



CITY OF AUSTIN
CEMETERIES
EST. 1839

CEMETERY OPERATIONS

Parks and Recreation

Finance Committee Presentation

November 2022

MISSION STATEMENT | Cemetery Operations strives to honor the past, present, and future of Austin's sacred municipal burial grounds with integrity, empathy, and respect.

VISION STATEMENT | Cemetery Operations utilizes available resources to provide the best quality of service and care to our diverse community and historic cemeteries.

The Founding of Historic Cemeteries

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1839

- Oakwood Cemetery



1872

- Stanley-Nolen



1878

- Cemetery at Longview Park



1898

- Plummers Cemetery



1915

- Oakwood Cemetery Annex



1926

- Evergreen Cemetery



1927

- Austin Memorial Cemetery

Background and History



Department of Public Works managed cemeteries (ends 1986).

- **26 Full-Time Employees:** All Grounds (15 Seasonal)

Intercare Managed.

- 1990-2013 Managed by contractor

Parks and Recreation Department (PARD) manages cemeteries.

- April 1, 2013 PARD assumed management of the five (5) City of Austin municipal cemeteries.
- The cemetery team was established to handle the administration, interment and maintenance functions.
- **29 Full-time Employees:** 7 Administrative & 22 Grounds (8 Seasonal)
- Cemetery Operations maintain 200+ acres of cemetery land, which consists of over 80,000 burials
- An average of 365 interments per year and 500 space sales

Interment Contract

In **June 2013**, the Austin City Council approved a five-year contract with Interment Services, Inc. (ISI) for interment services only.

The ISI contract expired on **November 28, 2018**. On November 15, 2018, Austin City Council approved an extension option for the contract with Interment Services, Inc. Currently, ISI is working with Cemetery Division staff to fully train them on performing internments.



At the moment...

- PARD is currently managing interments at all five (5) city cemeteries.
- As of April 1, 2013, Cemetery services include:
 - Sales administration and management (PARD)
 - Cemetery operations and maintenance (PARD)
 - Interment services (Contractual)
- Burial spaces are only sold at Austin Memorial Cemetery and Evergreen Cemetery.
- Austin Memorial Park has over **30 acres** of undeveloped land available for future burials.



Business Challenges/Unmet Needs:

- Limited personnel resources; currently operating at roughly 40%
- Interment Equipment (Mini Excavator, Tipper, trailers, etc.)
- Maintenance Equipment (zero turn mowers, walk-behind mowers, and UTVs)
- Monument Maintenance (resetting and releveled) due to safety and hazardous conditions
- Modernize entire irrigation at all locations
- New Road Construction at AMP for future sections
- Road Restoration at Oakwood and Oakwood Annex
- AMP Administrative Security System
- Tree Maintenance (New Plantings, Stump Removal, and Poison Ivy)
- AMP & EVR Fencing



What Is The Perpetual Care Fund(PCF)?:

The Perpetual Care Trust Fund ("PCF") was created by Austin City Council in **1983** pursuant to the statutory predecessor of:

➡ Texas Health and Safety Code Chap. 713, Subchapter A.

➡ The PCF is currently codified in City Code Chapter 10-1.

The purpose of the Fund is to assure the perpetual maintenance of the cemetery lots and graves in the City cemeteries; invest and reinvest money in trust accounts in the Trust Fund; and apply the income earned by the Trust Fund that is in excess of the amount necessary to maintain the individual cemetery lots or graves to the beautification of the city cemeteries generally.



Perpetual Care Fund History:

1959

- Council established PCF, directing that 25% of the sale of each cemetery plot be deposited in the Fund. This practice was discontinued in 1982.

1982

- Council transferred PCF funds into Cemetery Endowment Fund (established in 1982).

1985

- City became the trustee for ten small, individual trusts transferred from Texas Commerce Bank and Bank One into the PCF. Based on existing records, it is unclear whether these are the only individual trusts – i.e., trusts established for the maintenance of a specific lot or gravesite -- that were ever created pursuant to Chap. 10-1.

1990

- Council merged Cemetery Endowment Fund into PCF.

