



Tulare Public Cemetery District

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



BOARD AGENDA

**Regular Board Meeting
January 27, 2022
1:00 P.M.**

PRELIMINARIES:

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

NOTICE TO THE PUBLIC PUBLIC COMMENT PERIOD

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

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

- 2.1 Re-organization of officers
- 2.2 Alberto Aguilar communication
- 2.3 Approve Minutes of January 5, 2022 Regular Board Meeting and January 5, 2022 Special Board Meeting
- 2.4 The Cemeterians Report
- 2.5 District Manager's Report
- 2.6 Audit Committee Report
- 2.7 Verification Committee Report
- 2.8 Kerrie Guzman-bench pad request for Jesse Guzman-North J Cemetery
- 2.9 Board training by Counsel
- 2.10 Request for proposal process
- 2.11 Tall stone rows (2.9)
- 2.12 Training bonus (2.10)
- 2.13 Mortuary responsibility of Interment Policy
- 2.14 Miscellaneous recycled funds
- 2.15 Fence quote
- 2.16 New business

CLOSED SESSION ITEMS:

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

OPEN SESSION:

- 4.1 Announcements Out, If Any

ADJOURNMENT:

OPEN SESSION AGENDA ITEMS NOTICE TO THE PUBLIC

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

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

Rules of Decorum

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

Addressing the Cemetery Board

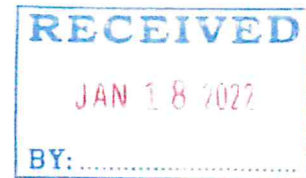
- No person shall address the Trustees without first being recognized by the Chair.
- Each person shall confine his or her remarks to the agenda item.
- Each person shall limit his or her remarks for business items or oral communications to three minutes, with a total of 15 minutes allotted for the Public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

Trustee Conduct

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

Alberto Aguilar

Tulare, CA 93274



January 15, 2022

Clara Bernardo, District Manager
Tulare Public Cemetery District
900 E. Kern Avenue
Tulare, CA. 93274

RE: Letter Dated 1/13/2022 ADDRERSSES TO WHOM IT MAY CONCERN

Dear Clara,

Today I received a letter that is signed by you and was sent via U.S. Postal Service First-Class Mail, however your letter is addressed, "**To Whom It May Concern**". If you don't know who your letter is suppose to be sent to perhaps you should make contact with that individual to inquire before wasting your time, and any expense incurred by the district

Your letter states the following:

"Enclosed please find IRS W-9, Request for Taxpayer Identification Number and Certification. We are required by the Internal Revenue Service to obtain this information from you to determine if we have to issue you a 1099 at the calendar year end."

I find your letter very disturbing since you know or should know that the Tulare Public Cemetery District has provided me with a year end copy of IRS Form 1099-MISC since 2017 through 2020. Copies of the IRS Form 1099-MISC should be located within my personnel folder. If copies of IRS Form 1099-MISC have been expunged from my official personnel folder at the district office, please let me know immediately.

On July 19, 2021, I submitted a letter to you regarding Unsafe Health & Safety Working Conditions at the Distruiect Office. I also requested to review my personnel folder at the District Office, however you have not abated all of the unsafe conditions that I specifically made you aware of and you have not afforded me the time or opportunity to review my personnel folder. You have not provided me with any reason or excuse for failing to abate the unsafe working conditions and/or not allowing me to review the contents of my official personnel folder. **I would like an explanation relative to your unprofessional behavior and conduct towards me.**

Thank you,

A handwritten signature in blue ink that reads "Alberto Aguilar".

Alberto Aguilar
Trustee, Tulare Public Cemetery District

Clara Bernardo

From: Clara Bernardo
Sent: Tuesday, January 18, 2022 9:02 PM
To: Aaron Zaheen (AZaheen@tularecounty.ca.gov); Xavier Avila (xgeneexpress@gmail.com)
Subject: alberto aguilar letter 11522
Attachments: alberto letter 11522.pdf

Hand delivered to our office today 1/18/22 (letter dated 1/15/22) also with the attached documents –

Personnel file?

He is not an employee

Safety Repairs?

He is Not an inspector – and as for Safety concerns we have been cleared

W-9?

If understood all the laws, rules etc. we are required to have a W-9 on all vendors, people that we issue a 1099 for so not my fault if things were not done correctly before they are getting done now.

Unprofessional behavior?

