



Tulare Public Cemetery District

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

www.tularecemetery.net

Email office@tularecemetery.net

This is an Endowment Care Interment Property

Chairman

James Pennington

Vice Chairman

Carlos Ramos

Secretary

Stephen Presant

Trustees

Xavier Avila

Alberto Aguilar

AGENDA

Special Board Meeting

Thursday, July 28, 2022,

1:00PM

PRELIMINARIES:

- 1.1 Call to Order
- 1.2 Roll Call

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 Complaint letter-Almeida Family
- 2.2 Censure of Trustee Aguilar for actions at Kern Cemetery
- 2.3 Change Bylaws to remove all Trustee Compensation for Regular, Special Board Meeting, and required training attended.

CLOSED SESSION – ITEMS:

3.1 **Significant Exposure to Litigation** – Government Code Section Government Code Section 54956.9(e)(5) – Statement made by a person outside of public meeting.

- 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.

Clara Bernardo

From: Clara Bernardo
Sent: Tuesday, June 28, 2022 1:15 PM
To: Albert Aguilar
Subject: 6/28/22 discussion

Mr. Alberto

I would like to thank you for taking the time to come and meet with me yesterday to discuss a few concerns. I would like you to know that loose branches are being pulled of the ones you discussed and a few others that were a concern. I also addressed the crew on placement of the flowers on the burial to layout them out in a respectful way for the family, I also created a note for the family packet that explains how the flowers will be placed once service is over. The sprinkler hole with the mess has been cleaned up but still needs more attention which will be done by end of day. Just know that I heard you and agree there are definitely things still need to work on an address, but I really do appreciate you taking the time to meet with me so I can address them right away. Thank You!

Have a great day.

Clara L. Bernardo
District Manager



900 E. Kern Avenue --
Tulare, CA 93274
(559) 686-5544

www.tularecemetery.net

Clara Bernardo

From: Albert Aguilar <alaguilar1925@yahoo.com>
Sent: Wednesday, June 29, 2022 8:06 AM
To: Clara Bernardo
Subject: Re: 6/28/22 discussion

Clara,

I want to thank you and grounds supervisor David Faria for listening to my concerns regarding the complaints that have been brought to my attention by Mrs. Thrasher on 6/23/2022, regarding the disrespectful setup of equipment during the burial of her husband, and on the following day, 6/24/2022, another similar complaint is brought to my attention.

The written policy of the cemetery district is to provide respectful interment services and assist families with care and consideration in a dignified and pleasant atmosphere and maintain our cemetery grounds. The photos sent to me which I shared with you and David illustrate the disrespectful, disgraceful, and undignified manner regarding the burial services of Mr. Almeida. on 6/24/2022.

On 6/25/2022, I went to the cemetery to observe and confirm the condition of the gravesite, and what I saw confirmed the undignified and unprofessional handling of the grave site by cemetery staff whereas there was a pile of dirt on the middle of the grave and towards the bottom of the grave the ground was about two inches below the ground. Said differently, the dirt above the grave had not been leveled and there were sunken footprints on the dirt. It was obvious that there was no attempt to use a soil compressor to level the dirt or any attempt to level the dirt before the flowers on the four easels with flower arrangements and two vases with flower arrangements appeared to have been thrown on top of the dirt pile.

The policy of the cemetery does not permit the family to remain at the grave site for the lowering of the casket and everyone is asked to leave, however when the Almeida family members returned to the cemetery later in the evening to pay their respects, then they discovered with disbelief the disrespectful, disgraceful, and undignified condition of the gravesite.

The flower policy posted at the cemetery fence on Kern Avenue by the entrance gate is dated July 11, 2007, however, the flower policy was revised on August 26, 2021, and is posted on the district website. At no time has the Board revised or amended the flower policy to state or indicate that after the grave services are complete, the flower arrangements will be laid on the dirt above the grave. The flower policy states, "Fresh flowers wreaths, potted plants, or easel arrangements from a funeral service should be picked up by the family within a few days after the service, or the cemetery will remove them from the grave site when they become wilted or tattered."

Clara, I also informed you and David of the neglect and deplorable condition of the cemetery grounds that I photographed and reviewed with both of you. David agreed that the grounds were very, very bad and the reason was due to not being staffed properly. However, the board has authorized you to hire the authorized personnel to maintain the grounds and it's my understanding that when a groundskeeper quit a few months ago, no one has been hired to fill that vacancy, and no temps have been hired to help maintain the grounds.

I am going to ask our board chairman to place this matter on the agenda for the upcoming special meeting since one of the items for discussion will include the budget for the next fiscal year (2022-2023) which commences on July 1, 2022.

Respectfully,

Alberto

On Tuesday, June 28, 2022, 01:14:57 PM PDT, Clara Bernardo <clara@tularecemetery.net> wrote:

Mr. Alberto

I would like to thank you for taking the time to come and meet with me yesterday to discuss a few concerns. I would like you to know that loose branches are being pulled of the ones you discussed and a few others that were a concern. I also addressed the crew on placement of the flowers on the burial to layout them out in a respectful way for the family, I also created a note for the family packet that explains how the flowers will be placed once service is over. The sprinkler hole with the mess has been cleaned up but still needs more attention which will be done by end of day. Just know that I heard you and agree there are definitely things still need to work on an address, but I really do appreciate you taking the time to meet with me so I can address them right away. Thank You!

Have a great day.

Clara L. Bernardo

District Manager



900 E. Kern Avenue –

Tulare, CA 93274

(559) 686-5544

Clara Bernardo

From: izzybee68@aol.com
Sent: Monday, July 11, 2022 8:10 AM
To: Clara Bernardo
Cc: office
Subject: Tulare Public Cemetery District Official Complaint Letter- Ref: Idebrando Almeida (Contract/Sale #23014)
Attachments: Flower Receipts.pdf; Tulare Public Cemetery District Receipt.pdf

From:
Anisabel Fernandes

To:
Clara Bernardo
District Manager
Tulare Public Cemetery
900 E. Kern Ave
Tulare, CA 92374

Reference:
Idebrando Almeida

June 24, 2022 Burial Services
Contract/Sale #23014

Date:
July 6, 2022

Dear Clara,

I want to give the Tulare Public Cemetery District Management and Board Members an opportunity to accept this letter as my official complaint and take the appropriate action to set things right in regards to my father's (Idebrando Almeida) recent burial dated on June 24, 2022.

My family and I are long time good standing citizens and home owners in the City of Tulare for over 40 years and still counting. I'm also a current Business owner in the City of Tulare for over 25 years. I have both of my Grandparents buried (two separate plots) at the Tulare Public Cemetery and we recently laid down to rest my father, Idebrando Almeida. We have purchased another plot for my mother Almerinda Almeida who is currently living.

As a proud Home & Business owner in the City of Tulare, I'm embarrassed, disgusted and appalled to even call our Tulare Public Cemetery a part of our community due to the neglect and disgraceful effort to improve the conditions of the cemetery grounds.

The Cemetery was notified one week in advance and confirmed our funeral service date and time. Knowing that we were scheduled to be there that day, you would think your Cemetery Grounds Supervisor along with his Ground Keepers would be experienced and well-versed to provide a respectful intimate service and assist

our family with care and consideration in a dignified and pleasant atmosphere and maintain the cemetery grounds. But instead, our family and guests experienced quite the opposite.

- The conditions of the gravesite where the ceremony took place was undignified. The headstone was dirty, tree branches were not removed (we had to remove them ourselves), and long weeds were growing over my father and mother's headstone. Also, the surrounding headstones where the ceremony took place were all in bad shape as well. It was not a pleasant atmosphere.
- There was a broken nearby headstone next to the gravesite and it was placed on the ground unsecured next to where all of our family and guests were sitting and standing. Many of us, including myself, needed to walk around it. It was definitely a hazard and whoever placed it there was very unthoughtful and irresponsible.
- We were told that a canopy would be provided and that it was part of the burial service fees. But no canopy was provided. When we asked the local grounds person after the funeral service why no canopy, his answer was because they used the tree for shade instead. Unbelievable!
- There were holes everywhere on the grass where you had to balance yourself every time you took a step (non-gopher related holes). Our elderly family and guests had to be assisted to and from their cars because they were afraid they would fall and injure themselves. Also, all eight (8) pallbearers told me that they were nervous that they were going to lose their balance and accidentally drop the casket because they had such difficulty walking on the grass due to the unevenness.