What Is The Current Balance of The PCF:



\$1 million (Current Principle)



\$10,000 (Interested Yielded and Deposited In GF)

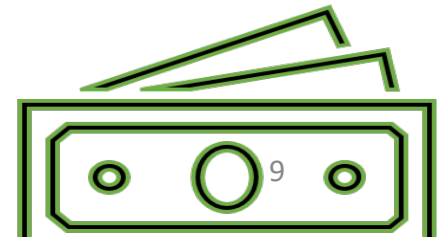


\$3.3 million (Current Budget Funded by GF)



\$330 million (Amount needed in PCF to be solvent)

Meanwhile, deferred maintenance at the cemeteries remains a significant issue.



Update on Cemetery Rules Ordinance

2013

- Resolution No. 20131017-042: Established updated cemetery rules through public engagement with implementation and enforcement

2017

- Multiple Community Engagements
- Draft Rules Presented to Stakeholders – October 2017

2018

- Notice of Proposed Cemetery Rules R161-18.08 – May 2018
- Appeals Process Overturned – August 2018
- Cemetery Comparison and Additional Citizen Engagement (Current)

2023

- Estimated Implementation and Enforcement of new rules update

Cemetery Rules

The City of Austin's Parks and Recreation Department's Cemetery rules and regulations were originally adopted in 1978.

City Council approved Resolution 20131017-042, thereby directing the City Manager to conduct a public engagement process to evaluate the current cemetery rules, and PARD initiated the assignment on October 17, 2013. One of PARD's main goals was to find common ground between public desire and feasibility.

It is important to note that many of the existing conditions in the cemeteries were found to be out of compliance with the 1978 rules.

Rules History

In the summer of 2015

McDoux Preservation, LLC finalized the Cemetery Rules Report that focused on grave ornamentation practices in the five municipal cemeteries and included a summary of public responses related to grave ornamentation, and recommendations.



In March 2016

New Cemetery Manager developed a public process for updating and enforcing the cemetery rules with a focus on grave ornamentation. The first community meeting was held on October 27, 2016, at Britton, Durst, Howard, and Spence Building.

Public feedback was accepted via Speak-Up Austin.



February 20, 2017–April 27, 2017

Conversation Corps led five guided discussions in two locations: Yarbrough Library and Britton, Durst, Howard, and Spence Building.

The conversations focused on grave ornamentation, associated religious and cultural practices, and the maintenance requirements that restrict ornamentation placement and materials. The goal was to gather input from stakeholders of different professions, ethnic, and religious communities.

Rules History

June 2017

The draft Rules were completed. This draft incorporated recommendations from the 2015 Cemetery Rules Project Report, stakeholder feedback, and safety and maintenance challenges. PARD considered carefully ornamentation to determine practices that could be permitted that are now restricted in the currently adopted Rules. The draft Rules were subsequently reviewed by the City of Austin Law Department.



October 23, 2017, and October 26, 2017

The updated Rules were presented to stakeholders during two public engagement meetings. Additional input and feedback was received and was incorporated into the final draft of the Rules. Following the two community meetings in October, PARD added section 14.4.12-General Regulations, (F) Appeals that outlines the process for anyone wishing to appeal a decision made by the Cemetery Administrator under the Rules. With the updated rules and a continuous open line of communication, we hope to be able to better serve our community.

Rules History

August 2, 2018

The revised cemetery rules were adopted by Acting Director Kimberley McNeeley, in accordance with Chapter 1-2 Adoption of Rules. In accordance with City Code, Section 1-2.10 (*Appeal of Adopted Rule to City Manager*) several citizens appealed the adoption of the proposed cemetery rules.

