

Austin revising contract for cemetery maintenance

After audit found problems, parks department seeks to clarify responsibilities, complaint process

By **Sarah Coppola**

AMERICAN-STATESMAN STAFF

Published: 7:49 p.m. Monday, Jan. 16, 2012

Nearly two years ago, an audit found that the City of Austin did a poor job managing its five cemeteries and monitoring a company it hired to maintain cemetery grounds.

In response, the parks department has been rewriting its contract with the company, InterCare Corp., and will soon craft a long-term plan for how best to manage city cemeteries well into the future.

Austin's parks board will consider the new InterCare contract in the next few weeks before sending it to the City Council for a vote. The long-term plan won't be finished until year's end, said Gilbert Hernandez, the parks department's contract manager.

Parks officials will also weigh a bigger question this year — whether to keep employing InterCare for the long term, seek bids from other businesses or have city parks crews take over the maintenance of city cemeteries, which Hernandez said would cost \$3 million in the first year.

The city hired InterCare in 1990 to sell burial plots, perform burials and complete maintenance tasks such as mowing, irrigation, litter pickup, small repairs and brush removal at city cemeteries, which total nearly 200 acres.

Money from plot sales and other burial services is supposed to cover the cost of InterCare's work. If the profits exceed a yearly estimated budget, InterCare gives the city the difference. If it doesn't cover those costs, the city pays InterCare.

The current contract says the city can pay InterCare no more than \$651,000 over 10 years, an average of \$65,000 a year.

The city paid InterCare \$48,000 and made \$257,000 from the contract from 2006 to 2010, Hernandez said.

The new contract calculates costs and profits differently, to reflect the contract's full value, Hernandez said.

So, it says the city could pay InterCare as much as \$41 million over 20 years — an average of \$2.1 million a year — if the city raised its payments to the business each year, which is unlikely, he said.

Sharon Blythe, a frequent critic of Austin's cemetery upkeep and founder of the group Rescue Austin Memorial Park, said the city should rebid, not extend, the contract.

"Nothing has really been improved" in the revised version, she said. "The contract is too badly broken to fix. ... There are numerous problems with it, everything from the fee structure to trying to give (InterCare) more money to not having enough performance measures to make sure the contract can be enforced."

The current contract began in 2006 and is slated to end in 2016. If the city ends it before then, it would have to pay InterCare \$81,000.

City auditors who visited the cemeteries in 2010 found some broken fencing, poor irrigation, gravestones with weeds and piles of dirt from freshly dug graves that had not been cleared.

InterCare President Gene Bagwell said that there were some errors in the audit and that his business does good maintenance work.

The audit faulted the city for weak oversight of InterCare and said parts of the contract were vague, leading to discrepancies in whether the business or the city was in charge of certain tasks.

Since the audit, parks officials have assigned six employees to review, revise and oversee all parks contracts, Hernandez said. Also, one staffer now inspects the five city cemeteries every two weeks, Hernandez said.

He said the new contract describes in more detail the maintenance tasks InterCare must do and clarifies what work the city and the business are responsible for — saying, for example, that the city is in charge of major repairs, and listing what those might be.

The new contract also contains a more specific landscaping and irrigation plan, including setting a watering cap that InterCare could only exceed if it first gets the city's OK.

Hernandez said the revised contract also creates a clearer process for residents to lodge complaints about cemetery upkeep and refines the procedures by which InterCare and the city address and track those complaints.

"I think we achieved the goal, which was to clarify areas in the original contract that had ambiguity," said Bagwell, whose business maintains 20 city and state cemeteries in Central Texas.

Billye Schulle, who has relatives buried at Austin Memorial Park, said the parks department should focus on better enforcing the terms of the current agreement instead of signing a new document.

The audit urged the city to clarify parts of the existing agreement, Schulle said, "and instead of doing that, the parks department has renegotiated a contract that improves a bunch of things for InterCare and very little for the City of Austin."

Dale Flatt, founder of the advocacy group Save Austin's Cemeteries, said that regardless of whether the parks department continues to employ InterCare, the department should find better ways to pay for not just basic maintenance but larger cemetery improvements, such as better roads and drainage systems.

"I think InterCare has done a good job," he said. The bigger issue, he said, "is that the infrastructure is collapsing at the cemeteries. Until the city finds a better way to pay for that, it doesn't matter what contractor they hire."

scoppola@statesman.com; 912-2939

Find this article at:

<http://www.statesman.com/news/local/austin-revising-contract-for-cemetery-maintenance-2105729.html>

[Print this page](#)

[Close](#)