After the funeral service we left the cemetery for the lowering of the casket. Our family returned later that evening to pay our respects and we discovered with disbelief the disrespectful condition of my father's gravesite.

- The handling of the gravesite was unprofessional and careless. There was just a pile of dirt above the grave. It had not been leveled and there were sunken footprints on the dirt. It was obvious that there was no attempt to use any kind of machinery to level the dirt or any attempt to level the dirt before the flowers (4 easel flower arrangements, 1 casket flower arrangement and two vases with flower arrangements) were carelessly thrown over the gravesite and destroyed. Some of the flowers were buried a few inches under the dirt. It was a complete disgrace!

The Tulare Public Cemetery needs to be accountable for not honoring their mission to provide a respectful intimate service and assist our family with care and consideration in a dignified and pleasant atmosphere in our community where they serve within the district and maintaining the cemetery grounds. Therefore, I'm seeking a full refund for the cemetery burial services we paid for totaling \$3,104.25 (receipt attached) and also a full refund for the flowers that were destroyed totaling \$1,599.86 (2 receipts attached). Our family didn't feel it was appropriate to request a receipt from our guests who purchased the flower vases. But, I will do it if required. The total estimated purchase price for those 2 flower vases is \$300. I look forward to hearing back from the Tulare Public Cemetery Office Management and/or Board Members within 10 business days about the resolution of this matter. If I don't hear back or if this is not resolved in a timely manner, I will make an official complaint to The State of California Department of Consumer Affairs- Cemetery and Funeral Bureau and will also consider taking legal action.

Sincerely,

Anisabel Fernandes

CC: Tulare Public Cemetery District Board Members

- James Pennington
- Carlos Ramos
- Stephan Presant
- Xavier Avila
- Alberto Aguilar

Tulare Public Cemetery District
 900 E. Kern Avenue
 Tulare, CA 93274
 559-686-5544

Burial Receipt

| Date | Contract/Sale # |
|-----------|-----------------|
| 6/22/2022 | 23014 |

| |
|---------------------------------|
| Sold To Name and Address |
| Anisabel Fernandes |

| |
|------------------------------|
| Deceased Name Address |
| Ildebrando A Almeida |

| | |
|---------------------------|--|
| Interment Date/Day | |
| Funeral Time | |
| Mortuary | |
| Type of Service | |

| | |
|----------------------------|--|
| Check/Money Order # | |
|----------------------------|--|

| Cemetery | Grave | Row / Lot | Block / Section |
|----------|-------|-----------|-----------------|
| | 10 | 15 | Eastern-6 Kern |

| | | | | |
|--------------------------|---------------|--|---------------|--|
| Plot Recorded in: | Book # | | Page # | |
|--------------------------|---------------|--|---------------|--|

| Description of Fees for Service | Cost | Amount |
|---|----------|----------|
| Opening/Closing Grave | 2,000.00 | 2,000.00 |
| Dome or Flat Top Vault - Burial | 500.00 | 500.00 |
| Administration Fees | 300.00 | 300.00 |
| Dome/Flat Vault Installation | 263.00 | 263.00 |
| Book # 2 | 0.00 | 0.00 |
| Page # 97 | 0.00 | 0.00 |
| Place of Death Tulare, CA | 0.00 | 0.00 |
| Interment Date / Day of Week Friday June 24, 2022 | 0.00 | 0.00 |
| Mortuary Millers Tulare, CA | 0.00 | 0.00 |
| Funeral Time 10AM | 0.00 | 0.00 |
| Type of Service Mass St. Rita's Church Tulare, CA | 0.00 | 0.00 |

Subtotal \$3,063.00

Sales Tax (8.25%) \$41.25

Total \$3,104.25



Erica's Flower Bouquets

201 S K Street
Tulare, CA
93274 6723
(559) 686-3391

June 16, 2022
5:02 PM
Reina

Receipt vnyf

Casket \$310.00
Standing spray x 2 \$390.00
Sympathy Arrangement \$175.99
Tulare Delivery \$10.00

Subtotal \$885.99
Sales Tax \$77.52

Total \$963.51
Other Payment Types \$963.51



VIS
4ID
TVR
1D
St
RC:

Erica's
Bouquets (559) 686-3391

Form with fields for Name, Phone, and Address.

Form with fields for EXP DATE, AUTHORIZATION, and PERSON SPOKEN TO.

| CHARGES | |
|--------------|--|
| PRODUCT CODE | |
| DELIVERY | |
| RELAY | |
| SUB TOTAL | |
| TAX | |
| Total | |

CONGRATULATIONS HOLIDAY OTHER

CUSTOMER COPY

Form with fields for Deliver to, Address, City, State/Prov, Zip/Code, Home Ph, Work Ph, and Special Instructions.

| DELIVERY DATE | TIME | AM | PM |
|---------------|------|----|----|
| | | | |

Flowers Say It Best!

Enrica's

Flower Bouquets

(559) 686-3391

201 S. "K" Street, Tulare, CA 93274

SENDER

Date: 01/02/99 Time: 11:00 am / pm

Customer: Mr. & Mrs. Almeida

Address: 1111 N. Main St.

City: Tulare State/Prov: CA Zip: 93274

Home Ph: 686-3391 Work Ph: 686-3391

CIRCLE ONE CASH CHECK HOUSE ACCT

| | | | | | | |
|---|----------|---------|----------|---------------|------------------|---------------|
| CARD NUMBER / HOUSE ACCOUNT NUMBER / CHECK NUMBER | | | | | EXP DATE | AUTHORIZATION |
| WALK IN | PHONE IN | WIRE IN | WIRE OUT | WIRE SERVICE | FLORIST NUMBER | FLORIST NAME |
| FLORIST CITY | | | | FLORIST PHONE | PERSON SPOKEN TO | |

ORDER

| | | |
|-------------------------|--------------|---------------|
| <u>1111 N. Main St.</u> | CHARGES | <u>300.00</u> |
| | PRODUCT CODE | |
| | DELIVERY | <u>10.00</u> |
| | RELAY | |
| | SUB TOTAL | <u>310.00</u> |
| | TAX | <u>21.35</u> |
| | Total | <u>331.35</u> |

CARD

SYMPATHY BIRTHDAY ANNIVERSARY BABY B G GET WELL CONGRATULATIONS HOLIDAY OTHER

Wedding Anniversary

Enrica's Flower Bouquets

DELIVERY

Deliver to: Mr. & Mrs. Almeida

Address: 1111 N. Main St.

City: Tulare State/Prov: CA Zip/Code: 93274

Home Ph: 686-3391 Work Ph: 686-3391

Special Instructions: Deliver to Mr. Almeida

| | | |
|---------------|------|----------|
| DELIVERY DATE | TIME | AM PM |
|---------------|------|----------|

Form # 1-3-Enrica's Flower Bouquets

Flowers Say It Best!

**Raquel Almeida Cardo...**

Active now



JUL 12, 6:21 PM

Hi Raquel, sorry to bother you, but I was wondering looks like there was a letter sent to my email and posted in the newspaper about your Fathers service from your sister. It stated to contact here but it didn't have her phone number on letter and I don't have her on my Facebook so I thought I'd reach out to you.. I'm really sorry I didn't know there was issues first time I had heard about it is when someone had seen it in the newspaper. My apologies that things were not set up correctly... I would like a chance to talk to both of you about it if you would like.

