

Tulare Public Cemetery District

900 EAST KERN AVENUE**TULARE, CALIFORNIA 93274**PHONE (559) 686-5544

BOARD AGENDA

Regular Board Meeting

July 22, 2021

9:00 A.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

CLOSED SESSION – ITEMS:

- 2.1 **Public Employee Evaluation** (Government Code Section 54957) For the Position of: Manager.
- 2.2 **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
Pending Litigation (Government Code Section 54956.9(d)(2))
Claims by Brian Viera
- 2.3 **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
Pending Litigation (Government Code Section 54956.9(d)(2))
Claims by Tammie and Angela Lasswell

OPEN SESSION FROM CLOSED SESSION:

- 3.1 **Announcements out (If Any)**

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

- 4.1 Employee's Recognition
- 4.2 Manager's Report
- 4.3 Approval of July 7, 2021 Board Meeting Minutes
- 4.4 Audit Committee Report
- 4.5 Approval of June 2021 Financials
- 4.6 Approval of Fiscal Year Budget for 2021-2022
- 4.7 Employee's Pay/Benefits Increase Discussion
- 4.8 Paid Time Off (PTO) Discussion/Action
- 4.9 Readjusting of Interim Manager's Pay-Removal of Position of Interim Manger
- 4.10 Discussion of Salary and Benefits for Position of Manager
- 4.11 Manager Hiring Process Policy
- 4.12 Discussion of Future Prices Process, Appoint Audit Committee
- 4.13 Approve Bids for Kern and North Air Conditioners
- 4.14 Cemeterians Report
- 4.15 Updating Bylaws

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
July 7, 2021

CALL TO ORDER:

The Tulare Public Cemetery board meeting was called to order at 9:09 a.m. at 900 East Kern Ave, Tulare, California by Chairman Xavier Avila. Other trustees present were Vice Chairman Jim Pennington, Secretary Steve Present, Trustee Charlie Ramos and Trustee Alberto Aguilar. Manager Clara Bernardo was in attendance.

RECOGNITION OF VISITORS:

Eight members of the public in attendance.

PUBLIC COMMENTS:

Two members of the public made comments

TRUSTEE COMMENTS:

Five Trustees provided comments. Motion by Trustee Ramos to review bylaws at our next Board Meeting Vote (5-0).

ADJOURNED TO CLOSED SESSION

Adjourned into Closed Session at 9:09 a.m.

OPEN SESSION FROM CLOSED SESSION:

- 3.1 Announcement Out: 2.4 The Board voted 4-0, with Trustee Aguilar recused, to make recommendation to the Tulare Grand Jury regarding the dereliction of duty of Trustee Aguilar, and seek punitive actions from the Tulare Grand Jury. 2.1 Board plans to address this item in open session.
- 4.1 Chairman Xavier reported a Board censure of Trustee Aguilar is necessary for breach of attorney/client privilege regarding a May 22, 2021 email Trustee Aguilar sent to members of the press and public. Trustee Present moved that the censure be voted on by the board. Vote (4-0), Trustee Aguilar recused himself.
- 4.2 The Cemeterians updated the board on their activities and that the recent audit was a success.
- 4.3 Ms. Bernardo's employment was ratified by motion of Trustee Pennington. Vote (4-1) Aguilar opposed.
- 4.4 The current Manager's salary and pay is a continuation of our prior Manager's salary and pay.

ADJOURNED FOR BREAK

Break taken from 12:09 to 12:28 p.m.

- 4.5 Motion to approve the minutes of April 22, May 6, May 20 and May 27, 2017 by Trustee Present, Vote (4-1) Trustee Aguilar opposed.
- 4.6 Report on the last meeting of July 1, 2021 given by Trustee Present
- 4.7 May 2021 financials were reviewed. Trustee Pennington moved to approve, Vote (4-1) Trustee Aguilar opposed.