Those comments seriously need to stop – he is a board member who has a vote in my employment and my wages he continues to evaluate my performance based on his requests and demands

I am sorry others excuse his behavior as that's just Alberto is no excuse. He to must abide by the same respect as he demands from anyone else. This coming on the day before my Fathers Services completely shows a complete disrespect for me as a person and as a employee and Manager. It is not my responsibility to educate him on the rules of the IRS or any Safety issues that he sees as a concern. His suggestions on concerns he sees as being a possible safety concern are welcomed, but his demands to correct issues immediately as he sees to be danger when official inspectors have not seen as necessary is completely uncalled for. And the repeated demands to be correct this issues based on his timeline and no one else's is as I feel somewhat of harassment.

Clara L. Bernardo
District Manager



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

www.tularecemetery.net



**Tulare Public Cemetery District
Regular Board Meeting Minutes
January 5, 2022**



CALL TO ORDER:

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

RECONGNITION OF VISITORS:

Four members of the public were in attendance.

PUBLIC COMMENTS:

One member of the public spoke

TRUSTEE COMMENTS:

Three Trustees spoke

OPEN SESSION:

- 2.1 Present motioned to approved December 2, 2021 minutes as corrected vote (5-0) Present motioned to approve December 21, 2021 minutes. Vote (5-0)
- 2.2 Linda Maloy reported The Cemeterias are Planning 2022 project and volunteer motorcycle group wants to be involved.
- 2.3 Bernardo gave brief report on removing the holiday trees
- 2.4 Present reported the November financials will be delayed. They will be ready for next board meeting
- 2.5 Ramos reported the next Verification Meeting will be on Friday, January 14, 2022 at 1:00pm
- 2.6 Avila created an Ad Hoc Committee of Trustee Aguilar and Present to meet with District Manager to review the employee handbook
- 2.7 Ramos moved to approve the request fund transfer for 2021/2022-5. Vote (5-0)
- 2.8 Counsel Arron Zaheen provided training on endowment funds interest as outlined in the Health and Safety Code.
- 2.9 Discussion of creating more Tall Stone rows at the North J Cemetery. Trustees would like to visit the site to look at possibilities
- 2.10 Discussion of training bonus for employees that demonstrate knowledge of grave location, mapping etc. Item tabled to next board meeting.
- 2.11 Discussion on proposed draft of District Manager job description. Present moved to approve with corrections. Vote (5-0).
- 2.12 Avila moved to give \$350.00 incentive bonus Bernardo and \$250.00 to lead foreman David Faria Vote (4-1) Aguilar opposed
- 2.14 No new business item requested

ADJOURNMENT TO CLOSE SESSION 3:09PM



Tulare Public Cemetery District
Regular Board Meeting Minutes
January 5, 2022



OPEN SESSION FROM CLOSE SESSION AT 3:34PM

Nothing to report

2.13 Present moved to increase District Manager Clara Bernardo annual salary to \$90k annually to start next pay period. Votes were polled. Present-yes, Pennington-yes, Avila-yes, Ramos-yes, and Aguilar-no

Respectfully Submitted,

Board Secretary



Tulare Public Cemetery District
Special Board Meeting Minutes
January 5, 2022



CALL TO ORDER:

The Tulare Public Cemetery Regular Board Meeting was called to order at 3:50 p.m., at 900 E. Kern Ave, Tulare, California by Chairperson Xavier Avila. Other trustees present were Vice Chairman Jim Pennington, Secretary Steve Present, Trustees Charlie Ramos, Alberto Aguilar and District Manager Clara Bernardo.

OPEN SESSION:

- 2.1 Brief discussion on interment count
- 2.2 Discussion on creating additional plots and niches on the south side of Kern Cemetery. Aguilar moved to approve installation of fencing on south side street and to sell of plots and niches. Vote (5-0)
- 2.3 Avila moved to only have three employees of the cemetery attending the upcoming March C.A.P.C. Annual Conference. Motioned failed for lack of a second. Ramos moved to approve up to four board members and three employees to attend the upcoming March C.A.P.C. Annual Conference
- 2.4 Ramos moved to approve hardship policy with changes to the current cemetery cremation policy. Vote (5-0)
- 2.5 Discussion on reversal of charges from our accountant regarding Mrs. Gilson visit. No action taken
- 2.6 Bernardo announced that through the IRS the district has been potentially awarded \$123,569 through the Employee Retention Tax Credit (ERTC) Program.

