



ALLIANCE UPDATE

JANUARY 2016

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PCA's 2015 R.W. Thomas Cemetery of the Year awarded to the PATTERSON CEMETERY DISTRICT



Shortly after Patterson was founded in 1909, it needed a cemetery. A group of citizens organized a cemetery association, but was short in acquiring funding. Finally in 1917 the Patterson Ranch Co., which had founded the community, donated six acres north of Del Puerto Creek.

The Del Puerto Cemetery Association was formed, having a nine-member board of directors. Its first order of business was to make it a community cemetery, allowing organizations and churches to purchase large blocks for their burials. Before long one section was called St. Mary's and was devoted to Catholic burials.

The early fees indicate just how much the cemetery was operating on a shoe-string. A 22-by-22 plot that accommodated 10 graves was only \$25. Single grave sites were \$5. These charges were the only income of the cemetery and annual community workdays provided the only maintenance the grounds received. The weedy field was termed an "eyesore" dominated by foxtails. So in 1944 a community vote passed 663-10 to form the Patterson Cemetery District. .

Continued on page 2



ART LEONARD RECEIVED THE 2015 PCA PRESIDENT'S AWARD

Art Leonard, Manager of the Orland Cemetery District received the 2015 Public Cemetery Alliance President's Award. This award recognizes ones' exceptional service and support of the membership and programs of the Public Cemetery Alliance.

The recipient started his cemetery career in July of 1985 as a grounds keeper, in February of 1996 he was promoted to his current position as Manager. Orland's former manager compliments Art's leadership and dedication to "keeping the cemetery in good shape." Orland's Chairwoman, Pat DeFries points out strengths and accomplishments as "making Memorial Day a top priority and keeping the cemeteries looking beautiful."

Art has served on the PCA Board of Directors for ten years and is instrumental in moving the Alliance forward and providing our members with training and guidance in cemetery leadership. The PCA appreciates your service – Congratulations!



A soon-to-be-formed Joint Powers Authority (JPA)

A JPA is an institution permitted under California Law Section 6500 State Government Code, whereby two or more public authorities (e.g., local governments) can operate collectively.

Several public cemetery districts approached George Hills Company (GHC) in early 2015 to discern the feasibility of establishing a JPA exclusive to cemetery districts. The decision to start a new JPA originated from the need to create a pool which can offer homogeneous members collaborative leadership with similar coverage, fiscal efficiencies, and pursue many other opportunities for collaboration. Our goal is to provide each district with the following:

- A homogeneous risk pool (cemetery districts only)
- An opportunity to be on the ground floor
- A JPA designed for members seeking quality
- A JPA built for stability, simplicity, and soundness
- A JPA and administrative staff dedicated to fiscal efficiencies

CDAC's insurance program goal is to provide a complete and appropriate amount of coverage to its members. We anticipate being fully insured for at least the first year and overtime the retentions may change as CDAC builds surplus and has an ability to take on more risk on behalf of the members. CDAC's growth goal will be very calculated and steady.

The current group consists of nine public cemetery districts, with several other districts expressing interest. The Formation Committee has compiled a list of over 200 public cemetery districts in California and is currently working with two associations, Public Cemetery Alliance (PCA) and California Association of Public Cemeteries (CAPC) to inform all districts of this new JPA opportunity.

The CDAC Formation Committee has been meeting monthly since summer 2015 and is in the second phase of a three phase process. CDAC is currently reviewing current insurance indications and budgets to determine fiscal viability. We are well on our way to determining the feasibility of CDAC with the hopes to launch on July 1, 2016.

Trustees and Managers are invited to attend CDAC's next Formation Committee Meeting on Wednesday, January 20, 2016, 10:00 am to 2:00 p.m. Meeting location: CSAC-EIA, 75

Iron Point Circle #200, Folsom, CA 95630. RSVP to maya.maas@georgehills.com.

PATTERSON CEMETERY DISTRICT

continued from page one

It included a pioneer cemetery at Grayson, a few miles away. Both were to be maintained by the tax rate in the new district. Soon a fulltime employee was hired to carry the daily workload and answer to the three district trustees.