Tulare Public Cemetery District
Regular Board Meeting Minutes
July 7, 2021

- 4.8 Trustee Avila moved not to place additional benches on either side of Rita Flores bench in A section center landscaped area, Vote (4-0), Trustee Ramos abstained.
- 4.9 Trustee Present updated Board on the Resolution. No action necessary or taken by the Board.
- 4.10 Trustee Aguilar moved to approve the purchase to two spray rigs but the second rig purchase is dependent on satisfactory performance of the first one. Vote (5-0)
- 4.11 Tabled to next Board Meeting to receive additional bid.

Trustee Aguilar left the Board meeting.

- 4.12 Consensus of Board to approve competitive bid of two flat marker plots in Kern Cemetery,

MANAGERS REPORT

Clara Bernardo reported out on updating the board on the cemetery's changes

ADJOURNMENT:

Chairperson Avila adjourned the meeting at *2:10 p.m*

Respectfully Submitted,

Board Secretary

Tulare Public Cemetery District
Audit Committee Meeting Minutes
July 1, 2021

CALL TO ORDER:

The Tulare Public Cemetery Audit Committee meeting on July 1, 2021 was called to order at 9:12 A.M., at 900 E Kern Ave, Tulare, California by Committee Chair Steve Present. Committee Members Linda Maloy, Jim Pennington, and Yolonda Allen were present. Our new Manager Clara Bernardo was in attendance.

RECOGNITION OF VISITORS: There were no visitors

OPEN SESSION:

2.1 – Minutes of May 12, 2021 were presented. Maloy moved to approve. Vote (4-0).

2.2 – May 2021 financials were reviewed with unanimous approval by consensus.

2.3 – Reviewed proposed a second time 2021-2022 budget with updated year-to-date information. Approved with changes by full consensus of committee.

2.4 – Our Manager provided a brief report on future and proposed changes to the office building.

ADJOURNMENT:

Committee Chair Present adjourned the meeting at 10:55 A.M.

