



Tulare Public Cemetery District

900 East Kern Avenue Tulare, Ca. 93274
Phone (559) 686-5544 Fax (559) 686-7484



BOARD AGENDA

Regular Board Meeting
January 5, 2021
1:00 P.M.

PRELIMINARIES:

- 1.1 Call to Order
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Moment of Silence in Memory of Those Who Have Passed
- 1.5 Public Comments (three (3) minutes per person)
- 1.6 Trustee Comments (three (3) minutes per person)

NOTICE TO THE PUBLIC PUBLIC COMMENT PERIOD

AT THIS TIME, MEMBERS OF THE PUBLIC MAY COMMENT ON ANY ITEM THAT IS NOT ON THE AGENDA THAT IS WITHIN THE JURISDICTION OF THE BOARD. Under state law, matters presented under this item cannot be discussed or acted upon by the board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for board consideration. Any person addressing the board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak

OPEN SESSION – AGENDA ITEMS: (All items are subject to discussion and possible action by the Board of Trustees.)

- 2.1 Approve Minutes of December 2, 2021 Regular Board Meeting and December 21, 2021 Special Board Meeting
- 2.2 The Cemeterians Report
- 2.3 District Manager's Report
- 2.4 Audit Committee Report
- 2.5 Verification Committee Report
- 2.6 Review Employee Handbook
- 2.7 Approve to Request Fund Transfer of Resolutions 2021/2022-5
- 2.8 Board Training by Counsel
- 2.9 Tall Stone Rows
- 2.10 Training Bonus
- 2.11 Proposed Changes to District Manger Job Description
- 2.12 End of Year Incentive Bonus for Executive Positions
- 2.13 District Manager Compensation
- 2.14 New Business

CLOSED SESSION ITEMS:

- 3.1 **CONFERENCE WITH LEGAL COUNSEL – Public Employee Evaluation**
(Government Code Section 54957) For the Position of: Manager.
- 3.2 **CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION**
Significant Exposure to Litigation (Government Code Section 54956.9(d)(2))
Disinterment of Edwina Santos

OPEN SESSION:

- 4.1 Announcements Out, If Any

ADJOURNMENT:

OPEN SESSION AGENDA ITEMS NOTICE TO THE PUBLIC

ALL WRITINGS, MATERIALS AND INFORMATION PROVIDED TO THE BOARD FOR THEIR CONSIDERATION RELATING TO ANY OPEN SESSION AGENDA ITEMS OF THE MEETING ARE AVAILABLE FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS MONDAY THROUGH FRIDAY 8:00 AM – 5:00 PM AT THE ADMINISTRATION OFFICE OF THE DISTRICT LOCATED AT 900 E. KERN AVE., TULARE, CA 93274

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU SHOULD NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE BOARD OFFICE AT (559) 686-5544 FORTY-EIGHT (48) HOURS PRIOR TO THIS MEETING.

Rules of Decorum

- Meetings of the Tulare Cemetery District shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Trustees is retained at all times.
- No person in the audience at a District meeting shall engage in disorderly, boisterous conduct or other acts which disturb, disrupt or otherwise impede the orderly conduct of any District meeting.
- The Chair shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the Chair, a person persists in disturbing the meeting, the Chair shall order him or her, to leave the District meeting.
- If such person does not remove himself or herself, the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor.

Addressing the Cemetery Board

- No person shall address the Trustees without first being recognized by the Chair.
- Each person shall confine his or her remarks to the agenda item.
- Each person shall limit his or her remarks for business items or oral communications to three minutes, with a total of 15 minutes allotted for the Public Comment Period unless further time is granted by the Chair.
- All remarks shall be addressed to the Trustees as a whole and not to any single member thereof, unless in response to a question from such member.
- No question may be asked of the Trustees without permission of the Chair.

Trustee Conduct

- The Tulare Public Cemetery Trustees agree to disagree.
- The Tulare Public Cemetery Trustees when desiring to speak shall address the Chair and confine their remarks to the questions under debate.
- The Tulare Public Cemetery Trustees will use respectful language, will not shout nor use aggressive behavior when communicating ideas, beliefs or comments.
- The Tulare Public Cemetery Trustees will not allow personal attacks on staff, each other, or the public.
- The Tulare Public Cemetery Trustees will not condone issues brought before the board that warrant public review without allowing the staff to review the situation and/or permission to add to the board agenda. Issues that warrant review, discussion and/or consideration of the legislative body shall be presented at an open and public meeting in a courteous and professional manner.
- The Tulare Public Cemetery Trustees will not condone grandstanding.
- The Tulare Public Cemetery Trustees will not belabor issues that have either been resolved or tabled to ensure continued productive discussions and decisions.
- The Tulare Public Cemetery Trustees will be proactive in addressing disagreements with fellow members or staff by directly addressing concerns with that member through meaningful and respectful dialogue.



**Tulare Public Cemetery District
Regular Board Meeting Minutes
December 2, 2021**



CALL TO ORDER:

The Tulare Public Cemetery Regular Board Meeting was called to order at 1:00p.m., at 900 E. Kern Ave, Tulare, California by Chairperson Xavier Avila. Other trustees present were Vice Chairman Jim Pennington, Secretary Steve Present, Trustees Charlie Ramos, Alberto Aguilar and District Manager Clara Bernardo.

