

ORDINANCE NO. 005-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DE LEON TEXAS, CREATING A CEMETERY PARTNERSHIP BOARD; PROVIDING FOR A SEVEN (7) MEMBER BOARD; AUTHORIZING A SPECIAL PROJECT FUND; PROVIDING DUTIES AND RESPONSIBILITIES; PROVIDING SEVERABILITY AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council has been approached by the De Leon Cemetery Association about joining each other's efforts for the betterment of the De Leon Cemetery and jointly funding a Special Project fund to be administered by a joint board, with the specific approval of the City Council; and

WHEREAS, the City Council has found this proposal to be advantageous to the city for the maintenance and beautification of the De Leon Cemetery, in accordance with the City Charter; and

WHEREAS, the City Council has determined it to be in the public interest to create a partnership board to effectuate this joint effort.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

Section 1. Board and Membership:

- (a.) *Cemetery Partnership Board.* There is hereby created a Cemetery Partnership Board (hereinafter the "Board") of the City of De Leon, to be composed of seven (7) members.
- (b.) *Membership.* Three members of the Board shall be elected by the De Leon Cemetery Association, and three members shall be elected by the City Council. The seventh member shall be elected by the other members of the board. The initial three members from each body shall draw to determine whether they serve one year or two years, provided that at least one member from each body will serve a one year term and one shall serve a two year term. Thereafter, all terms of office shall be for a period of two years. Board members shall be eligible for re-election without term limitations.
- (c.) *Removal from Office.* Members of the Board serve at the pleasure of the body that elected them and they may be removed from office by such body with or without cause.

Section 2. Special Project Fund. The De Leon Cemetery Special Project Fund (fund) is hereby authorized to be created and funded. The interest accruing in the City's Cemetery Care Fund is to be deposited in this fund. The principal shall remain untouched. The interest currently accruing in the Cemetery Association's Fund shall be deposited into this fund in like fashion. The joint fund may accept donations which donations may only be utilized for the purposes expressed herein which shall be the maintenance and beautification of the Cemetery. All checks drawn on the fund shall have two signatures. One of which shall be a designated officer of the Board and the other the City Secretary or the Mayor Pro-Tempore in the absence of the City Secretary. No expenditure of funds will be made without proper invoice support, including reimbursements to volunteers for out-of-pocket expenses that are made on the behalf of the Special Projects Fund. The City auditor will include this fund among the funds that are audited for the City on an annual basis and provide copies of the fund audit to the City, the Board, and the Association. The fiscal year for this Special Projects Fund shall be the same as the City of De Leon, that being a year ending September 30th. The cemetery improvement plans and budget for the cemetery Special Projects Fund would be prepared on a September 30 fiscal year. The City would then be able to budget cemetery costs paid by the General Fund of the City accurately. The City Auditor does require that bank statements, invoices and checks be the responsibility of the City and all records be kept at the City. It is the City's obligation to keep an accurate account of all records and to have them available.

COPY

ORDINANCE NO. 006-002

AN ORDINANCE OF THE CITY OF DE LEON TEXAS, REGULATING THE HOURS THAT THE DE LEON CEMETERY IS OPEN TO THE PUBLIC; AUTHORIZING THE POSTING OF SIGNS; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the De Leon Cemetery is subject to periodic acts of vandalism; and

WHEREAS, limiting the hours that the cemetery is open to the public, may reduce acts of vandalism both to the cemetery and grave markers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

Section 1. Hours of Operation: The De Leon Cemetery shall be deemed closed to the public beginning at thirty (30) minutes after sunset, and shall remain closed until thirty (30) minutes before sunrise. That it is hereby directed that signs be erected at all entrances to the cemetery giving notice of the closing times in conformance with this ordinance.

Section 2. Penalty: That it shall be unlawful for any person to enter or remain in the De Leon Cemetery during the hours prohibited hereby. Any person convicted of violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed Five Hundred Dollars. (\$500.00)

Section 3. Severability: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

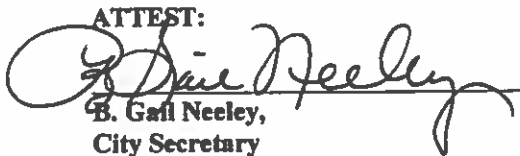
Section 4. Open Meetings: That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

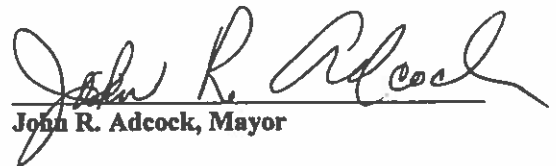
Section 5. Effective Date: This ordinance shall take effect immediately upon its adoption by the City Council and publications as required by Local Government Code.

PASSED AND APPROVED on first reading this the 25th day of June, 2002.

FINALLY PASSED AND APPROVED this 9th day of July, 2002.

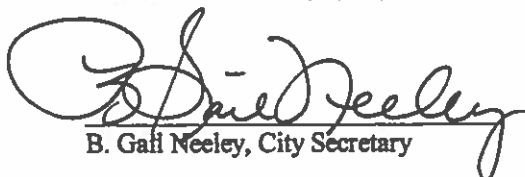
The City of De Leon, Texas

ATTEST:

B. Gail Neeley,
City Secretary


John R. Adcock, Mayor

Certification

I, B. Gail Neeley, City Secretary, of the City of De Leon, Texas, do hereby certify that the preamble to Ordinance No. 006-02 was published in the De Leon Free Press, 304 S. Texas, De Leon, Texas on the 16th day of July, 2002, and shall take effect ten (10) days after such publication, effective date being the 1st day of August, 2002.


B. Gail Neeley, City Secretary