Respectfully Submitted,

Audit Committee Member

Proposed Tulare Cemetery Budget 2021-22 as of June 1, 2021

772 EXPENSES	2021-2022		2nd 2020-2021		2020-2021		YTD May 2021		2019-2020		2018-2019	
	Expense	Budgeted	Budgeted	Budgeted	Budgeted	Expense	Budgeted	Expense	Budgeted	Expense	Budgeted	Expense
6001 Regular Salaries	525,000	370,000	330,000	383,378	248,500	258,533	249,330	246,339	249,330	246,339	249,330	246,339
6002 Overtime Pay	5,000	16,000	3,000	12,481	5,000	9,730	3,000	4,210	3,000	4,210	3,000	4,210
6004 Health Insurance	75,000	75,000	75,000	54,753	38,000	72,233	72,000	35,258	72,000	35,258	72,000	35,258
6005 Extra Help	4,000	1,912	26,912	14,810	55,000	68,808	50,000	55,683	50,000	55,683	50,000	55,683
6008 Director's Fee	4,000	4,000	4,000	3,375	3,000	2,325	4,000	2,475	4,000	2,475	4,000	2,475
6011 Retirement	45,000	37,500	37,500	39,873	24,000	33,568	33,000	23,638	33,000	23,638	33,000	23,638
6012 Social Security	40,000	31,845	31,845	30,555	18,000	20,522	18,000	16,489	18,000	16,489	18,000	16,489
6015 Worker's Comp Ins	20,000	25,000	25,000	8,244	18,000	22,323	20,000	15,646	20,000	15,646	20,000	15,646
6016 Unemployment Ins	3,000	2,000	2,000	2,339	5,000	1,624	4,000	4,624	4,000	4,624	4,000	4,624
6000 Payroll & Emp Benefits-Other	0	10,000	0	4,902	0	-12	0	0	0	0	0	0
Total Salaries & Employee Benefits	721,000	573,257	535,257	554,710	414,500	489,654	453,330	404,362	453,330	404,362	453,330	404,362
7004 Clothing & Personal Supplies	7,000	7,000	7,000	3,922	4,000	4,007	8,000	3,146	8,000	3,146	8,000	3,146
7005 Telecommunications	6,000	6,000	6,000	5,648	6,000	7,171	7,000	5,203	7,000	5,203	7,000	5,203
7006 Garden Crypts/Vaults	75,000	100,000	75,000	88,013	65,000	71,660	110,000	57,392	110,000	57,392	110,000	57,392
7009 Household Supplies	1,500	1,500	1,500	2,205	1,500	1,491	0	0	0	0	0	0
7010 Insurance	20,000	20,000	20,000	11,955	21,000	17,029	20,000	20,407	20,000	20,407	20,000	20,407
7025 Mileage Reimbursement Exp	200	0	0	0	0	67	0	0	0	0	0	0
7030 Repairs Maintenance	110,000	200,000	110,000	155,829	107,000	110,413	100,000	143,155	100,000	143,155	100,000	143,155
7036 Office Expense	20,000	25,000	25,000	22,160	24,500	13,712	11,000	10,929	11,000	10,929	11,000	10,929
7039 Miscellaneous	700	700	700	17,097	2,500	661	0	2,740	0	2,740	0	2,740
7043 Professional Expense	50,000	40,000	40,000	46,920	20,500	40,542	24,000	39,964	24,000	39,964	24,000	39,964
7045 Security Expense	25,000	20,000	2,500	2,686	4,000	2,170	0	1,144	0	1,144	0	1,144
7059 Publications & Legal Notices	3,000	3,000	3,000	4,090	3,000	6,877	12,000	2,479	12,000	2,479	12,000	2,479
7073 Training	10,000	10,000	10,000	3,864	8,000	6,769	10,000	7,167	10,000	7,167	10,000	7,167
7081 Utilities	50,000	40,000	40,000	52,870	45,000	41,742	40,000	45,351	40,000	45,351	40,000	45,351
Total Sevcies & Supplies	378,400	473,200	340,700	417,259	312,000	324,311	342,000	339,077	342,000	339,077	342,000	339,077
7003 Tax Admin Fee/Penalties	500	500	500	569	6,000	1,317	0	0	0	0	0	0
7425 Taxes & Assessments	1,300	1,300	1,300	2,374	1,500	1,299	9,000	1,299	9,000	1,299	9,000	1,299
CAPITAL OUTLAY												
8000 Land	0	0	0	0	0	0	10,000	0	10,000	0	10,000	0
8001 Cem Plots Repurchase	5,000	20,000	5,000	10,800	10,000	4,865	5,000	7,889	5,000	7,889	5,000	7,889
8100 Bldg & Improv	100,000	250,000	250,000	64,885	18,000	0	20,000	0	20,000	0	20,000	0
8300 New F/A	125,000	175,155	75,000	125,217	50,000	52,190	40,000	0	40,000	0	40,000	0
Total	230,000	445,155	330,000	200,902	78,000	57,055	75,000	7,889	75,000	7,889	75,000	7,889
SUBTOTAL	1,331,200	1,493,412	1,207,757	1,175,814	812,000	873,636	879,330	752,627	879,330	752,627	879,330	752,627
7432 Contingencies	130,000	130,000	130,000	0	0	0	100,000	0	100,000	0	100,000	0
TOTAL BUDGET 772	1,461,200	1,623,412	1,337,757	1,175,814	812,000	873,636	979,330	752,627	979,330	752,627	979,330	752,627

