

TULARE PUBLIC CEMETERY DISTRICT

BYLAWS

A. GENERAL

1. Formation

The Tulare Public Cemetery District is a public cemetery district formed on August 1, 1927, by resolution of the Tulare County Board of Supervisors and operates under the California Health & Safety Code along with other provisions of the laws of the State of California.

2. Purpose

The purpose of these Bylaws is to assist the Board of Trustees of the District as it sets policy and conducts the business and affairs of the District to help clarify and define the responsibilities of the officials of the District, and to supplement state law and to promote more specific guidelines for the actions of the Board of Trustees of the District by means which are fair, fiscally responsible, and protective of the interests of the people of the District. These Bylaws express the consensus of the Board as to policy matters covered but are not intended to be exhaustive nor are they intended to restrict the otherwise lawful authority of the Board. Notwithstanding any other term, provision or condition of these Bylaws, no otherwise lawful act of the Board or the officers of the District shall be invalidated by reason of any term, provision or condition of these Bylaws.

3. Roster of Public Agencies

Pursuant to Government Code section 53051, each time a change is made in the name of the District, the address of the District, or a change in the members of the governing board, a statement of facts will be filed with the Secretary of the State and the Tulare County Clerk within ten (10) days of the change.

4. Applicable Law

That which is contained in the applicable provisions of the California Health and Safety Code and applicable provisions of the California Government Code govern the actions of the District and its Board of Trustees.

B. ORGANIZATION

1. Board of Trustees

The District is governed by a Board of Trustees consisting of five members appointed by the Tulare County Board of Supervisors. The Trustees shall hold office for four years and until their

reappointment or appointment and qualification of their successors. All Trustees' terms shall commence at noon on the first Monday in January following appointment and end at the same time on the first Monday in January four years later. The Trustees' terms are currently staggered by the Board of Supervisors so that three terms expire in a single even-numbered year and two in a single odd-numbered year (2020 and 2021). On December 11, 2018, the Board of Supervisors took action to re-stagger the terms so they all end in even-numbered years. Accordingly, the terms which expire in 2021 will be followed by two one-year terms expiring in 2022. After that date, three terms will end in one even-numbered year, and two terms will end in the other even numbered year. (Health & Saf. Code, § 9024.)

2. Oath

Before entering on the duties of his or her office and after appointment to a new term each Trustee shall take (orally) and subscribe (sign) the oath or affirmation required by law before an officer authorized to certify oaths. The signed oath will be kept on file in the District office.

3. Officers

The officers of the Board of Trustees shall be a Chairperson, a Vice Chairperson, and a Secretary. The County Treasurer shall act as treasurer of the District. The Secretary may be a trustee or a District employee who shall be the Clerk as described in these Bylaws. No trustee shall hold more than one office. (Health & Saf. Code, § 9028.)

4. Election of Officers

The Board shall elect officers at the first regular meeting of each calendar year. Officers may be re-elected to any number of consecutive terms. Upon the occurrence of a vacancy in one or more of the officer positions, the Board shall fill such vacancy by electing a new officer. An officer may be removed from office by action of the Board of Trustees, and the Chairperson shall place an item for this purpose on the agenda at the request of any Board member. (Health & Saf. Code, § 9028.)

5. Vacancies and Resignations

The office of a member of the Board of Trustees shall become vacant upon the occurrence of any of the grounds set forth in Government Code section 1770. A resignation must be in writing and is effective when filed with the clerk of the Board of Supervisors. (Gov. Code, § 1750.)

6. Duties of the Trustees – General

The Trustees' duties shall be legislative in nature. They shall formulate and adopt policy, rules and regulations for the operation and management of the District.

a) The Trustees shall conduct their business for the public benefit, abiding by the Ralph M. Brown Act (Gov. Code, § 54950 et seq.) concerning the requirements for open meetings of legislative bodies of local governmental agencies in California.

b) They shall exercise sound and prudent judgment in conducting the business of the District and shall deal always in an ethical, honest, straightforward, open and aboveboard manner with the community, the District and the staff.

c) They shall in all ways prudently manage, preserve and account for the District's financial resources. They shall review and approve a budget annually. They shall provide, within applicable budget limitations, adequate personnel, equipment, and materials for the operation and maintenance of the Tulare Public Cemetery.

d) The Board shall establish Personnel Policies which shall provide for the recruitment, selection, retention, evaluation, discipline, and termination of District employees.

e) The Board shall employ a qualified, competent person as the District Manager who will manage, administer and supervise the District under the direction of the Board. The Manager shall serve at the will and pleasure of the Board. The Board shall conduct at least annual formal job appraisal reviews of the District Manager pursuant to a formal process which will be developed and documented.

f) The Board shall study ways of improving the District and the services the District provides.

