

ORDINANCE NO. 1119

**AMENDING SECTION 32.03 OF THE TOWN OF SILVER CITY
MUNICIPAL CODE, RELATING TO THE DUTIES, RESPONSIBILITIES, AND
GOVERNANCE OF THE CEMETERY BOARD OF
THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO.**

WHEREAS, the Council of the Town of Silver City has reviewed the provisions of Section 32.03 of the Municipal Code relating to the Cemetery Board; and

WHEREAS, the Council has determined that there exist certain inconsistencies, ambiguities, and lapses in those provisions dealing with the governance, duties and powers of the Board; and

WHEREAS, the Council concludes that certain amendments to the Municipal Code are thus required; and

WHEREAS, the Council desires to reaffirm the advisory nature of the Cemetery Board and to provide for the Board's self-governance so as to make it more efficient in its conduct of business; and

WHEREAS, notwithstanding the advisory status of the Cemetery Board, the Council wishes to affirm that, as a matter of policy, said Board shall be subject to the provisions of the New Mexico Open Meetings Act and Inspection of Public Records Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

Section 32.03 (C) is amended by changing the subsection's title and by modifying the language therein, so that the amended subsection shall read:

(C) Terms, compensation, meetings, and organization. The Board members appointed shall hold their offices for a term of two years, without compensation, and shall be eligible

for reappointment without limitation. The Board shall meet at least monthly, and shall annually elect a chairperson, vice chairperson, and secretary. The chairperson, or vice chairperson in the chairperson's absence, shall preside over meetings and, further, shall be responsible for transmitting the advice and recommendations of the Board to the Town Manager.

Section 32.03 (E) is amended by deleting the subsection in its entirety and replacing it with the following:

(E) *Powers and Duties of the Cemetery Board.* The Cemetery Board shall:

- (1) advise the Town regarding the supervision, care and maintenance of the municipal cemetery by recommending rules, regulations, and policies to the Town Manager pertaining to the efficient operation and management of the cemetery.
- (2) recommend to the Town Manager the activities of town employees necessary for the care, maintenance and beautification of the municipal cemetery.
- (3) recommend to the Town Manager policies for the manner and place of burial.
- (4) keep minutes of regular and special meetings.
- (5) do all those things required by the New Mexico Open Meetings Act and the Inspection of Public Records Act.

Section 32.03 (F) is amended by deleting the subsection in its entirety.

Section 32.03 (G) is amended by renumbering it to subsection (F), changing the subsection's title,

and by modifying the existing text so that the subsection shall read as follows:

(F) *Rules and Regulations; Penalties for violation.* The Town Council, by ordinance, may prescribe rules and regulations regarding the use of the municipal cemetery, including prohibited activities, hours of public access, and any other matter deemed necessary to the care and protection thereof.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 22nd day of August, 2006.

(Seal)

TOWN OF SILVER CITY

James R. Marshall, Mayor

ATTEST:

Simon Wheaton-Smith, Town Clerk