council		

**AGENDA CAPTION:**

Consider approval of Ordinance 2021-48, on the first of two readings, amending Chapter 22, Cemeteries, of the San Marcos City Code by, among other things, eliminating the issuance of a recorded deed as the instrument granting a right of interment at the cemetery, removing the reference of a specific city department responsible for cemetery matters, 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.

**Meeting date:** July 6, 2021

**Department:** Parks and Recreation

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

City Council was provided the Cemetery Commission's recommended changes to Chapter 22 during the January 5, 2021 Work Session. The City Council provided consensus that proposed amendments were satisfactory, but requested more work be done regarding the repayment option. City Council provided direction for the Cemetery Commission to further review and discuss the fees and repayment option in Sec. 22.005. Purchase of lots, mausoleum crypts, or niches (i).

Following review, the Cemetery Commission recommends the following amendment regarding the repayment plan option:

- (i) A person desiring to pay the purchase price over time will be required to pay 10% of the cost of an individual cemetery lot, crypt, or niche at the time of purchase. Repayment in the amount of the cost of an individual cemetery lot, crypt or niche purchased shall be repaid within 12 months of purchase. Purchases of 8 or more cemetery lots, crypts or niches must be paid in full at the time of purchase. Purchases of 10 or more cemetery lots, crypts or niches are not permitted unless approved by the San Marcos Cemetery Commission.

City pricing of Cemetery Lots is to ensure that the City is able to recover the cost of maintenance and cemetery management services. The sale of cemetery lots does not serve as a revenue stream for any other purpose. A proposed fee schedule is also included in the ordinance for approval.

The ordinance attached to this agenda item for approval by the city council reflects edits to the draft of the ordinance attached to the Cemetery Commission's recommendation resolution. The draft approved by the commission was edited to ensure consistency among related provisions regarding the change from conveyance by deed to the use of certificates granting a right of interment. Other sections were edited for clarity or for grammar. These edits to the ordinance approved by the commission do not change the intent of the commission's recommendation, but were primarily made to reinforce such intent.

City Council also requested information regarding how many accounts we have in repayment and the status of those accounts. That Payment Plan information is below.

Current number of accounts on payment plan	58
Total balance of payment plan accounts as of 6/25/21	\$152,690.11
Number of notices mailed for accounts without recent payment activity sent 3/17/21	22
Number of payment plan enrollees who made a payment after receiving notice	9

**Council Committee, Board/Commission Action:**

The Cemetery Commission voted on November 18, 2020 and again on April 28, 2021 to approve and recommend the proposed amendments and fee schedule.