In recent years the cemetery has expanded in size. A land swap of 3-plus acres for 10 gave the district room for future expansion. And the Board of Trustees has expanded as well – increasing from three trustees to five.

Patterson District Cemetery now averages about 80 burials a year. Much new equipment has been added in recent years and the staff has increased to three fulltime employees.

Several improvement projects have been completed in recent years. The most recent was a new wrought-iron fence along over 1300 feet of Highway 33. Roadways have been paved, new restrooms constructed and a new shop building erected. The cemetery's office building, formerly the caretaker's house, has been extensively renovated.

Member's Situation: Drug Deals & Vandalism

How does your District handle suspected drug dealers and use within the Cemetery? Are there effective ways to prevent and protect against Vandalism?

Solutions discussed by members at PCA's 2015 Annual Meeting

- Partnership with local law enforcement
- Fencing, Lighting, Cameras
- Protective Gloves (what Law Enforcement uses) and Sharps containers for needles
- Utilize the "We-TIP Program" (provided through GSRMA)

In a London , England cemetery:

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maid but died an old Mann. Dec. 8,
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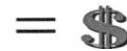
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California's Drought and its affect on Public Cemeteries

John Anderson, Operations Manager
Madera Cemetery District
PCA Vice President

This last year of 2015 California entered its fourth year of drought. We reached near crisis proportions after a winter of record-low snowfalls. Governor Jerry Brown on April 1, 2015 in an executive order directed the State Water Resources Control Board to impose a 25% reduction of water use including cemeteries. The 3 years of 2012, 2013, and 2014 the total statewide precipitation average was 44.5 inches of rainfall. The California statewide precipitation average is 22 inches per year. During that 3 year period only receiving 2 years of average precipitation is going one year without rainfall.

Cemeteries across the state are dealing with the problems of lowering water tables, additions of pipe extensions and wells going dry, occasionally new wells have to be drilled. There is sod stress. With dry grass it is prone to weeds because of no competition with the turf and in extreme conditions causing dirt areas. We battle tree stress which includes tree dieback and disease which in extreme cases can cause a loss of trees. Weed control. Drought stressed weeds are likely to have thicker cuticles (which is the waxy coating on the surface of the leaf) which can inhibit absorption of post emergent products. When weeds aren't actively growing, systemic herbicides (e.g. glyphosate) may not be effectively translocated to their target sites. In the case of personnel, opening graves takes longer because of hard dirt which stresses our labor force. Also, it forces time loss in job assignments with adjustment of time schedules due to water restrictions with mowing.

In our District Cemeteries we have noticed more buildup of rust in our galvanized pipes. We think it is from less water flow allowing more time for the rust to form. Checking for plugged sprinklers and irrigation valves not working properly is crucial because of less watering times. It takes longer for that turf to recover. Maintain a watchful eye on any changes in water pressure. Because your watering time is less, you need to be getting optimal performance out of your system. At one time, we had a pressure switch malfunction because the pump was kicking off at 65 psi when it normally kicks off at 80 psi. A 15 psi difference in pressure resulted in a lot of lost volume of water as well as coverage. Being Endowment Care Cemeteries and

having to cut back on water, we still continue to have a responsibility to maintain our cemeteries in the best way possible.

California Drought Update

Californians have reduced water use by 27.1 percent in the five months since emergency conservation regulations took effect in June, continuing to meet Governor Brown's 25 percent mandate despite a decline in the statewide water-savings rate for October. That equates to 913,851 acre-feet (297.8 billion gallons) or 76 percent of the 1.2 million acre-feet savings goal to be achieved by the end of February 2016.

With a strong El Nino predicted the State still faces many challenges in the years to come. Groundwater is the hot topic. California is the heaviest groundwater user in the nation. Groundwater accounts for about 40 percent of the state's average annual water supply (About 16.5 million acre-feet). During drought years, groundwater can make up more than 65 percent of water supply. For more than 6 million urban users, groundwater is their only supply.

California Drought Legislation

The Sustainable Groundwater Supply Act of 2014 set a new state water policy to manage and monitor the state's groundwater supply. The Sustainable Groundwater Management Act requires local agencies and stakeholders to come together to form groundwater management agencies and develop plans to manage their groundwater basins sustainably. Doing so will require cooperation, collaboration, and compromise amongst those who have long been accustomed to pumping without regulatory limits.