JUL 12, 8:48 PM

Hi Clara, thanks for reaching out. I just got off the phone with my sister. As of right now we would feel more comfortable to have all communication done in writing through email. Here is my sister's email izzybee68@aol.com



Thanks for your understanding.



JUL 12, 9:40 PM



Aa





Raquel Almeida Cardo...

Active now



I was wondering looks like there was a letter sent to my email and posted in the newspaper about your Fathers service from your sister. It stated to contact here but it didn't have her phone number on letter and I don't have her on my Facebook so I thought I'd reach out to you.. I'm really sorry I didn't know there was issues first time I had heard about it is when someone had seen it in the newspaper. My apologies that things were not set up correctly... I would like a chance to talk to both of you about it if you would like.

JUL 12, 8:48 PM

Hi Clara, thanks for reaching out. I just got off the phone with my sister. As of right now we would feel more comfortable to have all communication done in writing through email. Here is my sister's email izzybee68@aol.com



Thanks for your understanding.

JUL 13, 8:48 AM

Will do... thank you Raquel for replying.



Aa



Clara Bernardo

From: Clara Bernardo
Sent: Friday, July 15, 2022 6:46 PM
To: 'izzybee68@aol.com'
Cc: 'Jim Pennington'
Subject: Ildebrando Almeida Service
Attachments: Ildebrando Almeida response to Ms. Fernandes letter.pdf

Ms. Fernandes

Please see the enclosed letter and enclosures in response to your email I received on July 11, 2022. Please feel free to contact me at 559-686-5544 Monday – Friday 8am – 4pm or by email. I have also cc: our Chairman, Jim Pennington, which he is also aware of the letter that I had received on July 11, 2022. It had stated that it was cc to each board member but when asked he had not received an email from you. So I forwarded to him what you had sent me.

Thank You

Clara L. Bernardo
District Manager



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TULARE PUBLIC CEMETERY

900 E. Kern Avenue – Tulare, CA 93274
Phone: 559-686-5544 Fax: 559-686-7484

Anisabel Fernandes

1

July 15, 2022

Dear Ms. Fernandes,

First and foremost, on behalf of Tulare Public Cemetery District the board members, employees and myself would like to express our condolences to you and your family for the loss of your father, Ildebrando Almeida.

Thank you for reaching out to us in your July 11, 2022 email and expressing your feelings about the circumstances surrounding the burial of your father, Ildebrando Almeida. The Tulare Public Cemetery District is committed to improving the experience for our clients, and feedback such as yours is important to that process. Your email raised a number of concerns and I wanted to address each of those to the best of my ability.

Your complaint about the conditions of the gravesite at the time of the burial are well taken. We have made great strides with our groundskeeping staff to improve the overall condition and appearance at the cemetery. However, some areas necessarily take more effort and resources to properly rehabilitate, which stretches their ability to ensure any given area will be as tidy and free of weeds as we would prefer. We apologize that your father's grave and surrounding area was not up to your expectations at the time of the burial. We have recently supplemented our regular work force with temporary workers to continue our improvements efforts in those regards.

You expressed disappointment that a canopy was not provided. We want our guests to be comfortable, so the cemetery contract for burial services does call for a canopy. However, the "Information for Burial.." sheet that was included in your contract, specifically states that it is provided "unless weather is more comfortable without one" which is usually when natural shade is available or at times it is an overcast. Canopies are not used in shady areas because they can create even further restrictions on people's movement and view. Your father's gravesite was naturally shady and therefore a canopy was not included as part of the services. I have included pictures of that specific area taken on July 14, 2022 at 11:08am – 11:14am, which is about the same time of your father's service held on June 24, 2022. I have included pictures from our security camera of the arrival time of Miller's which was at 10:46am and departing at 11:57am, which is after the lowering of the casket and closing of the vault which is usually about a 20-30 minute process. Guests had already started to depart about 11:27am from the

p.g.14

area. I have included Tulare weather for the 24th day of June and time of 10:56 am which shows 85' degrees which would have been time during service and 89' degrees at the time Miller's had departed. Temperature is measured in direct sun and not shaded area which is cooler temperatures where your fathers service was held. If you disagree about the shade available in the area, I am happy to meet with you at the gravesite so you may point out where it was insufficient.

We have checked the area of the gravesite for holes and the grounds are uneven throughout the cemetery based on headstone outlines, some dry areas, and the uneven grounds that a tree tends to cause from roots and some debris. As you mentioned, there are no gopher holes, our crew works hard to ensure that they are not a problem. I did notice that the grass in that area is a bit uneven due to the shady environment in which it grows. Perhaps that is what you meant? We are constantly looking for ways to improve the quality of the grass. There has been considerable improvement, but there is always room to grow. If you would like to walk the site with me and point out areas of grass that were of particular concern to the pallbearers, I would be happy to do so.

We are sorry that you came back to the gravesite at an inopportune time and found the grave in what appeared to be a disheveled state. The groundsmen do their best to mound the dirt and then will lay the flower stands on the grave. It is a process that they have done for years due to the fact of possible stands falling over and the causing extreme damage to the flowers on the stands. So each burial the stands are laid out carefully. You mentioned that you arrived with the flowers on the grave so I am unsure of why there are pictures without the flowers laid out on the grave. The pictures also show the dirt was scattered and that is not how it site was left when the groundsmen completed their job.

There was also a picture with a muddy grave, the sprinklers are set to come on at night for the grounds, which also helps settle the soil for new burials. That must have been when the picture, that appears to be taken by Mr. Aguilar on June 25th, was taken in early morning after a night of watering that area. Again, that picture shows no flowers on the grave, which again was not done by our employees because they left the grave with the flowers laid down on the grave.

On Monday, June 27th, Mr. Aguilar came in and spoke with me about concerns about the cemetery grounds and mentioned about the headstone that was in incorrect place for your service. He also mentioned that he was out there on Saturday the 25th, checking on the area of your father's grave and addressed concerns about the flowers on the grave and compacting of the grave. We are unsure of who moved the flowers but after my meeting with Mr. Aguilar I did go out to the area and flowers were on the grave which is not how the pictures were reflecting. There seems to have been a lot of action in that area so seeing the footprints on the grave could have been a number of people, we are also open to the public and unfortunately cannot control the actions of others. It is unfortunate but we have had numerous issues with vandalism in recent months. Now as for headstone, you will notice the area your father's grave is, is much narrower compared to some of the other sections. There are circumstances that require the crew to move a headstone to accommodate a vault to be placed in a grave with the equipment. That was the case in this situation, unfortunately the headstone that was moved was old and concrete was cracked due to aging so we moved it for safety concerns but lined it up with the other headstones in that row and called the memorial company to come out the very same day and made a repair order. I have included a picture of where it was placed which shows it lined up with the graves in the same row.

As for the mound of dirt, the process of getting the correct amount soil, and proper compaction of the ground, takes several days. There is a certain amount of compaction that is done to a burial because of

the vault we are extremely careful to not compact with too much pressure because it can cause the vault to break. We allow for more of a natural process along with some compaction with equipment. I have also included information about the process and why a small mound is left loosely above the grounds to give time to settle. Grave subsidence is due in part to the loose and fine nature of the soil at the cemetery, and simply a challenge that all cemeteries deal with. On the day of the burial, extra soil is mounded and water applied to allow the soil to settle and fill the air pockets and voids that exist below the surface. More soil may be added as needed as settling occurs. Flowers are removed and replaced as part of this process and are never buried or destroyed on the first day. But, we had not removed any flowers because the service was on Friday and our crew would not be back until the following Monday and continue the process of filling in more soil as needed. Unfortunately, you visited the site at a stage of this process that was not visually appealing. Again, we invite you to come to the site and view the progress of the grave. You will find that it is coming along nicely, and well within expectations.

