



# Tulare Public Cemetery District



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

## BOARD AGENDA

**Special Board Meeting  
December 21, 2021  
1:00 P.M.**

### PRELIMINARIES:

- 1.1 Call to Order
- 1.2 Roll Call
- 1.3 Public Comments (Three (3) Minutes Per Person)
- 1.4 Trustee Comments (Three (3) Minutes Per Person)

### NOTICE TO THE PUBLIC PUBLIC COMMENT PERIOD

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

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

- 2.1 Media Communication and Articles
- 2.2 Ratifying Pallbearer Policy
- 2.3 Consideration of Vendor/Professionals Policy
- 2.4 Policy Regarding Confidentiality
- 2.5 End of the Year Incentive Bonus

### CLOSED SESSION – ITEMS:

- 3.1 **Public Employee Evaluation** (Government Code Section 54957) For the Position of: Manager.

### OPEN SESSION FROM CLOSED SESSION:

- 2.5 **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.

**THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT**

Adopted this Resolution on 12/02/2021 by the following vote:

**AYE: Avila, Presant, Ramos, Pennington, Aguilar**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**

**Resolution No. 2021-\_\_\_\_\_**

**Resolution against Pallbearing by District Employees**

**WHEREAS**, the Tulare Public Cemetery District is dedicated to safeguarding the District, its Trustees, employees, and agents. It is the duty of the Board of Trustees of the Tulare Public Cemetery District to ensure the safety of the District and its agents.

**WHEREAS**, it is necessary to discontinue certain activities by public cemetery district employees for the protection of the district.

**WHEREAS**, the act of pallbearing by a public cemetery district employee can potentially be a danger to the employee and to the public.

**WHEREAS**, funeral homes and funeral services have begun to more frequently rely upon Cemetery District employees to provide pallbearing services when none are provided by the family.

**WHEREAS**, it is not in the best interest of the district to be exposed to the risks stated above.

**WHEREAS**, The Board of Trustees, during its regular meeting on December 2<sup>nd</sup>, 2021 voted 5-0 to disallow district employees to act as pall bearers for anything other than a direct burial service at the Tulare Public Cemetery, North and Kern locations.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Trustees of the Tulare Public Cemetery District does not allow its employees to pall bear outside of direct burial services. Thus, the responsibility of finding pallbearers rest with the funeral homes, and or the families/hosts of the deceased.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED:**

TULARE PUBLIC CEMETERY DISTRICT

\_\_\_\_\_  
Xavier Avila,

Chair, Board of Trustees

**THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT**

Adopted this Resolution on 12/21/2021 by the following vote:

**AYE:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**

**Resolution No. 2021-\_\_\_\_\_**

**Resolution Regarding Communication with Tulare Public Cemetery District**

**By Providers of Professional Services**

**WHEREAS**, the Tulare Public Cemetery District is dedicated to safeguarding the District, its Trustees, employees, and agents. It is the duty of the Board of Trustees of the Tulare Public Cemetery District to ensure the fiscal responsibility of the District and its agents.

**WHEREAS**, the Tulare Public Cemetery District subscribes to professional services from multiple professionals in various fields, including but not limited to Attorneys, Accountants, and Information Technology Professionals.

**WHEREAS**, these professional services typically charge by the hour, incurring costs to the District and to the Taxpayers for communications or services.

**WHEREAS**, limiting the agents of the District who may communicate with professionals serving the District would reduce costs for the District.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Trustees of the Tulare Public Cemetery District restricts communication and requests for services from professionals working for the District to the current Chair, the District Manager, and either of their designees. Such designees will be designated in writing from either the Chair or the District Manager. As the Chair of the District rotates, such professionals shall be informed, in writing, of the newly appointed Chair upon such appointment no less than fifteen (15) days after such appointment.

Furthermore, this resolution and its instructions shall be circulated to all professionals retained by the District for the purpose of clarifying who may incur billable communications or services on behalf of the Tulare Public Cemetery District.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED:**

TULARE PUBLIC CEMETERY DISTRICT

\_\_\_\_\_  
Xavier Avila,

Chair, Board of Trustees

**TULARE PUBLIC CEMETERY DISTRICT  
900 E KERN AVE.  
TULARE, CALIFORNIA 93274**

**DISTRICT MANAGER JOB DESCRIPTION**

The District Manager is directly responsible to the Board of Trustees for implementation and adherence to Board policies, rules, regulations and laws that govern public cemeteries.