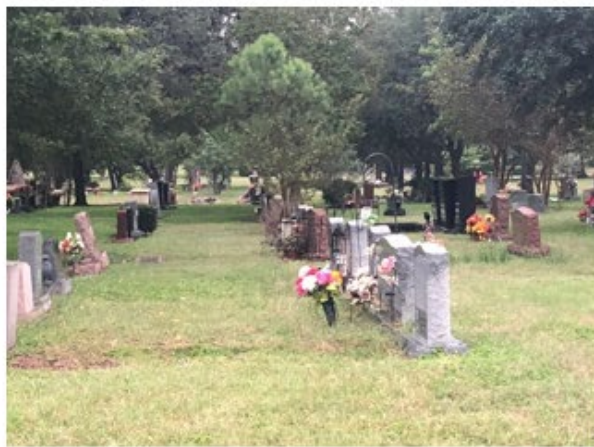
Under the discretion of the City Manager's Office, the City Manager withdrew the adopted rules.

Purpose of Rules

The Parks and Recreation Department agrees that people should be able to grieve in the manner of their choosing. The intent of rules in a public setting is to protect the rights of all customers while providing a safe and accessible environment.

Existing Conditions

Austin Memorial Park Cemetery



Existing Conditions

Evergreen Cemetery



Features of Focus

Benches

These rules are intended to address those memorials and benches which were not approved by the City, while still allowing for cultural and religious expression. Memorial benches can be a meaningful way to honor a deceased love one while offering a restful spot for people to sit.

14.4.9 (G) Benches installed prior to the adoption of these Rules may remain in place if they satisfy the requirements of **(B)** and **(D)(1)** above and are in a safe and stable condition as determined by Cemetery Operations in its sole discretion. Benches that do not meet these criteria may be removed without further notice.



Features of Focus

Ornamentation and Decoration

14.4.10

(B) The permitted items listed in **(A)** above may be placed only at the head of a space or to the immediate left, right, or on a memorial.



Shrubs

(D) The following items are prohibited, whether within or outside a space, and may be removed without further notice: trees, shrubs, and other plants, mounds, and holes



Features of Focus

Enforcement

The proposed rules are less restrictive and more safety oriented than the current rules adopted in 1978. The current rules were not consistently enforced which resulted in safety hazards, constrained maintenance, and inconsistent practices. Before implementing equal enforcement, we have taken the opportunity to update the language and incorporate current needs and practices. Special considerations were made to accommodate as many of the grieving practices as possible in a safe and fair manner.



**60-days and 30-days
Prior to clean-up**

Prior to the clean-up day, large signs will be placed at the entrances of all five City of Austin cemeteries, and small signs will be posted throughout the cemeteries. All attempts will be made to contact stakeholders by media release, via email, Facebook, City of Austin website, Next Door and Twitter.

We understand implementing these rules pose challenges and we are more than willing to discuss individual needs with the understanding that we must preserve the rights of all customers and provide overall safety. With the updated rules and a continuous open line of communication, we hope to be able to better serve our community.

Features of Focus

Enforcement

After cemeteries are cleaned up “Out of Compliance” items will be flagged with an Immediate Removal Notice or a 30-Day Notice.

IMMEDIATE REMOVAL NOTICE

Due to an interment service, monument setting and/or safety hazard, items at this gravesite have been removed. It may be retained temporarily at Austin Memorial Park Cemetery. Please contact the City of Austin Cemeteries Office for more information.

30 DAY NOTICE

This burial site is in violation of the City of Austin’s Cemetery Rules & Regulations. Please review the rules at <http://austintexas.gov/departments/cemeteries> and promptly remove the items. Thirty (30) days from the date of this notice, the City will remove and dispose of any remaining items in violation.