The cemetery has met its obligations and has provided a dignified resting place for your father. The vault and grave and services related to them were all provided in proper fashion in accordance with contract and the Health and Safety Code. As such, the Tulare Public Cemetery District will not be offering a refund. I have also included copy of the "Acknowledgement of Information, Policies and Procedures received for Interment Rights Owners" which you have initialed, signed and dated as received the "Information for Burial or Cremation Service & After" that states the canopy and flowers on grave setup. However, I would be happy to set up a time to view the grave in person with you and answer any questions that you might have regarding your personal experience.

Very truly yours,



Clara L. Bernardo
District Manager

Enclosures



TULARE PUBLIC CEMETERY

900 E. Kern Avenue – Tulare, CA 93274
Phone: 559-686-5544 Fax: 559-686-7484



ACKNOWLEDGMENT OF INFORMATION, POLICIES AND PROCEDURES RECEIVED FOR INTERMENT RIGHTS OWNERS

By initialing box you acknowledge that you have reviewed, read and have been explained in detail about all the information that is in the forms and or policies and procedures. I further agree to abide by all the polices and procedures that are current and agree to any policies and procedures that Tulare Public Cemetery Board will change, update or adopt in the future. I also acknowledge that I have received a copy of all items that are listed on the 2 pages for ,Acknowledgement of Information, Policies and Procedures Received for Internment Rights Owners.

- ☒ A Little about Tulare Public Cemetery & MISSION STATEMENT
- ☒ Current Board Members Information – Updated 2/23/22
- ☒ Contract Agreement to Purchase (3 pages)
- ☒ Valid Identification Copy & Information on Internment Rights Family
- ☒ Interment Order
- ☒ Burial Rights Successor Affidavit
- ☒ Rights to Succession of Ownership
- ☒ Assignment Designation
- ☒ Information for BURIAL & CREMATION SERVICE INFORMATION (updated 4/20/22)
- ☒ CONCRETE BASE FOR GRAVE MARKER (HEADSTONE) INFORMATION & AGREEMENT
- ☒ Grave Marker Rules and Regulations & Flower Policy Agreement
- ☒ MARKER REGULATIONS for KERN CEMETERY (3 pages) – ADOPTED & AMENDED- REV. 3/25/21
- ☒ MARKER REGULATIONS for NORTH CEMETERY (2 pages) – ADOPTED & AMENDED- REV. 3/25/21
- ☒ FLOWER POLICY Amended 8/26/21 and Acknowledgement & Agreement

☒ Release of Interest in Plot

☒ POLICY AGAINST SALE OF INTERMENT RIGHTS FOR PROFIT – Adopted
8/16/21

☒ MAP FOR KERN Cemetery - 900 E. KERN – Tulare, CA 93274

☒ MAP FOR NORTH J Cemetery – 4572 NORTH J ST - Tulare, CA 93274

☒ CURRENT PRICE LIST for KERN Cemetery– UPDATED 10/1/21

☒ CURRENT PRICE LIST for NORTH Cemetery– UPDATED 10/1/21

☒ COPY OF CALIFORNIA LEGISLATIVE INFORMATION - PROBATE CODE
6400-6414 (4 pages)

☒ COPY OF CALIFORNIA LEGISLATIVE INFORMATION -
HEALTH AND SAFETY CODE 9069.10 - 9069.40 (2 pages)

☒ Some Question & Answers regarding Interment Rights

☒ Copy of Service Information Worksheet

☒ Receipt for all money paid to Tulare Public Cemetery for the Interment Burial
Rights, Endowment Care, Merchandise and or Services.

I acknowledge that I have received the Cemetery Handbook for Interment Rights
Owners and Their Families with all the items I have initialed next to.

Signature

Date

Acknowledgement w/Initials

Page 2 of 2

pg. 18



Information for Burial or Cremation Service & After

Tulare Public Cemetery will set-up the gravesite for the all burial or cremation columbarium services with:

- Canopy – (unless weather is more comfortable without one)
- 12 (Twelve) Chairs
- Green Turf around burial opening or by niche room
- Signs from Funeral home to guide guests to the service

*Service complete
in shade*

Pallbearing – The Board of Trustees of the Tulare Public Cemetery does not allow its employees to pall bear outside of direct burial services. The responsibility of finding pallbearers rest with the funeral homes, and or the families/hosts of the deceased. (Adopted this Resolution on 12/2/21 – details attached - Pall bears are to arrive at start of service and follow the instructions of the Funeral Coordinator to escort/lift/carry casket to resting place.

I/We understand and agree to be responsible for the pall bearing service and will have _____ pallbearers to escort/lift/carry the casket to the final resting place. Initial & Date _____

Time reserved for your service is 30-45 minutes. Service must be completed and guests starting to depart within that time. Time is limited due to other services scheduled to start and other guests arriving at the cemetery for the next burial. We understand that though it may not be very long at the gravesite, but suggest gathering at a more comfortable place to share memories with each other.

We suggest using every precaution necessary to prevent the spread of COVID-19 during any gatherings. (Please check out the CDC Guidelines Page for information on how you can keep you and your family safe.)

After the service is complete all family, friends and guests must leave premises before we can lower the casket. We are sorry for any inconvenience, but we deem this necessary for the safety of our guests and our grounds crew. Your Funeral Director remains at the burial site until the process of lowering the casket is complete.

Once the grave has been closed the flowers that were at the service will be laid down on top of grave and will remain for approximately 1 - 2 weeks based on the condition of the flowers. If there is anything you would like to keep from the flowers we ask that you remove them after service is complete. After about 1-2 weeks (based on condition of flowers) the flowers & all items remaining from service will be disposed of.

If there is no headstone, we can provide a loaner temporary marker. The temporary marker is a small metal sign that goes in the ground that can be personalized with your loved one's information. The temporary marker is to only be used until headstone arrives at which point you must return the marker to the office for other families to use.

(Updated 4/20/22)

pg. 19

Grave Subsidence Information

Tulare Public Cemetery District Grounds Keepers conduct regular checks of recently backfilled graves, as well as monitor graves after periods of rainfall or heavy watering in certain areas. After identifying or receiving notice from visitors about which graves need top-ups, the crew will schedule time to carry out these work orders.

Why do Graves Sink?

The excavation of a grave, or any other reasonable size hole, results in the loosening of the excavated material.

When soil is replaced into a grave, it will inevitably contain more air pockets than the compacted soil before excavation. Over time, a backfilled grave will 'sink' as the air pockets escape and the soil settles; this is absolutely natural and practically unavoidable, especially in wet weather.

The amount and frequency of grave sinkage depends upon numerous factors, including:

- • Nature of the backfilled soil
- • Nature of the surrounding ground
- • Depth of excavation
- • Amount of rain, or rainwater runoff
- • Groundwater levels

Sinkage is more likely after an extreme rainfall or excessive rainfall over a prolonged period of time.

Why doesn't the cemetery compact the graves?

Following the backfilling of any excavation, unless sufficient pressure is applied to thoroughly compact the backfilled material to exclude air spaces, the backfilled material sinks. However, in the case of cemeteries, it would be wholly inappropriate to apply such pressure to the grave as it could crush the vault.

What happens after the burial?

Following the funeral, the equipment is removed and the grave is backfilled using the soil excavated from it. A certain amount of 'mounding up' of the grave takes place in anticipation of ground sinkage.

You will note that the 'mound' is loose soil/dirt, which is the soil excavated from the grave. During the weeks after the burial the cemetery will continue to monitor and top off the grave, if required with more soil.

Until the ground stabilizes, the use of top soil or sand like material to 'top up' the grave is futile as the finer particles erode in the wind or simply wash away in rain.

It is important to note that graves need to be topped up on several occasions over a prolonged period before ground movements ceases.

Once the ground is suitably settled, a layer of topsoil and seed will be placed over the grave area. Turf may need to be laid more than once, depending upon the weather conditions and the grave condition.

While sinkage of the surface of a grave can cause distress to the bereaved, it is a 'natural' phenomenon that affects all cemeteries. Tulare Public Cemetery District employees do their best to correct the problem as soon as it is identified.