More information can be found at the following link
<http://www.water.ca.gov/>

SAFETY TRAINING DAY

**Join Madera Cemetery District On
Wednesday, February 10, 2016
From 9:00 am—2:00 pm
1301 Roberts Ave. Madera, CA
93637**

*Co-hosted and lunch provided by
Golden State Risk Management
For more information contact
John Anderson
maderad@sbcglobal.net*



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Golden State Risk Management Authority (GSRMA) is unique in California risk pools. We cater to small and medium-sized public entities that do not have the resources to fund all the expertise (human resource staff, dedicated legal counsel and even risk management and loss prevention positions) that their larger counterparts can afford.

A good number of our members are public cemeteries ranging from multi-site entities with as many as 20 employees and a full time administrative staff, to small entities run with only a small volunteer board. We are proud to provide them and all of our members not just competitive insurance rates, but a solid, respected risk sharing pool, a variety of useful benefits and the highest level of personalized service.

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More than 120 public cemeteries of all sizes and from all regions of California are covered through Golden State Risk Management Authority. If you are not already a GSRMA member, we invite you to contact us and take a look at the comprehensive coverage and services that we offer California public cemetery districts.

For more information please contact:

Jennifer Peters or Naomi Whatley at
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Visit our website at www.gsrma.org



THE PROBLEMS WITH PLOTS

Robert W. Hunt

Hunt Jeppson & Griffin LLP

Yet again, I received two calls within the last week from Districts with plot problems.

The first asked what to do when the District had interred a man in the wrong plot. In this case, as in most, the problem was brought to the attention of the District when the rightful owner of the plot complained—the plot was reserved for their mother to be buried alongside their father.

So let's first figure out what can be done to prevent such problems. In most of our Districts plots being readied for burials are marked out by a single person, frequently the District Manager. Even then mistakes are made. A few of you have already adopted a practice whereby plots are marked out by two of your people before a burial is made. That's great—as far as it goes. But in this case two people did go out and mark out the plot—the wrong plot. We have seen several cases where two people working together fail to pay sufficient attention to the task, perhaps assuming the other person is doing it correctly, and there was no sense of personal responsibility.

Some of our Districts have adopted policies and practices which go a long way toward preventing these problems. These Districts have adopted written policies. Each employee is given a copy and acknowledges that he or she understands it. These policies generally require:

- A card be created and kept for each interment which identifies the proper plot;
- The individual taking arrangements for the burial verifies that the plot identified on the card is the same as the plot specified on the burial/interment order, and dates and initials the card certifying that he or she has actually performed the verification;
- One person then takes the card with him or her to the site to mark out the plot in advance of the burial, and initials the card verifying that he or she has marked out the correct plot as specified on the card, and returns the card to the office;
- A second person then takes the card to the site and verifies that the plot has been correctly marked out, again initialing the card verifying that he or she has marked out the correct plot as specified on the card.

This makes three separate people performing three separate verifications, each responsible for ensuring the

person is buried in the correct plot. We understand that many of you have moved virtually all of your records to computers, and that a card file is a step back. But digitization shouldn't be a shield behind which lax employees can hide and avoid responsibility for such errors, and a simply way of ensuring that people are actually buried in the correct plots. Any future mistakes are employee problems and should subject the responsible employee(s) to disciplinary measures.

In addition, because there are frequently similar problems with properly placing markers, we suggest that this same procedure be followed for identifying where markers are to be placed.

The second "plot problem" is a long-standing one—resales of plots. Permitting plot owners to engage in private reselling of their plots creates several problems. First, a number of you have experienced issues where a plot owner sells his or her plot to a third party. The problem usually arises when the third party comes in seeking to use the plot, and discovers that the deceased is not qualified to be buried in your District's cemetery. Original owner/seller is gone, and you are left to deal with the angry purchaser. The second problem resulting from private resale of plots is one of abuse—a person purchases one or more plots and resells them to third parties for a profit, sometimes a substantial profit. We have seen this recently in funeral homes where owners or employees purchase plots from the District, then resell them to families of the deceased for a profit.