ADJOURNMENT

Chairperson Avila adjourned the meeting at 4:42pm

Respectfully Submitted,

Board Secretary

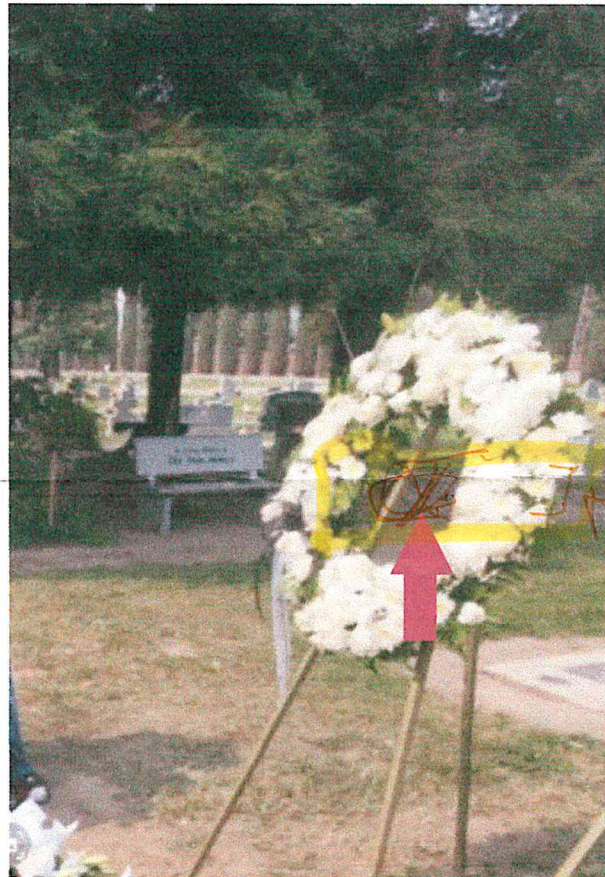
Dear Tulare Cemetery Board Members,

I, Kerrie Guzman, am inquiring about the land to place a bench near my husband Jesse Guzman's grave. The location of the land we are inquiring about is in the North Tulare Cemetery and the space is in the north east corner on the far side near the trees. There is an existing bench which reads "In Loving Memory of The Noia Family". We would like to place a bench to the right of that bench. Ours would read "In Loving Memory of the Guzman Family".

Thank you,

Kerrie Guzman

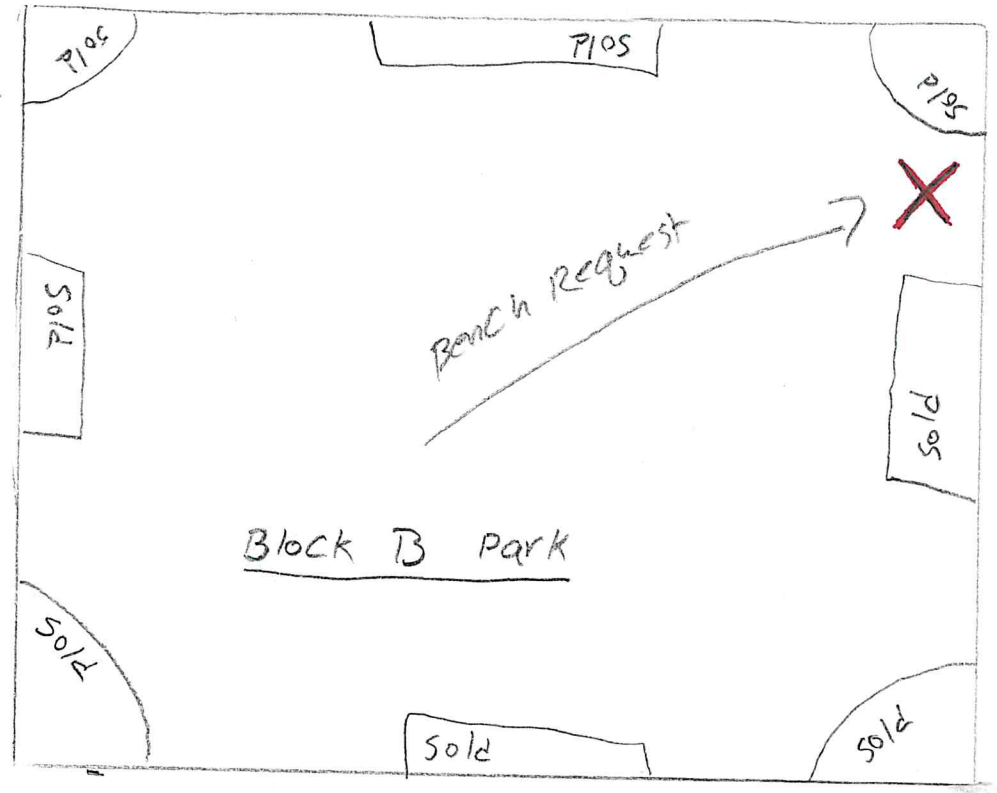
Kerrie Guzman



North

West

East



South

Foreman - *Jim J. [Signature]*