Past Weather in Tulare County, California, USA — June 2022

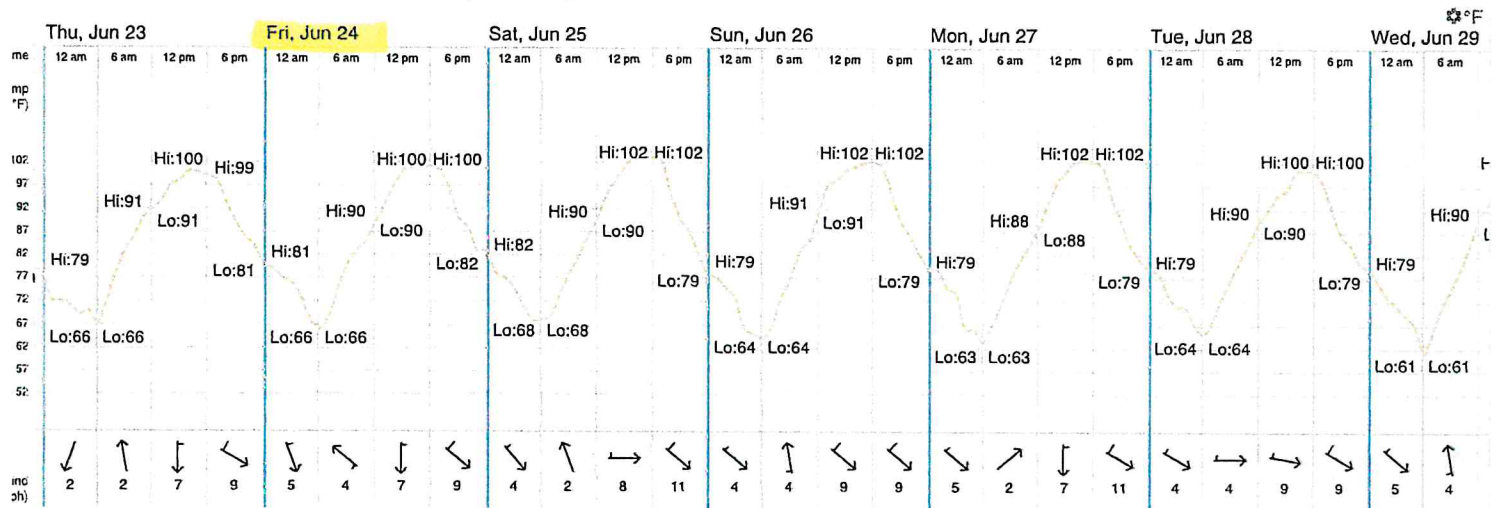
Time/General Weather ▾ Time Zone DST Changes Sun & Moon ▾

Weather Today Weather Hourly 14 Day Forecast Yesterday/Past Weather Climate (Averages)

Currently: 89 °F. Sunny. (Weather station: Visalia Municipal, USA). See more current weather >

Select month: June 2022

June 2022 Weather in Tulare County — Graph



90 / 66 °F
Sunny

Humidity: 52%
Barometer: 29.87 "Hg

SE
Wind: 4.35 mph

Wed, Jun 1 | Thu, Jun 2 | Fri, Jun 3 | Sat, Jun 4 | Sun, Jun 5 | Mon, Jun 6 | Tue, Jun 7 | Wed, Jun 8 | Thu, Jun 9 | Fri, Jun 10 | Sat, Jun 11 | Sun, Jun 12 | Mon, Jun 13 | Tue, Jun 14 | Wed, Jun 15 | Thu, Jun 16 | Fri, Jun 17 | Sat, Jun 18 | Sun, Jun 19 | Mon, Jun 20 | Tue, Jun 21 | Wed, Jun 22 | Thu, Jun 23 | Fri, Jun 24 | Sat, Jun 25 | Sun, Jun 26 | Mon, Jun 27 | Tue, Jun 28 | Wed, Jun 29 | Thu, Jun 30

[See weather overview >](#)

High & Low Weather Summary for June 2022

| | Temperature | Humidity | Pressure |
|---------|--------------------------|-----------------------|-----------------------------|
| High | 103 °F (Jun 25, 3:56 pm) | 87% (Jun 4, 5:56 am) | 30.09 "Hg (Jun 4, 5:56 am) |
| Low | 53 °F (Jun 1, 5:56 am) | 10% (Jun 30, 6:56 pm) | 29.67 "Hg (Jun 16, 6:56 pm) |
| Average | 78 °F | 42% | 29.89 "Hg |

* Reported Jun 1 12:56 am — Jun 30 11:56 am. Tulare County. Weather by CustomWeather. © 2022

09.21

Tulare County Weather History for June 24, 2022

Show weather for: June 24, 2022

| Time | Conditions | | Comfort | | Humidity | Barometer | Visibility |
|----------|------------|---------|---------|---|----------|-----------|------------|
| | Temp | Weather | Wind | | | | |
| 1:56 am | 77 °F | Clear. | 3 mph | ↘ | 47% | 29.82 "Hg | 10 mi |
| 2:56 am | 76 °F | Clear. | 7 mph | ↘ | 45% | 29.82 "Hg | 10 mi |
| 3:56 am | 73 °F | Clear. | 3 mph | ↗ | 51% | 29.82 "Hg | 10 mi |
| 4:56 am | 68 °F | Clear. | 3 mph | ↑ | 70% | 29.83 "Hg | 10 mi |
| 5:56 am | 66 °F | Sunny. | No wind | ↓ | 78% | 29.85 "Hg | 6 mi |
| 6:56 am | 69 °F | Sunny. | 3 mph | ↖ | 73% | 29.86 "Hg | 10 mi |
| 7:56 am | 75 °F | Sunny. | 3 mph | ↑ | 58% | 29.87 "Hg | 10 mi |
| 8:56 am | 80 °F | Sunny. | 7 mph | ↖ | 44% | 29.88 "Hg | 8 mi |
| 9:56 am | 83 °F | Sunny. | 8 mph | ↑ | 38% | 29.88 "Hg | 10 mi |
| 10:56 am | 85 °F | Sunny. | 5 mph | ↑ | 39% | 29.87 "Hg | 10 mi |
| 11:56 am | 89 °F | Sunny. | 3 mph | ↓ | 36% | 29.87 "Hg | 10 mi |
| 12:56 pm | 93 °F | Sunny. | 5 mph | ↗ | 30% | 29.85 "Hg | 9 mi |
| 1:56 pm | 97 °F | Sunny. | 8 mph | ↗ | 24% | 29.83 "Hg | 10 mi |
| 2:56 pm | 100 °F | Sunny. | 9 mph | ↘ | 22% | 29.81 "Hg | 10 mi |
| 3:56 pm | 101 °F | Sunny. | 12 mph | ↘ | 20% | 29.79 "Hg | 10 mi |
| 5:56 pm | 101 °F | Sunny. | 8 mph | ↘ | 22% | 29.76 "Hg | 10 mi |
| 6:56 pm | 100 °F | Sunny. | 8 mph | ↘ | 19% | 29.76 "Hg | 10 mi |
| 7:56 pm | 96 °F | Sunny. | 9 mph | ↘ | 25% | 29.75 "Hg | 10 mi |
| 8:56 pm | 90 °F | Clear. | 6 mph | ↘ | 32% | 29.76 "Hg | 10 mi |
| 9:56 pm | 88 °F | Clear. | 14 mph | ↘ | 30% | 29.79 "Hg | 10 mi |
| 10:56 pm | 83 °F | Clear. | 8 mph | ↘ | 34% | 29.80 "Hg | 10 mi |
| 11:56 pm | 83 °F | Clear. | 10 mph | ↘ | 28% | 29.81 "Hg | 10 mi |

Weather by CustomWeather, © 2022

[Jun 1](#)
[Jun 2](#)
[Jun 3](#)
[Jun 4](#)
[Jun 5](#)
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[Jun 30](#)