**DUTIES AND ACCOUNTABLE RESPONSIBILITIES**

Oversees ~~Be responsible for the overall~~ programs of maintenance, and beautification of the District grounds and facilities. Becomes proficient in ~~Oversees~~ all activities involved in sales and services, including financial and clerical procedures. Supervises the personnel program for the District, including the administration, review and recommended revision of personnel policies and procedures to the Board of Trustees. Oversees all recruiting, screening, hiring of potential employees and setting of compensation. ~~Recruits, screens, hires potential employees, and sets compensation.~~ Prepares annual District budget, prepares Board meeting agenda packets, documents Board meeting minutes, makes recommendations to trustees involving District policy and procedures, and investigates complaints and inquiries concerning the District. Creates a safe work environment. Attends all Board of Trustee meetings unless otherwise excused, plus other duties as assigned by the Board of Trustees.

**KNOWLEDGE OF:**

Principles, problems and methods of public administration including organization, personnel and fiscal management, office management principles, methods and procedures, state and local laws and regulations relating to the operation of a public cemetery district, and principles of employee supervision and training.

**ABILITY TO:**

Analyze and solve problems of organization and management. Prepare reports and make recommendations on the setting of District policies. Train and supervise the work of subordinate personnel, establish cooperative and effective working relations with subordinates, public groups and organizations, District Trustees and other governmental agencies. Analyze and interpret fiscal and accounting records and data and prepare reports. Relate and deal with families and individuals in grief, and under emotional stress.

Andy Hinojosa III CPA

Tulare, CA 93274



VQB

# Invoice

Date	Invoice #
11/4/2021	2930

Bill To
Tulare Public Cemetery 900 E Kern Ave Tulare, CA 93274

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
		C	11/4/2021			

Quantity	Item Code	Description	Price Each	Amount
3.5	105	11-03-2021 - Office visit - began analysis of procedures for accounting manual	150.00	525.00
3	105	11-10-2021 - Office visit - updated October 2021 financial information	150.00	450.00
0.5	105	Meeting with Vicki Guilsen regarding Cemetery Finances at my office	150.00	75.00
4	105	11-17-2021 - Office visit - updated October 2021 financial information	150.00	600.00
2.5	105	11-19-2021 - Office visit to update October 2021 financial records	150.00	375.00
2.5	105	11-22-2021 - Office visit - final reports and review for October 2021 financial records	150.00	375.00
2	105	11-24-2021 - Office visit - updated financial reports for August 2021 and September 2021	150.00	300.00
1	107	3rd Qtr 2021 Sales tax return	70.00	70.00

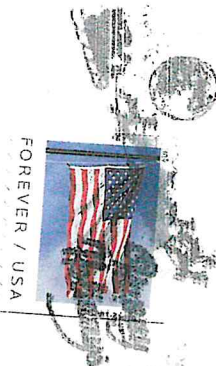
<b>Total</b>			\$2,770.00
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Tulare Public Cemetery District  
900 E. Kern Avenue  
Tulare, CA 93274

*[Handwritten signature]*

RECEIVED  
DEC 13 2021  
BY

SANTA CLARITA CA 913  
7 DEC 2021 PM 1 L



Vicki Gilson

Tulare, Ca. 93274

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93274445300

NIXIE 911 7E 1 7212/11/21  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
BC: 932744445300 \*2152-04439-07-43


Not to mention while in the midst of all this pain & tragedy they are brow beaten into signing a form letter exonerating all things Cemetary or the body stays put, so they wind up with no legal recourse!!! I say kick the board out the door & start over!!! Oh I know we've been down this road too many times already, but I say we travel down it again until we get 5 people with no personnel agenda, with kind hearts & good souls who are not interested in seeing their name in the newspaper & who are a team player!!!!❤️

2h Like Reply

4  



**Elaine Hollingsworth**

I totally agree with you 



CALL TO ORDER:

The Tulare Public Cemetery board meeting was called to order at 1:02 p.m., at 900 E. Kern Ave, Tulare, California by Chairperson Xavier Avila. Other trustees present were Vice Chairman Jim Pennington, Secretary Steve Presant, Trustees Charlie Ramos and Alberto Aguilar.