Many of our Districts have eliminated these problems by adopting policies prohibiting the private resale of plots—plots may be sold only back to the District. This, of course, requires the adoption of a written policy, making sure that the purchaser of a burial right gets a copy of the policy at the time of purchase, and that the general rule is set forth in your District's purchase contract or other document by which burial rights are sold. Your policy should provide that no holder of a burial right may sell it to any third party. (It may be transferred to a member of the purchaser's family, but such transfer is effective only upon the transfer being recorded in the District's records.) Should the owner wish to sell the burial right, it may be sold only back to the District. We also recommend that your policy provide that the price the District will pay is that paid by the purchaser at the time of original purchase, less an administrative fee of 10% or 15% of the purchase price.

Policies and education of both employees and purchasers will help eliminate or reduce the numbers of problems our Districts encounter.

SAFE LOWERING

Ray Young

Manager, Fair Oaks Cemetery District
Member PCA Board of Directors

As a result of attending two area safety/information meetings, and by the way I feel these are just as valuable as our Annual Conference, my Board has instructed me to purchase the heavier lowering strap for our lowering devices, ASCO/Pacific was able to provide them for us. The costs were not prohibitive at all. It seems a cheap fix for something that could turn into a very high dollar law suit.

These straps have double webbing (32") in the center where they are more susceptible to wear from continued usage and protection due to the fact that some of the caskets we are now handling come from outside the United States and arrive with very sharp edges on the underneath side.

I very much appreciate the information that I get from our vendors, such as Brian Connealy from ASCO/Pacific.

After the last information/safety meeting at the Williams Cemetery District I was convinced we needed those straps to make our lowering safe. There is no perfect way to do anything we do but if we can do our "Due Diligence" as we are reminded by Bob Hunt and GSRMA, we have a better chance of fewer mistakes on our part.

FROM THE 2015 PCA ANNUAL MEETING

Member's Situation: Liability for Cemetery Visitors

A District is adjacent to a historical State Park, which hosts tours for large groups of school children. The groups wander over to the cemetery without permission or insurance – What is the District's liability and responsibility? Communication with the State Park's Administration office was unsuccessful.

Solutions discussed by members at PCA's 2015 Annual Meeting

- The District should develop and adopt a Policy for group tours
- Schools, parks, etc. should be notified of hazardous conditions
- Distribute Policy to Schools, Parks, etc.

Member's Situation: Medical Marijuana Use on the Job

Medical Marijuana Card carrying employees – legality of enforcement of "No Drug" policy during work hours...can an employee smoke during their work day?

Solutions discussed by members at PCA's 2015 Annual Meeting

Does your hiring policies include drug testing initially and periodically? Do your grounds and facilities have No Drug and Alcohol policies? Employers can legally refuse to hire people who use medical marijuana, even if they are legal patients. So an employee cannot legally use the drug during work hours. However, if your employee passed an initial drug test and is capably performing all duties, you may not be aware of the use of medical marijuana.

Have policies in place for hiring and safety. Require drug testing if you suspect unsafe behavior. Document all incidents, counsel employees about behaviors and performance, and follow procedures for reprimands and firing.





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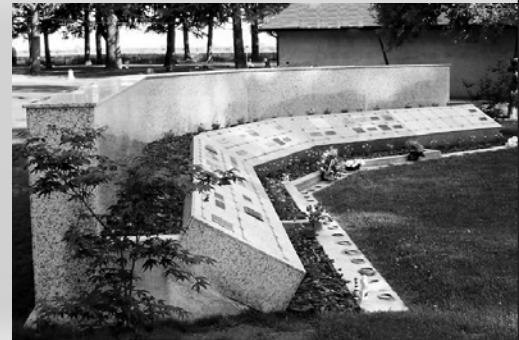


"We have been very pleased with the last three niche projects constructed by Cordeiro Vault Company. Their attention to detail during design and construction has been impressive. They have also assisted us in competitively pricing the niches for our cemetery district."

*Ray Young, General Manager
Fair Oaks Cemetery District*

"Working with Cordeiro Vault Company over the last several years on four different niche projects at Gridley-Biggs Cemetery District has been a pleasant experience. Their professional staff and the quality of the finished product is the reason we would not hesitate to use their services in the future."