[See weather overview](#) >

Advertising

pg. 22

Hearst arrived at 10:46am

Hearst + departs @ 11:57am
Family had already departed @ 11:53

* Miller's arrived with Mr. Almeida
@ 10:46 am
Church was @ 10 am @ St. Rita's



Search Range
Start Time: 6/24/2022 10:00 AM
End Time: 12:00 PM
Search







R320









Add a Caption

Thursday • Jul 14, 2022 • 11:08 AM

[Adjust](#)

✓ IMG_3613

Apple iPhone 11 Pro Max

HEIF

Wide Camera — 26 mm f1.8

12 MP • 4032 × 3024 • 3.9 MB

ISO 32

26 mm

0 ev

f1.8

1/2183 s



Edit



pg. 30



Add a Caption

Thursday • Jul 14, 2022 • 11:10 AM

Adjust

📁 IMG_3625

Apple iPhone 11 Pro Max

HEIF

Wide Camera — 26 mm $f1.8$
12 MP • 4032 × 3024 • 3.9 MB

ISO 32

26 mm

0 ev

$f1.8$

1/1412 s



Edit





Add a Caption

Thursday • Jul 14, 2022 • 11:13 AM

[Adjust](#)

✓ IMG_3630

Apple iPhone 11 Pro Max

HEIF

Wide Camera — 26 mm $f1.8$

12 MP • 3024 × 4032 • 3.9 MB

ISO 32

26 mm

0 ev

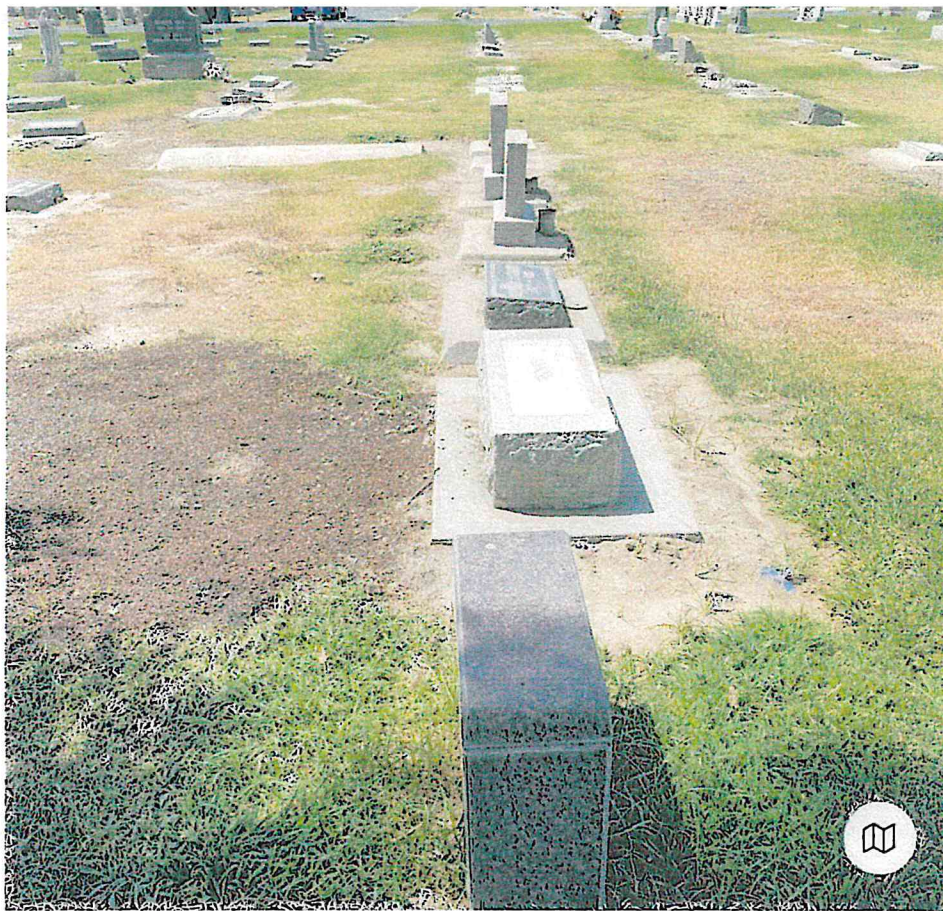
$f1.8$

1/1135 s




Edit





Add a Caption

 **Look Up** – Landmark >

Thursday • Jul 14, 2022 • 11:14 AM

[Adjust](#)

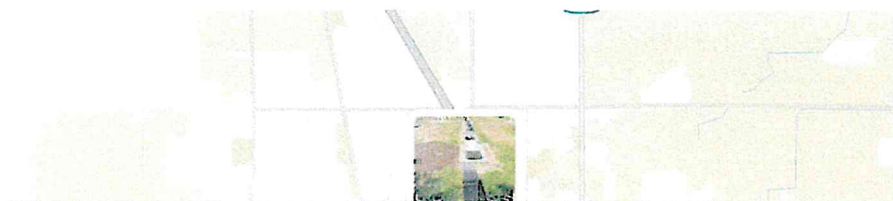
 IMG_3631

Apple iPhone 11 Pro Max

HEIF

Wide Camera — 26 mm $f1.8$
12 MP • 3024 × 4032 • 4.7 MB

ISO 32 26 mm 0 ev $f1.8$ 1/1754 s



Edit



Clara Bernardo

From: Jim Pennington <jp@tularefbc.org>
Sent: Wednesday, July 20, 2022 12:35 PM
To: Clara Bernardo
Subject: FW: Tulare Public Cemetery District Official Complaint Letter- Ref: Ildebrando Almeida (Contract/Sale #23014)
Attachments: Valley Voice- Request to remove post-"More Complaints about Tulare Cemetery in letter to District Manager about burial" on your Opinion Page dated July 11, 2022.pdf; Board Member Website Contact Info.pdf; July 11th Tulare Pubic Cemetery Complaint Letter.pdf; Tulare Public Cemetery District Receipt.pdf; Flower Receipts.pdf; Ildebrando Almeida response to Ms. Fernandes letter.pdf

From: James Pennington <jmspennington@yahoo.com>
Date: Wednesday, July 20, 2022 at 6:32 AM
To: Jim Pennington <jp@tularefbc.org>
Subject: Fw: Tulare Public Cemetery District Official Complaint Letter- Ref: Ildebrando Almeida (Contract/Sale #23014)

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Tuesday, July 19, 2022, 9:54 PM, izzybee68@aol.com wrote:

From:
Anisabel Fernandes

To:
James Pennington- Chairman
Carlos Ramos- Vice Chairman
Stephan Presant- Secretary
Xavier Avila- Trustee
Alberto Aguilar- Trustee
Tulare Public Cemetery Board Members
900 E. Kern Ave
Tulare, CA 92374

CC:
Peter Vander Poel
Tulare County Supervisor

Reference:
Ildebrando Almeida

Date:
July 19, 2022

Dear Tulare Cemetery Board Members,

This shall serve as a formal written response concerning the objectionable and unsatisfactory email from District Manager, Clara Bernardo received on July 15, 2022. This entire incident and the way it's being handled by the Tulare Public Cemetery District has been very stressful to the point where it is affecting my family and I mentally and emotionally. In my mother's case, it has been affecting her physically as well. Not holding any accountability on behalf of the Tulare Public Cemetery District is appalling and completely unacceptable.

Regarding the following statement from District Manager, Clara Bernardo's email:

"I have also cc: our Chairman, Jim Pennington, which he is also aware of the letter that I had received on July 11, 2022. It had stated that it was cc to each board member but when asked he had not received an email from you."

According to the Tulare Public Cemetery District official website one email is assigned to all Board Members which is **office@tularecemetery.net**. That being said- my official complaint was addressed to District Manager, Clara Bernardo at **Clara@tularecemetery.net** and cc'd to all current Board Members at **office@tularecemetery.net**. (see attachments)

Is it safe to assume that none of the Board Members received my official complaint because they do not have access to the **office@tularecemetery.net** email?