Proposed Tulare Cemetery Budget 2020-2021 as of June 1, 2021

REVENUES	Budgeted 2021-2022	Budgeted 2nd 2020-2021	Budgeted 2020-2021	Budgeted 2020-2021	Income YTD May 2021	Budgeted 2019-2020	Income 2019-2020	Budgeted 2018-2019	Income 2018-2019	Income 2017-2018
772 Available Resources	391,418	271,794	281,394	358,800						
4001 Pr Tx-Cur Se	160,418	160,418	160,418	149,138	147,000	153,437	150,000	146,641	139,091	
4006 Pr Tx-Cr Uns	9,000	9,000	9,000	18,584	9,000	9,231	8,000	8,733	8,261	
4008 Pr Tx-Pr Sec	3,040	3,040	3,040	1,828	2,800	2,761	2,800	2,746	2,713	
4009 Pr Tx-Pr Uns	130	130	130	55	130	153	250	131	250	
4030 Suppl Tx Cs	2,800	2,800	2,800	910	2,800	2,981	3,000	2,827	2,552	
4033 Suppl Prior	400	400	400	506	400	573	250	393	267	
4060 Residual Dist	6,500	6,500	6,500	10,292	6,500	6,905	6,000	6,510	5,476	
4069 PT Facilities	5,900	5,900	5,900	6,870	5,900	6,221	5,800	5,894	5,663	
5000 I/G Revenue	30	30	30	27	30	29	30	63	36	
5050 Prop Tax Rel	1,200	1,200	1,200	673	1,200	1,277	1,200	1,292	1,298	
Total Property	195,000	189,418	189,418	188,883	175,760	183,568	177,330	175,230	165,608	
4801 Interest	3,000	3,000	3,000	3,763	3,000	5,621	2,000	2,898	2,279	
5400 Curr Serv	732,182	1,000,000	732,345	935,648	610,000	707,269	700,000	607,346	693,393	
5805 Misc Revenue	2,000	20,000	2,000	31,562	20,000	7,141	0	0	100	
5834 Restitution	1,200	1,200	1,200	1,100		600				
5835 Other Revenue	15,000	8,000	8,000	3,912	3,240	10,950	0	23,898		
Total 772	1,339,800	1,493,412	1,217,357	1,523,668	812,000	915,149	879,330	809,372	861,379	
773										
4801 Interest	25,000	30,000	30,000	19,234	30,000	39,810	20,000	25,574	19,613	
5400 Curr Serv	60,000	60,000	60,000	86,622	60,000	60,681	60,000	65,874	0	
5835 Oth Revenue	0	0	0	0	0	0	8,000	0	0	
Total	85,000	90,000	90,000	105,856	90,000	100,491	88,000	91,448	19,613	
807 Fd for Fut Expans										
4801 Interest	1,400	1,400	1,400	995	500	1,582	900	805	577	
4807 Facility Rent	15,000	18,600	9,000	4,200	8,400	21,400	8,400	8,400	8,400	
5400 Curr Serv	15,000	15,000	15,000	16,959	15,000	0	0	0	1	
Total	31,400	35,000	25,400	22,154	23,900	22,982	9,300	9,205	8,978	
817 Unreserved Funds										
4801 Interest	5,000	5,000	5,000	4,379	6,500	6,176	1,300	308	1,345	
5400 Curr Serv	0	0	0	0	0	0	0	12,905	0	
Total	5,000	5,000	5,000	4,379	6,500	6,176	1,300	13,213	1,345	
TOTAL REVENUES	1,461,200	1,623,412	1,337,757	1,656,057	932,400	1,044,798	977,930	923,238	891,315	
Difference with Expenses	\$0	\$0	\$0	\$0						

Since 1934

MORRIS LEVIN & SON, INC.

1816 S. "K" Street, Tulare, CA 93274-6842
(559) 686-8561 Contractors State Lic. 167881
www.morrislevin.com

QUOTE#	_____
PROPOSAL #	<u>24444</u>
BY	<u>RR / CB</u>

PROPOSAL AND CONTRACT (COMMERCIAL)

CUSTOMER NAME: TULARE PUBLIC CEMETERY D
BILLING ADDRESS: 300 E KERN

OWNER OF PROPERTY
ADDRESS:

City	TULARE	State	CA	Zip	93274--	City		State		Zip	
TELEPHONE:	686-5544		686-5544	TELEPHONE:							
DATE:	6/28/2021		91 521 7	JOB LOCATION:	4462 NORTH J ST						TULARE

Morris Levin & Son, Inc. is not responsible for utilities of any type below ground surface.

We propose to furnish all materials and perform all labor necessary to complete the following:

FURNISH AND INSTALL (1) 2 TON HEAT PUMP PACKAGE UNIT WITH NEW STAND.