*Pat Teague, District Manager
Gridley-Biggs Cemetery District*



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*Arnie Brinton, Manager
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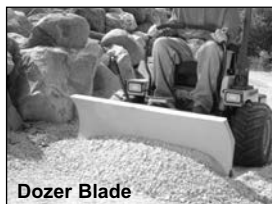
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- Possession of a valid CA driver's license and pass criminal background and drug test and must be bondable.
- Ability to operate all normal equipment used in normal cemetery business including but not limited to the lifting of heavy objects and working outside in a variety of weather conditions..
- Knowledge in cemetery layout, maintenance, construction and beautification of landscape, grounds and facilities.
- Business knowledge of budgets, payroll and Government reports desired but not required.
- Ability to work under direction of the Board of Directors and to supervise the office and grounds staff.

Recruitment Process:

- You may obtain an application and copy of the job description at the Elk Grove-Cosumnes Cemetery District Office, P O Box 1533, Elk Grove, CA, 95759, on line at www.EGCCD.com or by calling 916-685-5170.
- Please submit a resume, including salary history, along with your application as well as copies of any pertinent certifications, education, etc.
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Art Leonard — Orland Cemetery District

&

Ray Young — Fair Oaks Cemetery District

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WEDNESDAY, MARCH 30th, 2016, 10:00am to 4:00pm

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SAFETY PROGRAM SPEAKERS: Jennifer Peters and Mark Marshall from Golden State Risk Management Authority

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PLEASE RSVP TO NO LATER THAN MARCH 15TH WITH A HEAD COUNT!

CALL

ART LEONARD@ 530-865-3880 OR RAY YOUNG @ 916-966-1613

Member's Situation: At a board meeting the District Manager announced to the Board of Trustees that a groundskeeper (who was present) was to be terminated for cause, effective immediately. The groundskeeper asked to speak, then proceeded to inform the board that the manager was accessing pornographic material on his computer, which led to an investigation of the manager. The District hired a professional investigator, no evidence of pornographic material was discovered, however the investigator did reveal a potential misuse of district's funds. Funds were being used for the purchase of food to be consumed during "Safety Meetings."

Solutions discussed by members at PCA's 2015 Annual Meeting

This case has three separate issues.

1. Termination of the Groundskeeper

Was a firing policy in place and followed? Did the manager ever discuss reasons for improvement or give the employee an opportunity to improve? Did the manager keep proper documentation on all incidents related to the firing? Was the Board ever notified about any situations that would remove doubt of manager's intention? Were there closed session discussions to discuss personnel issues? An employee has the right to have 24 hours of written notice and the right to be heard in open session. Even if the employee could be fired at will, the employee would have an opportunity for a Skelly hearing.

Additional info: A Skelly hearing derives its name from Skelly v. State Personnel Board (15 Cal. 3d 194) in 1975. Dr. Skelly, a public employee, was terminated from his employment with the State of California. The California Supreme Court determined, among other things, that he was deprived of his due process right to pre-disciplinary discovery – the "materials upon which the action is based." A Skelly hearing allows an employee to respond to the allegations prior to the imposition of any actual disciplinary action. <http://mef101.org/DisciplineRights/grievance.html>

Without the manager and Board following proper procedures and documenting incidents, the employee has a good case of illegal termination.

2. The alleged viewing of pornography.

Was there a Grievance procedure policy and was the Groundskeeper ever informed of it and his protection? Could pornography be a Sexual Harassment Claim? Was he offended or did he ever ask the manager or Board to stop the behavior? Since no evidence was found, the suggestion would be to create a computer use policy with acceptable and unacceptable usage standards if one did not exist. Discussion with and periodic visitations to observe the manager could reduce future risk.

Create, give, and discuss employee Policies for Computer Use, Sexual Harassment and Grievance Procedures to create understanding and have a clear path to resolve issues.

3. The Manager's misuse of funds.

This puts the Board on notice to correct the situation, to communicate to the manager about future expenditures, and to more closely supervise the manager.

The Board has the responsibility to carefully read warrant payments and the use of the District credit card before they vote to approve. Document the incident and be sure it does not repeat.