Did District Manager, Clara Bernardo do her due diligence and forward my official complaint to all of the Board Members or did she just send it to Chairman Jim Pennington and excluded the rest of the Board?

Who is actually receiving and/or replying from the **office@tularecemetery.net** email on behalf of each Board Member and how many questions or concerns are you all actually aware of when someone is trying to reach you?

Did every Tulare Public Cemetery Board Member have a chance to go over and discuss my official complaint and make an informative decision regarding my refund request?

For the record: After receiving District Manager, Clara Bernardo's response email and seeing her statement above, I quickly assumed that none of the Board Members received my initial complaint letter dated on July 11, 2022, due to the incorrect email published on the Tulare Public Cemetery official website. Therefore, I had to do my own research to locate an email address for every Board Member.

Dishonest & Lack of Professionalism:

On July 13, 2022 my sister and I were visiting my father's gravesite and District Manager, Clara Bernardo sent over one of the cemetery staff members to see if we would meet with her. The reason why my sister and I denied her request was due to her dishonesty and lack of professionalism. We thought it would be best to keep everything in writing for our own protection.

On July 12, 2022 at 6:21pm, District Manager, Clara Bernardo sent a message to my sister stating the following:

"I'm really sorry I didn't know there was issues first time I had heard about it is when someone had seen it in the newspaper."

Please Note: Clara Bernardo is referring to the *"More Complaints about Tulare Cemetery in letter to District Manager about burial"* posted on the Opinion Page of the Valley Voice dated on July 11, 2022. FYI: I sent an email to the Valley Voice editor to remove the post because I never authorized them to publish it. (See attachment)

To my point, Clara Bernardo was completely dishonest in her message to my sister dated on July 12, 2022. On June 27, 2022, she was notified by Tulare Public Cemetery Board Member, Alberto Aguilar and also via email from me on July 10, 2022.

She was also aware that I made my initial verbal complaint to Tulare Public Cemetery Board Member, Alberto Aguilar on June 24, 2022 (The same day of my father's burial service). Mr. Aguilar went the next day to see for himself the condition of my father's gravesite and he confirmed the undignified and disrespectful condition it was left in and also how the flowers were mishandled and destroyed. Mr. Aguilar told me that he took his own pictures and would notify the cemetery District Manager, Clara Bernardo and the Grounds Supervisor, David Faria. Clara Bernardo even confirmed this in her response letter dated on July 15, 2022.

You would think that District Manager, Clara Bernardo and the Grounds Supervisor, David Faria would have the professional courtesy to take immediate action to remedy the situation once informed by Mr. Aguilar. But instead, they neglected to do something and waited until July 13, 2022, to level out the dirt. We have visited the cemetery everyday since the burial service to pay our respects and **for Twenty Days straight we witnessed the neglect and disgraceful effort to improve the conditions of my father's gravesite.** We have plenty of pictures to prove it.

It also proves the lack of professionalism by the Tulare Public Cemetery that the only way anything gets done is if someone sends in an official complaint even though they knew about the problem prior. This is very sad to say the least!

Handling of the Gravesite

In regards to District Manager, Clara Bernardo's response letter she stated the following:

"We are unsure of who moved the flowers, but after my meeting with Mr. Aguilar I did go out to the area and flowers were on the grave which is not how the picture was reflecting. There seem to be a lot of action in that area so seeing the footprints on the grave could have been a number of people, we are also open to the public and unfortunately can't control the actions of others."

Is Clara Bernardo on behalf of the Tulare Public Cemetery insinuating that when my family and I returned to the gravesite on the same day that we put our own footprints on there or somehow vandalized it by destroying the flowers ourselves? You think we would disrespect my father's grave? This is absolutely insulting!

Is Clara Bernardo on behalf of the Tulare Public Cemetery also insinuating if it wasn't us, it was other people who walked onto the cemetery grounds and out of the thousands of graves they randomly chose to vandalize and walk all over my father's gravesite even though it was in a tight time frame during the day in plain site between the lowering of the casket and by the time we returned? That's a reach!

Clara Bernardo's hypothetical statement above is completely invalid. Especially when she checked on the gravesite three (3) days after the burial on June 27, 2022, as stated in her response letter. If anything, her statement sounds more like a cover up in order to protect herself. The District Manager is ultimately responsible for the operations of the cemetery. There should be a system in place where things are double checked to insure accuracy. Obviously this never happened on June 24, 2022, the day of my father's funeral service.

District Manager, Clara Bernardo's continued excuses in her letter regarding the conditions of the cemetery, the preparation of the funeral service, and handling of the gravesite holds no merit. For starters she wasn't present during my father's funeral service, nor was she present during or after the lowering of the casket. We have over 20 witnesses who attended my father's funeral service who can testify regarding the undignified conditions and preparations of the gravesite. We also have 10 witnesses who

returned to the gravesite on the same day after the lowering of the casket who can testify regarding the carelessness and unprofessionalism of the handling of the gravesite. We have pictures that are dated on June 24, 2022, that we can share with all of the Board Members to show proof of what actually occurred. Also, Board Member Alberto Aguilar has pictures that he took the next day on June 25, 2022, that he already shared with District Manager, Clara Bernardo and the Grounds Supervisor, David Faria that will prove the consistency of the photos from one day to the other. This will also dismiss Clara Bernardo's imaginary perceptions of what actually occurred. Please refer to my initial complaint letter as it details exactly what transpired. (See attachment)

The Tulare Public Cemetery needs to be accountable for not honoring their mission to provide a respectful intimate service and assist our family with care and consideration in a dignified and pleasant atmosphere in our community where they serve within the district and maintaining the cemetery grounds. Therefore, I'm seeking a full refund for the cemetery burial services we paid for totaling \$3,104.25 (receipt attached) and also a full refund for the flowers that were destroyed totaling \$1,599.86 (2 receipts attached). Our family didn't feel it was appropriate to request a receipt from our guests who purchased the flower vases. But, I will do it if required. The total estimated purchase price for those 2 flower vases is \$300. I look forward to hearing back from the Tulare Public Cemetery Board Members via email within 10 business days about the resolution of this matter. If I don't hear back or if this is not resolved in a timely manner, I will make an official complaint to The State of California Department of Consumer Affairs- Cemetery and Funeral Bureau and will also consider taking legal action.

Sincerely,

Anisabel Fernandes

-----Original Message-----

From: Clara Bernardo <clara@tularecemetery.net>
To: izzybee68@aol.com <izzybee68@aol.com>
Cc: Jim Pennington <jp@tularefbc.org>
Sent: Fri, Jul 15, 2022 6:46 pm
Subject: Ildebrando Almeida Service

Ms. Fernandes

Please see the enclosed letter and enclosures in response to your email I received on July 11, 2022.

Please feel free to contact me at 559-686-5544 Monday – Friday 8am – 4pm or by email.

I have also cc: our Chairman, Jim Pennington, which he is also aware of the letter that I had received on July 11, 2022. It had stated that it was cc to each board member but when asked he had not received an email from you. So I forwarded to him what you had sent me.

Thank You

Clara L. Bernardo
District Manager



900 E. Kern Avenue –
Tulare, CA 93274

-----Original Message-----

From: "Anisabel Fernandes" <izzybee68@aol.com>

Sent: Tuesday, July 12, 2022 11:53pm

To: catherine@ourvalleyvoice.com

Subject: Request to remove post- More complaints about Tulare Cemetery in Letter to District Manager about burial

Dear Valley Voice,

I kindly request you remove the ***"More Complaints about Tulare Cemetery in letter to District Manager about burial"*** on your Opinion Page dated July 11, 2022.

The email that I sent to the Tulare Public Cemetery District contains sensitive information which was not intended to be viewed by anyone other than the original recipient, Clara Bernardo District Manager and the Tulare Cemetery District Board Members who were all copied on it. Not sure who sent this to the Valley Voice and posted it, but I never gave authorization to have my email posted on your Opinion Page.