g) The Board shall act collectively and the members will not individually involve themselves in the day-to-day operation of the District. They shall function as a Board, rather than as individuals, to adopt public policy and Board procedures for guidance of the Board and Staff.

h) They shall keep the District Manager informed of community reaction to the District's services and assist in building positive community relations.

i) The Board shall represent the District at official functions that pertain to the District as required.

j) The Board shall initiate legal action when appropriate, and shall vigorously defend the District as required.

k) It is the duty of the Chairperson to call a workshop meeting upon the appointment of any new Board Member. This is to benefit the newly appointed Trustee and acquaint him or her with the law governing public cemetery districts, District Bylaws, Policies and Procedures, Rules and Regulations, the Brown Act, the District annual budget, and current issues under study by the Board of Trustees.

7. **Clerk of the Board**

The Clerk of the Board shall be the District Manager or other appointee selected by the Board. He or she shall attend each regular meeting of the Board and shall maintain a record of all proceedings thereof as required by law. If the Clerk of the Board cannot attend a meeting, the Chairperson or the District Manager shall make arrangements to have someone in attendance to properly record the Board's proceedings.

It shall be the duty of the Clerk of the Board to attest all District resolutions. The Clerk of the Board shall also keep a record of Board agendas and Board action synopses. The Clerk is responsible for signing all legal documents and affixing the District seal as required. The Clerk is responsible for the publication of legal notices, appropriate action and certification and filing of documents, e.g., budgets, audits, resolutions, and other legal documents. The Clerk is responsible for receiving and answering all official Board correspondence, after appropriate consideration is given to the correspondence by the Board acting collectively.

C. MEETINGS

1. **Regular Meetings**

The regular meetings of the Board of Trustees shall normally be held on the fourth Thursday of each month, and shall normally commence at the hour of 1:00 P.M., at the District office. Notwithstanding the foregoing, the date, location and starting time of the meeting may be adjusted by order of the Chairperson to accommodate expected business or lack of a quorum, or for other sufficient reasons.

2. **Special Meetings**

Special meetings may be called at any time by the Chairperson, or by a majority of the Trustees, by delivering personally or by mail, written notice of such meeting to each Trustee and by posting a notice and agenda of the meeting at least 24 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered.

3. **Emergency Meetings**

Emergency meetings may be called without compliance with the 24-hour notice requirement in the case of any emergency situation involving matters upon which prompt action is necessary as set forth in Government Code section 54956.5.

4. **Closed Sessions**

Closed sessions may be held during a regular or special meeting. The general reason for a closed session must be made public as required by the Brown Act. Closed sessions not expressly authorized by the Brown Act are prohibited. Following a closed session, the Chairperson shall announce any action taken by the Board during such closed session to the extent such announcement is required by law.

5. Quorum and Vote

A majority of the Board (3 of 5) constitutes a quorum for the transaction of business and a majority of the total membership (3 of 5) is required to take action, regardless of whether there are any vacancies on the Board. The Board may take action by motion, resolution, or ordinance. (Health & Saf. Code, § 9030.)

6. Meeting Procedures

The Chairperson, when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every board meeting and shall immediately call the members to order and proceed with the business of the Board. The proceedings of the Board shall be conducted with the provisions of law applicable thereto and generally accepted rules of order and parliamentary procedure, except as otherwise expressly established from time to time by a majority of the Board. Except as they conflict with the Government Code, Robert's Rules of Order (Newly Revised) shall govern all questions of procedures.

7. Meeting Attendance

Each member shall be in his or her respective seat at the hour set forth for each meeting and at the time set for any adjourned or special meeting. Any member not present when the Board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting commences, the Clerk shall note his or her arrival in the minutes.

8. Agenda Organization

The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the Chairperson of the Board. Generally, this shall be as follows:

- a) Call to Order
- b) Roll Call
- c) Public Comment
- d) Trustee Comments
- e) Approval of Board Minutes of previous meetings
- f) Future Agenda Items
- g) District Manager's Report
- h) Approval of Financial Report

- i) Recess to Closed Session
- j) Reconvene to Open Session & Report
- k) Announcements
- l) Adjournment

9. Board Discussions

When any Board member wishes to speak, the Board member shall address the Chairperson. The Chairperson shall name the member who is first to speak and speakers shall confine their remarks to the questions under debate and avoid disparaging personal attacks or comments. The Chairperson may elect not to recognize a Board member to speak again until all other members have had an opportunity to be heard.

10. Motions and Seconds

Each motion made by any member of the Board shall require a second. Motions and seconds may be made by any member of the Board, including the Chairperson.

11. Roll Call Procedures

The Chairperson shall announce all formal votes for the record. A roll call vote will be used upon request by any trustee.