"
"
"
"

PREVAILING WAGE JOB/MLS DIR# 1000205166/ LIC#167881/TULARE COUNTY
All warranty work to be completed during regular business hours

This proposal is void unless accepted by 12-Jul-21. All work to be done in conformance with State and County codes and standard practices. Price includes all sales tax, labor and materials. Price does not include permits or bonds unless specified. The above work shall be completed for the sum of SEVEN THOU FIVE HUND SIXTY NINE Dollars (\$ 7,569) which shall be paid as follows:



Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same and will become an extra charge over the contract price. SEE REVERSE FOR ADDITIONAL TERMS AND NOTICES.

MORRIS LEVIN & SON, INC.

SIGNATURE *Elias Perez*
PLEASE PRINT NAME Elias Perez

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which _____ agree to pay the amount stated in said proposal, and according to the terms thereof. I also acknowledge receipt of Mechanics' Lien Law Notice on reverse side.

CUSTOMER SIGNATURE _____

PLEASE PRINT NAME _____

Date _____

Since 1934

MORRIS LEVIN & SON, INC.

1816 S. "K" Street, Tulare, CA 93274-6842
(559) 686-8561 Contractors State Lic. 167881
www.morrislevin.com

QUOTE#	_____
PROPOSAL #	<u>24447</u>
BY	<u>RR / CB</u>

PROPOSAL AND CONTRACT (COMMERCIAL)

CUSTOMER NAME: TULARE PUBLIC CEMETERY D OWNER OF PROPERTY
 BILLING ADDRESS: 900 E KERN ADDRESS: "

City TULARE State CA Zip 93274-- City State Zip
 TELEPHONE: 686-5544 686-5544 TELEPHONE: " "
 DATE: 6/28/2021 91 621 7 JOB LOCATION: 900 E KERN ST
 TULARE

Morris Levin & Son, Inc. is not responsible for utilities of any type below ground surface.

We propose to furnish all materials and perform all labor necessary to complete the following:

FURNISH AND INSTALL (2) 2 TON PACKAGE UNITS WITH ALL NEW DUCTS,
REGISTERS, GAS AND ELECTRICAL TO NEW UNIT IN THE BREAKROOM AND
FRONT OFFICE.

PREVAILING WAGE JOB/MLS DIR# 1000005166/ LIC#167881/TULARE COUNTY
All warranty work to be completed during regular business hours

This proposal is void unless accepted by 12-Jul-21. All work to be done in conformance with State and County codes and standard practices. Price includes all sales tax, labor and materials. Price does not include permits or bonds unless specified. The above work shall be completed for the sum of EIGHTEEN THOU EIGHT HUND NINETY FOUR Dollars (\$ 18,894) which shall be paid as follows:

RECEIVED
JUN 29 2021
BY:

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same and will become an extra charge over the contract price. SEE REVERSE FOR ADDITIONAL TERMS AND NOTICES.

MORRIS LEVIN & SON, INC.
 SIGNATURE *[Signature]*
 PLEASE PRINT NAME ELIAS PEREZ

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which _____ agree to pay the amount stated in said proposal, and according to the terms thereof. I also acknowledge receipt of Mechanics' Lien Law Notice on reverse side.

CUSTOMER SIGNATURE _____

PLEASE PRINT NAME _____

Date _____

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 Office 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 Office 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 Office 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 Office 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 Office 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) Possible Action Items
- g) Office Manager's Report
- h) Approval of Claims
- i) Recess to Closed Session
- j) Reconvene to Open Session & Report
- k) Announcements
- l) Adjournment

9. Materials for Non-Agenda Items

Any member intending to introduce a special item not contained in the agenda shall deliver copies of such items, if possible, to each Board member and to the public before the opening of the meeting.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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). No other Trustee shall supervise or direct any employee of the District without delegation by the Chairperson or the Board. The Chairperson shall be responsible for responding to, and taking or directing others to take appropriate action necessary as a result of, events or occurrences which do not require action by the Board, but which are beyond the authority of the staff, or for which the staff seeks or requires assistance.
- 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 Office 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.