I do support and understand the importance of being well informed regarding issues within our community. But in this case and as stated in my email, I want to give the Tulare Public Cemetery District Management and Board Members an opportunity to reply to my official complaint and take the appropriate steps to remedy these issues surrounding my father's (Ildebrando Almeida) recent burial dated on June 24, 2022.

Again, I would greatly appreciate it if you remove this post. Should you have any questions, please contact me via email at izzybee68@aol.com.

Sincerely,

Anisabel Fernandes

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: Steve Plesner
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.



Statement by Alberto Aguilar, Trustee of Tulare Public Cemetery District regarding the Special Board Meeting scheduled for July 28, 2022, at 01:00 PM, regarding Agenda Item #2.1 Complaint letter - Almeida Family.

Under penalty of perjury I declare the following statements to be true to the best of my knowledge and recollection:

On the evening of June 24, 2022, my wife and I welcomed our neighbor, Anisabel Fernandes to our home and we noticed that she was very upset, stressed-out, and angry. When we asked her what was wrong she explained to us the undignified handling of her father's burial services at Kern Cemetery that morning and what the family discovered later that evening when they returned to the grave site. She explained to us that what the family found was very disturbing, distressful and heartbreaking condition of her father's grave site.

The issues surrounding her complaint include the following:

- 1) The area where her father was buried was undignified with long weeds growing over headstones, broken tree branches were left there that had to be removed by the family, and there was debris surrounding the area.
- 2) There was a broken unanchored headstone right next to the burial grave that was placed on the ground right next to another headstone that was properly anchored which seemed to be a safety hazard for fear of it falling and hurting someone.
- 3) The ground leading to and near the burial area was uneven, not properly maintained with holes everywhere they stepped, and these were not gopher holes.
- 4) Although the family was promised to be provided with chairs and a canopy, no canopy was provided, and the excuse given by a groundkeeper was because the services was next to a tree.
- 5) When the family members returned to the grave site in the afternoon on that same day they were shocked with disbelief due to the undignified and horrible conditions left behind by the cemetery district personnel. There was a loose pile of dirt above the grave that showed sunken footprints and all of their four easels with what were once beautiful flower arrangements had been thrown on the loose dirt, as well as three beautiful flower vases.

My wife and I tried to console and comfort her and I assured her that I would look into her complaint. I asked her if anyone had taken photos of the conditions and she assured me that they had. I have known Anisabel Fernandes and her parents for over twenty years, and we know them to be honest, trustworthy, caring and very good friendly neighbors that everyone in our immediate neighborhood knows and appreciates.

On the morning of Saturday, June 25, 2022, I decided to go to Kern Public Cemetery to follow up on the complaint. I observed and photographed my findings. I took several photos of the grave site and my findings concur with the merits of the complaint. The photographs that I took on the morning of June 25, 2022, show the broken tree branch in the immediate area, the debris around the tree, the overgrown weeds and grasses around the headstones, the pile of dirt above the grave site that had been soaked with water from the sprinklers, some of the dirt was sunken about two inches below the ground level at the foot of the grave, there were several pieces of cement from a headstone that was removed from its original location, the headstone that had been removed from its original location and set aside was unanchored next to the bottom of the grave site, and the destruction of all the flower arrangements.

I can unequivocally state that what I witnessed is disgraceful, undignified and morally and ethically wrong. The manner in which the cemetery district conducted the burial service of Mr. Almeida is shameful, irresponsible and inconsistent with the promise that the district has made to the public as noted on the district's mission statement and the laws that govern public cemeteries. Tulare Public Cemetery District personnel do not have the authority or right to vandalize, damage or destroy personal property. (Reference Health & Safety Code Section 8102)

California Penal Code Section 594, (regarding cemetery vandalism) : "Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism: (1) Defaces with graffiti or other inscribed material; (2) Damages, (3) Destroys."

On the morning of June 25, 2022, I couldn't help but noticed the lack of maintenance throughout the Kern cemetery grounds were very similar to the conditions surrounding the immediate area of the burial site. I observed and took over fifty photographs of the grounds that illustrate the lack of proper maintenance, water damage to grave marker foundations, sunken grave markers, grave markers under two or more inches of water, several broken tree branches, headstones and grave markers covered with broken branches and debris, overgrown weeds everywhere over grave markers throughout the grounds, and several safety hazards caused by broken tree limbs hanging down and some broken tree limbs covering grave markers and headstone. There were three sprinklers watering the street and the water was running down the street which is a misuse of resources and a waste of money.

On Monday, June 27, 2022, I went to the district office and I met with District Manager Clara Bernardo and Grounds Supervisor David Faria. The purpose of my visit was to appraise them of the complaint and share my findings through the photographs I had taken. Their only excuse for the condition of the cemetery grounds not being properly maintained was because they were short staffed. I found their pretextual excuse to be unbelievable and illogical. How does being short staffed justify damaging and destroying the personal property of others? I have been a trustee since September 19, 2017, and I can attest to the fact that during my tenure as a trustee, the board has never made a policy,

rule or regulation that gives anyone the authority to damage or destroy personal property of others, and/or to create an undignified and unsafe condition of the cemetery grounds. Leaving a mound of loose dirt above a burial site is not only a safety hazard but it's also a perfect litter box for stray cats in the area.

The district has soil compacting equipment for the purpose of leveling the dirt above the grave immediately after the burial. Trustee Carlos Ramos has recommended buying a sod cutter to place green grass above the new grave sites.

On July 21, 2021, Tulare Public Cemetery District was sent a Notice of Cancellation of Insurance from Allied World Speciality Insurance Company, Policy No. 5105-1066-07, and the reason stated for the cancellation of the insurance was "willful or grossly negligent acts which materially increase the risk(s) insured".

I believe that I have done my due diligence as a Trustee in accordance with the laws that govern public cemeteries. Health and Safety Code Section 9022 (b) "All trustees shall exercise their independent judgment on behalf of the interest of the residents, property owners, and the public as a whole in furthering the purposes and intent of this part. The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors that appointed them."

This statement is being submitted to Jim Pennington, Chairman of the Board and Clara Bernardo, District Manager with my request for it to be included with the materials for today's Special Meeting. I am also sending Chairman Pennington and Manager Bernardo the photographs referenced above requesting they also be included with the materials for today's Special Board Meeting.

Respectfully,


Alberto Aguilar

cc: Anisabel Fernandez & Family

Lydia Cervantes

From: Carlos Ramos
Sent: Wednesday, July 27, 2022 11:56 AM
To: James Pennington
Cc: Clara Bernardo; Lydia Cervantes
Subject: Communication for the board - please read to the board

Dear board members,

I noticed that there is an item on the Special meeting agenda, for the meeting to be held 7/28/22 at 1pm, that the board is considering a change in the bylaws to remove compensation for trustees for meetings, special meetings and required training. I believe this action is being done as a punishment for a singular Trustee's actions these last few months. I believe this action being proposed for consideration is the wrong action to take. This action would punish every board member, including myself, for actions of one board member. This also would punish future board members for an action that they are not even a part of. Remember, every change to the bylaws are not against a specific trustee but to the position of a trustee. Changes to the Bylaws should not be a vendetta or punishment towards a current sitting trustee.

Being a part of this board takes time away from trustees who are business owners, employees, and senior citizens on a fixed income. The compensation, although not much, offsets funds lost while attending these meetings and it also provides a small income for those trustees that may need the funds in order to survive. Also, the meetings take a considerable amount of time and I believe that every member should be compensated for their time. My thought gravitate towards future members and their needs. Not every board member is going to be a retiree or have the financial means to attend a 4 hr meeting. At least, the question of compensation should be up to the individual trustee as we have it today.

Please consider my comments as you make your decision.

Very sincerely yours,

Charlie Ramos

Charlie Ramos
Vice-Chairman
Board of Trustees
Tulare Public Cemetery District