

August 11, 2011

Sara Hensley, PARD Director  
Cora Wright, PARD Assistant director

RE: City of Austin cemetery contract recommendations

The Urban Forestry Board is concerned about the survival of the trees, including many heritage trees, in Austin's five public cemeteries. The Urban Forestry Board wrote to PARD in 2010 concerning the condition and maintenance of the city cemeteries and expressed our concerns with inadequacies in the cemetery contract. Although there have been some changes, we feel they are not the significant changes needed to allay our concerns about the maintenance of the grounds and care and watering of the trees. Drought conditions have us greatly concerned the trees are not receiving adequate watering.

State law 713.011 requires municipalities to care for the trees and grounds of public cemeteries. Much of the lack of tree care at cemeteries has been attributed to the existing contract with InterCare and lack of PARD oversight.

We wrote to you in a separate communication about watering the trees and the urgency of the watering because of the drought. We know at this time the City of Austin is reviewing the contract with InterCare for our city cemeteries. Though we recognize improvements, the specifics of the restated cemetery contract that limit the necessary care and watering needed for the survival of the trees must be changed.

The re-stated cemetery contract specifies that InterCare will be responsible for the first \$50K of water used per year at all cemeteries, and that PARD will pay for the remaining water provided that it is approved. PARD states that the purpose of this is to force watering per conservation guidelines. We feel, however, that this plan encourages InterCare to not water the trees. The \$50K amount was calculated from the average use of InterCare water \$30K in 2006, indexed to 2011. However, \$50K may not be sufficient because InterCare may not have been watering the trees in 2006.

The re-stated cemetery contract lacks performance standards. We proposed that enforcement procedures be added. For instance, water meters could be read every 2 weeks to record water used at each cemetery. In addition, trees could be observed for signs of stress due to lack of watering, and even moisture readings could be made with moisture probes. Reports should include all of this information, and be available to the public for monitoring. There should also be specific penalties for failing to water, such as the contractor having to pay twice the cost of the water that it should have used, with this money going to the Tree Mitigation fund.

The re-stated cemetery contract specifies that InterCare will be responsible for pruning trees at the cemeteries for safety and clearance purposes. Per city ordinance, a public tree care permit from PARD Forestry is required to prune public trees at all public cemeteries. The Forestry manager requires a certified arborist to write the pruning plan and be present during part of the

pruning. PARD's Forestry manager doesn't feel comfortable with issuing a site work permit for public tree care (pruning) to InterCare. InterCare is not qualified to prune trees and does not have a certified arborist in staff or proper training. Tree pruning should be the responsibility of the Forestry Department, or sub-contracted to a certified arborist.

The UFB recommends that the cemetery contract require the following:

1. Specifications for routine tree maintenance and watering needs as per UFB recommendations.
2. Tree pruning shall be done per ANSI standards.
3. A certified arborist shall write the tree pruning plan and be present during all the tree pruning, and that Public Works permits shall be obtained from PARD Forestry prior to working on public trees, as required by city ordinance.
4. The contractor shall abide by current COA's Oak Wilt policy.
5. Enforceable performance measures, without wording such as "in good faith" and "as needed policy."

The UFB also recommends getting a true cost estimate for updating the irrigation system, to include connecting existing irrigation system and installing sprinkler heads for more efficient watering.

Thank you for your attention to this matter.

Sincerely,

Urban Forestry Board

Patrick Brewer *Chair*  
Tom Hayes *Vice-Chair*  
Peggy Maceo  
Ryan Fleming  
Nicolas Classen

C: Mayor Lee Leffingwell,  
City Council Members