



## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Kimberly A. McNeeley, M. Ed., CPRP, Director  
Austin Parks and Recreation Department

**DATE:** July 20, 2022

**SUBJECT:** Dissolving the Perpetual Care Trust Fund

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The purpose of this memorandum is to provide information related to the origin and purpose of the Perpetual Care Trust Fund (PCF), as well as provide justification for why it should be dissolved.

The PCF was created by 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 Chap. 10-1, Art. 2. 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; and apply the income earned by the PCF, that is in excess of the amount necessary to maintain the individual cemetery lots or graves, to the beautification of City cemeteries generally.

The Parks and Recreation Department's (Department) objective, since it assumed direct responsibility for cemetery maintenance in 2013, has been to provide the same level of care to all graves, lots and public areas in the five City-owned cemeteries. The amount of income generated from the PCF principal is a small fraction of the Department's cemeteries budget. Meanwhile, deferred maintenance at the cemeteries remains a significant issue, and its cost alone exceeds the cemeteries budget. The Department would prefer the PCF principal be moved into a Capital Improvement Project account or a Special Revenue account that is specifically for cemetery maintenance and operations. This would allow the funds to roll over each fiscal year as needed to cover differed maintenance.

Before the PCF can be dissolved, the Texas State Legislature must pass an amendment to Health and Safety Code Chapter 713 that gives Austin City Council permission to do so. The Parks and Recreation Board can aid this process by recommending that Austin City Council support an amendment to State Law to allow the City to dissolve the Perpetual Care Trust Fund and use the principal for general cemetery maintenance and capital improvements.

cc: Jodi Jay, M.B.A., CPRP, Assistant Director  
Liana Kallivoka, PhD, PE, LEED Fellow, Assistant Director  
Lucas Massie, M.Ed., CPRP, Assistant Director  
Suzanne Piper, DBA, Chief Administrative Officer