RECONGNITION OF VISITORS:

No Visitors

PUBLIC COMMENTS:

No Public Comments

TRUSTEE COMMENTS:

Three Trustees Spoke

OPEN SESSION:

- 2.1 Secretary Presant Motion to Approved all three Minutes Vote (4-1) Aguilar Opposed
- 2.2 Linda Maloy made presentation
- 2.3 Clara Presented District Manager's Report
- 2.4 Secretary Presant Gave Report
- 2.5 Chairperson Avila Motioned to Approve Financials Vote (4-1) Aguilar Opposed
- 2.6 Vice Chairman Pennington Motioned to Approve Vote (4-1) Aguilar Abstain
- 2.7 Trustee Ramos Motioned to Approve Vote (5-0)
- 2.8 Trustee Ramos Reported No Vendors Available Ad Hoc Committee Held Over for A Month
- 2.9 Vice Chairman Pennington Motioned to Approve Additional Grounds Keeper Vote (4-1) Aguilar abstain
- 2.10 Trustee Ramos Motioned to Approve Out of District Policy with clerical changes made. ~~Condition~~ Vote (5-0)
- 2.11 Ad Hoc Committee Will Continue to Work on it
- 2.12 Vice Chairman Pennington Motioned to Approve Morris Levin Bids for Kern and North Air Conditioners Vote (4-1) Aguilar Abstain
- 2.13 Chairperson Avila Commented on Teamwork of the Board with Media Communications

Tulare Public Cemetery District  
Regular Board Meeting Minutes  
September 23, 2021

2.14 Chairman Avila created an Ad Hoc Committee to Create Mission Statement. Ad Hoc Committee is composed of Manager Bernardo, Chairman Avila and Secretary Present.

ADJOURNED TO CLOSE SESSION:

Adjourned into Closed Session at ~~3:00~~ 2:30 pm SP P.M.

OPEN SESSION FROM CLOSE SESSION at: ~~2:30~~ P.M.

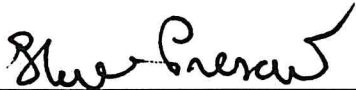
Nothing to Report

3:00 pm SP

ADJOURNMENT:

Chairperson Avila adjourned the meeting at 3:35 P.M.

Respectfully Submitted,



Board Secretary

Alberto L. Aguilar  
Tulare District Cemetery, Board Member  
1925 East Alpine Avenue  
Tulare, CA 93275

October 29, 2021

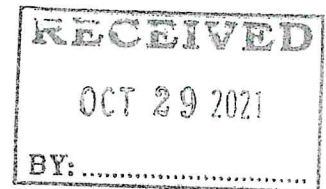
Clara Bernardo, Manager  
Tulare District Cemetery  
900 East Kern Avenue  
Tulare, CA 93274

Dear Manager Bernardo:

I have not been compensated for the following regular board of trustee meetings and special board meetings per district by-laws:

Regular Meetings

July 7, 2021	\$100.00
July 22, 2021	\$100.00
(see attached minutes)	
August 26, 2021	\$100.00
September 23, 2021	\$100.00
October 28, 2021	\$100.00
<b>Total</b>	<b>\$500.00</b>



Special Board Meetings

March 9, 2021	\$ 25.00
August 16, 2021	\$ 25.00
September 2, 2021	\$ 25.00
September 7, 2021	\$ 25.00
<b>Total</b>	<b>\$100.00</b>

Total amount of compensation owed by the district to me is **\$600.00**. I do not waive any compensation due to me.

Cordially Submitted,

  
Alberto L. Aguilar

was reinterred and the procedure finished at 1

Neither [redacted] nor [redacted] can request compensation for the grief caused by the district's mistake. The siblings had to sign a release before their mother would be put in the correct grave in time for their father's burial.

The form states, "Undersigned, on behalf of himself or herself represents that they have disclosed all persons that are the next of kin to the cemetery and agrees to release, indemnify and hold harmless Funeral Home, Cemetery,

harmless” the cemetery, funeral home, and vault company from “any liability” from any distress, illness, psychological injury or damages that resulted from viewing the disinterment.

Agreeing to the conditions was a prerequisite to move the body to its correct resting place, and written permission is required for disinterments under California law.

The cemetery’s former manager, Leonor Castaneda, came under fire from one trustee, Charlie Ramos, in a Tulare Police report, claiming that fraudulent disinterment documents had been created to disinter