RECONGNITION OF VISITORS:

Four members of the public were in attendance.

PUBLIC COMMENTS:

No members of the public spoke

TRUSTEE COMMENTS:

Five Trustees spoke

OPEN SESSION:

- 2.1 Presant Motion to approve minutes as corrected Vote (4-1) Aguilar opposed
- 2.2 Linda Maloy gave presentation for Cemeterians
- 2.3 District Manger Bernardo gave monthly report
- 2.4 Presant gave Audit Committee report
- 2.5 Presant motioned to approve August, September and October 2021 financials. Vote (4-1) Aguilar opposed
- 2.6 Avila Disbanded the Ad Hoc Forensic Committee
- 2.7 Ramos and Presant gave recommendation from the Investment Committee to keep our investments with the County of Tulare. Recommendation accepted.
- 2.8 Attorney Zaheen provided training on the Public Records Act
- 2.9 Ramos requested to have The Verification Committee be put on the January 2021 agenda. Aguilar requested to have the new employee handbook in January 2021 meeting
- 2.10 Ramos moved to approve resolution that cemeteries employees will not be pall bearers for non-direct burials. Vote (5-0)
- 2.11 Ramos moved to approve security cameras at the North Cemetery. Vote (4-1) Aguilar Opposed
- 2.12 Presant moved to approve Vault Policy as presented Vote (4-0-1) Aguilar abstained
- 2.13 Item tabled
- 2.14 Ramos moved to employ another full-time office staff at the discretion of the District Manager. Vote (4-1) Aguilar Opposed
- 2.15 Avila asked county counsel to provide a resolution regarding contact of our vendors by the public and board chair/district manager control.

ADJOURNMENT TO CLOSED SESSION AT 4:00PM

OPEN SESSION FROM CLOSED SESSION AT 4:05PM

Chairperson Avila had nothing to report

Respectfully Submitted,

Board Secretary



Tulare Public Cemetery District
Special Board Meeting Minutes
December 21, 2021



CALL TO ORDER:

The Tulare Public Cemetery Regular Board Meeting was called to order at 1:04p.m., at 900 E. Kern Ave, Tulare, California by Chairperson Xavier Avila. Other trustees present were Vice Chairman Jim Pennington, Secretary Steve Present, Trustees Charlie Ramos, Alberto Aguilar and District Manager Clara Bernardo.

PUBLIC COMMENTS:

No members of the public spoke

TRUSTEE COMMENTS:

Three Trustees spoke

OPEN SESSION:

2.1 Avila spoke regarding recent media article regarding disinterment

ADJOURNMENT TO URGENT CLOSED SESSION BY COUNTY COUNCEL AT 1:25PM

OPEN SESSION FROM CLOSE SESSION AT 1:49PM

Chair Avila had nothing to report out.

Chair Avila asked for the Valley Voice to retract their inaccuracies reported on a past disinterment.

- 2.2 Present moved to approve to have Chairperson Avila sign resolutions 2021-7 Vote (4-1) Aguilar opposed
- 2.3 Ramos moved to adopt resolutions 2021-8 with corrections Vote (4-1) Aguilar opposed
- 2.4 Discussion on having confidentially at closed session and the need to have Trustees give confidence to our District Manager on this issue.
- 2.5 Avila moved to approve \$125.00 end of year incentive bonus for all employees except Ms. Bernardo and Mr. Faria, who as executives at the district, must be acted on during a regular board meeting. Vote (3-1-1). Present Abstain and Aguilar Opposed

ADJOURNMENT TO CLOSE SESSION AT 2:31 PM

District mangers employee evaluation

OPEN SESSION FROM CLOSE SESSION AT 3:35 PM

Chairperson Avila had nothing to report

Respectfully Submitted,

Board Secretary

Tulare Public Cemetery District
900 East Kern Avenue
Tulare, CA 93274
PHONE: 559-686-5544 FAX: 559-686-7484

RESOLUTION NO. 2021/22 – 5

FUND TRANSFER REQUEST

TO: TULARE COUNTY AUDITOR-CONTROLLER
221 S. MOONEY BLVD., ROOM 101-E
VISALIA, CA 93291

DATE: January 5, 2022

Please transfer the following funds for the account of:

Tulare Public Cemetery District
900 East Kern Avenue
Tulare, CA 93274

Upon motion by _____, second by _____, the following resolution was adopted:

Resolve that the amount of **\$8,982.08** to be transferred from General Fund 772 known at the treasurer's office as (Tulare PUB CEM DIST-General Fund) of the Tulare Public Cemetery District to be transferred to the Tulare Public Cemetery District Endowment Fund 773 known at the treasurer's office as (Tulare PCD-Endowment) for future maintenance purposes.

<u>TRANSFER FROM:</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
Tulare PCD-General Fund	CR 772-1100	\$8,982.08
<u>TRANSFER TO:</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
Tulare PCD Endowment	DR 773-1100	\$8,982.08

I, _____, Secretary/Treasurer of the Board of Trustees of the Tulare Public Cemetery District, do hereby certify that the foregoing is a true and correct copy of a resolution made and adopted by the Board of Trustees of the Tulare Public Cemetery District at a meeting duly and regularly called and held on the 5th day of January 2022.

Board Secretary/Treasurer