Concerns and Constraints

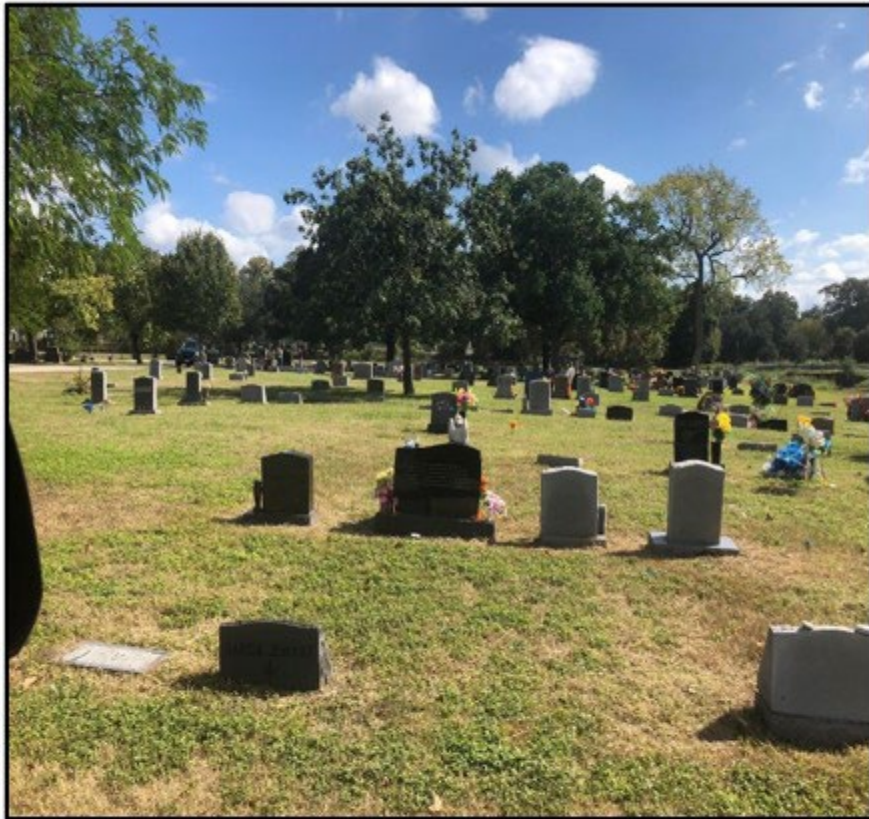
- ★ Equipment damage to mowers due to running over objects left on gravesites which can cause injury to employees or citizens.
- ★ Ornaments left on trees are a potential overhead hazard and unhealthy for the trees.
- ★ Potential buyers expressed a distaste for the unsightly look of our cemeteries and purchased more expensive lots elsewhere, resulting in the City losing potential revenue.



City of Austin Cemeteries is seeking uniform and consistent rules and regulations similar to other City Municipalities.

Other Municipalities

City of Austin Cemeteries is seeking uniform and consistent rules and regulations similar to other City Municipalities.



City of San Antonio Cemetery



City of San Marcos Cemetery

Accomplishments

2016

- Created a more efficient deed process in conjunction with Office of Real Estate Services in order to reduce the turnaround time for customers to receive their cemetery deeds
- Implemented controls for burials and markings, eliminating the risk of double space sales and errors

2017

- Installed limestone border around Plummers Cemetery to limit vehicular damage
- Updated and implemented new cemetery maintenance practices
- Cleaned up the cemetery at Longview Park
- Cemetery Operations successfully passed the 2014 Cash Audit
- Launched Phase I of the Cemetery Information Management System (CIMS)

2018

- Hired and trained new staff, including an Environmental Program Coordinator
- Completed and submitted a draft of the proposed Cemetery Rules and Regulations
- Launched Phase II of CIMS
- Restored the Oakwood Chapel; being programmed by Museums & Cultural Programs

Accomplishments

2021

- Collaborated with Saluting Branches, a nationwide volunteer effort to provide tree maintenance by certified arborist dedicated to veterans.
- Worked with volunteers and city leaders to restore vandalized headstones in Evergreen
- Began historical programming with QR codes to provide self guided walking tours

2022

- Repaved the roads at Austin Memorial Park Cemetery and Evergreen Cemetery
- Works with PARD Forestry to remove trees and limbs damaged in winter storm Uri
- Working to finalize restroom renovations at Austin Memorial Park



Road repavement at
Austin Memorial Park



Road repavement at
Evergreen Cemetery

Next Steps

- Continue to seek additional funding and resources to address current and unmet needs.
- Work to update and finalize Cemetery Rules through outlined City process.
- Work with PARB to gain input on strategic direction of Cemeteries with the City organizational structure
- Continue to open channels of communication to Cemetery stakeholders
- Work to expand volunteer and partnership opportunities to best leverage volunteer resources





QUESTIONS?