12. Agenda Preparation

The Chairperson shall direct the preparation of the agenda by the Clerk for the regular monthly meetings for delivery and posting no later than 72 hours prior to the meeting (Gov. Code, § 54954.2) or as required by the Board.

13. Agenda Contents

The Chairperson shall determine the items to be placed on the agenda except as otherwise provided in these bylaws. All appropriate materials relating to each matter shall be included in the packet. The agenda shall list the items for the Board's consideration by number with a brief statement of the subject matter sufficiently defined to apprise the public of the matter to be considered for each of the items. The agenda may include suggested actions or recommendations.

14. Agenda Distribution

Any written material(s) given to a majority of the Board must be made available to the general public, in compliance with Government Code section 54957.5, so long as those writings are public records. The exception to the obligation to provide the public with access to any writings distributed to the members of the Board are those that deal with matters properly discussed in

closed session or protected under Government Code section 6250 et seq., which are to remain confidential.

15. Audience Comment

Any member of the public wishing to address the Board shall first identify himself or herself and shall be limited to three minutes (6 minutes if a language interpreter is used) unless extended by the Chairperson. It is the Board's intent to accommodate all persons who wish to attend open public meetings.

16. Meeting Disruptions

All demonstrations during meetings, including cheering, yelling, whistling, hand clapping, and foot stomping are prohibited. The exception to the right of the public to attend all meetings of the Board applies to those who attempt to disrupt the conduct of the meeting. In the event that any meeting is willfully disrupted, by a group or groups of persons, so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by the removal of the individuals who are willingly interrupting the meeting, the Board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this exception. (Gov. Code, § 54957.9.)

D. POWERS, DUTIES, AND COMPENSATION

1. Chairperson

The Chairperson shall possess the powers and perform the duties prescribed as follows:

- a) The Chairperson shall have general direction over the Board room.
- b) The Chairperson shall supervise the day-to-day activities of the District's management employee(s) in the event the district manager is unavailable or unable to perform major responsibilities. In the event the Chairperson assumes such duties, the board shall call a special meeting as soon as reasonably possible. No other Trustee shall supervise or direct any employee of the District without delegation by the Chairperson or the Board.
- c) The Chairperson shall preserve order and decorum; prevent demonstrations; and in accordance with the law, order removal from the Board room any person whose conduct is deemed objectionable; and order the Board room cleared whenever deemed necessary. (Gov. Code, § 54957.9.)
- d) The Chairperson may allocate the length of time for public discussion of any

matter in advance of such discussion with the concurrence of the Board. (Gov. Code, § 54954.3.)

e) The Chairperson shall be the official spokesperson for the Board and the principal contact with other governmental agencies, legal counsel and the press, unless the Board delegates this authority to another.

f) The Chairperson shall appoint committees of the Board as deemed necessary.

2. Vice-Chairperson

In the absence or unavailability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

3. Treasurer

In the event that all District funds are withdrawn from the county's custody, a treasurer shall be appointed and shall be bonded. The treasurer will be responsible for accounting for all funds and for regularly preparing and making reports to the Board regarding the District's finances. (Health and Saf. Code, § 9077.)

4. Trustees

Each Trustee shall be entitled to request information and assistance from the District. Financial or legal advice shall be obtained only through the Board or the staff acting at the direction of the Board or within their authority as employees.

5. Board Compensation

In order to comply with the requirements of Health and Safety Code section 9031, which requires the compensation of the Trustees to be set by ordinance or resolution, these Bylaws are deemed to have been adopted by resolution. The Trustees shall receive one hundred dollars (\$100.00) for each regular meeting of the Board of Trustees attended, and twenty-five dollars (\$25.00) for each special board meeting attended, unless a special board meeting is held the same day as a regular board meeting, in which case no additional compensation shall be paid, and for required training attended, not to exceed a total of four hundred dollars (\$400.00) in any calendar month. Trustees shall be allowed actual and necessary traveling and incidental expenses incurred in the performance of official business of the District, as approved by the Board. (Health & Saf. Code, § 9031.)

6. Notification of Impending Absence

If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board Chairperson, the District Manager, or Clerk of the Board or designated representative prior to the meeting.

E. DISTRICT EXPENDITURE POLICY

Expenditures of the District shall be made only in accordance with the District's Expenditure Policy as adopted by the Board. Such Expenditure Policy shall include at a minimum, contracting, purchasing and disposition of property policy.

F. AMENDMENT OF BYLAWS

These Bylaws shall be reviewed bi-annually. Bylaws may be amended at any Board meeting by a simple majority vote.

ATTEST: BOARD OF TRUSTEES

By: 
Secretary

History

Adopted October 2, 2017.
Amended: April 18, 2018;
September 19, 2018;
February 20, 2019,
April 24, 2019,
October 29, 2019,
September 2, 2021.