



ALLIANCE UPDATE

SPRING 2018



PCA Legal Counsel, Public Cemetery Expert Bob Hunt Retires



Robert W. "Bob" Hunt

Bob Hunt, THE expert on California public cemetery law has retired as PCA General Counsel. Bob provided steady guidance to the Public Cemetery Alliance and its member districts since the PCA was formed in 1993.

Bob is admired and respected by the public cemetery industry for his knowledge, accessibility and candor. His practical, common sense style has been the perfect match for effectively communicating with PCA members.

"Bob's training and interactive 'Q&A' sessions have been one of the PCA's greatest assets."

Bob has been a presenter at virtually every PCA annual meeting and educated hundreds of managers and trustees on public cemetery law, policies & procedures and best practices. Bob's training and interactive "Q&A" sessions have been one of the PCA's greatest assets. These interactive sessions have been the primary source of training

for many trustees and managers statewide.

Bob's contribution to cemeteries of rural California cannot be overstated. Numerous managers and trustees have credited Bob with providing them the foundational knowledge to carry out their duties.

Bob's former law firm, renamed Jeppson & Griffin, will succeed Bob as PCA General Counsel; with Mark Velasquez filling Bob's role.

Bob's generosity with his time and knowledge will have a lasting, positive impact on the public cemeteries of California.

The PCA is extremely grateful to Bob for his service and friendship!

Visalia Public Cemetery Embezzlement Grows, Manager Arrested

The size of the suspected embezzlement at Visalia Public Cemetery District (VPCD) grew by nearly 400% over initial estimate. A shortfall of \$339,000 was discovered during the 2015-16 fiscal year audit, which led to the dismissal of long-time district manager Dona Shores in October 2016.

A lengthy investigation led to an amendment of the original \$339,000 estimate to a whopping \$1,200,000 in missing funds. Shores was arrested in December and is being held on felony grand theft and



money laundering.

Investigators suspect that the embezzlement took place over a five-year period from 2011-2016.

Through her attorney, Ms. Shores has denied all charges against her. A critical 2006-07 Grand Jury Report has been ref-

erenced in multiple press articles. That report accused VPCD and Shores of numerous infractions including misuse of funds. The Board of Trustees maintained that there was no evidence to sustain those allegations, and has denied that these incidents are related.

Despite the missing funds, VPCD remains in a strong financial condition. The most recent financial audit shows its net position on June 30, 2017 as \$10,238,000.

INSIDE THIS ISSUE:

PCA ATTORNEY MARK VELASQUEZ OUTLINES PUBLIC CEMETERY DUTIES	2
ROCKLIN EQUIPMENT SHOW DRAWS OVER 100 PARTICIPANTS	4
DISTRICTS UPDATE COMMUNICATION METHODS	5
SPRINGTIME INCREASES DANGEROUS CRITTER ACTIVITY	6
MADERA EVENT PROVIDES TRAINING FOR 15 DISTRICTS	8
2018 ANNUAL MEETING TAKES SHAPE	10
PCA WEBSITE UPDATED	10
SAVE THE DATE!	11
UPCOMING PCA EVENTS SCHEDULE	

The PCA is headquartered at the Oroville Cemetery District.

For questions please contact:

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Attn: Cheryl Smith, PCA
Executive Secretary

A Summary of the Duties of a Public Cemetery District, Its Board, and Trustees

By Mark R. Velasquez, Esq., Jeppson & Griffin, LLP



Mark Velasquez, Esq.

PCA General Counsel, Mark Velasquez has provided this outline of the mandated duties and responsibilities of Public Cemeteries. Per the disclaimer, this is not meant as an exhaustive list of the duties, rights and powers afforded a cemetery district, but a summary of the primary functions.

In this summary, District refers to the governmental entity; the Board is the entity's governing body and Trustees are the individual members of the body.

The District:

1. The rights and powers of a public cemetery district are listed in H&S Code §9041
2. Must maintain cemeteries owned by the District. (H&S Code §9040)
 - Specific Maintenance requirements and standards are found in California Code of Regulation §2333.
3. Each district shall adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment. (H&S Code §9044(a))
4. Shall not engage in the business of selling monuments or markers. (H&S Code §9052(d))
5. May sell accessory and replacement objects that are necessary or convenient to interments including but not limited to burial vaults, liners, and flower vases. (H&S Code §9053)
6. The Cortese-Knox-Hertzberg Local Government Reorganization Act governs any change of organization or reorganization of a district. (H&S Code §9007)
7. Employee relations are governed by the Myers-Milias-Brown Act (H&S Code §9045)
8. Is subject to the Public Records Act.
9. Claims against the District are governed by the Government Claims Act.
10. May withdraw its funds from control of the County Treasurer only if the strict requirements of H&S Code §9077 are met.
11. May establish by resolution a local revolving fund of a maximum of either \$1000 to pay small bills directly, or 110% of 1/12 of annual budget to pay authorized expenditures.
12. May levy special taxes if revenues are inadequate. (H&S Code §§9080 & 9081)
13. May seek general obligation bonds for the acquisition or improvement of real property. (H&S Code §9082)
14. May charge fees for other services (actual cost only) and enforcing regulations. (H&S Code §9083)

The Board:

1. Must meet at least once every three months. (H&S Code §9029)
2. A recorded vote of a majority of the total membership of the board of trustees is required on each action. (H&S Code §9030(a))
3. A Board can only act by ordinance, resolution, or motion. (H&S Code §9030(b))
4. The board of trustees shall keep a record of all of its acts, including financial transactions. (H&S Code §9030(d))
5. The board of trustees shall adopt rules for its proceedings. (H&S §Code 9030(e))
6. On or before August 30 of each year adopt a final budget which conforms to the accounting and budgeting procedures for special districts contained in the California Code of Regulations commencing in sections 1031.1 and 1121. (H&S §Code 9070).
 - The budget must be divided into categories outlined in Section §9070, and a copy of the final budget must be forwarded to the County Auditor.
7. On or before July 1 of each year adopt a resolution establishing its appropriations limit and make other necessary determinations for the following fiscal year unless as of the 1977-78 fiscal year, levy an ad valorem tax on property in excess of twelve and one-half cents (\$0.125) per one hundred dollars (\$100) of assessed value.



8. Require annual audits, and provide financial report to the Controller. (H&S Code §9079)
9. Must create an endowment care fund and require payment for each internment right in an amount no less than set by H&S Code 8738. (H&S Code §9065)
10. Must cause the principal of the endowment care fund to be invested as required by H&S Code §9066.
11. Must make sure accurate and current records of internment rights, available plots, persons interred in the cemetery. (H&S Code §9064)
12. Must adopt a fee schedule for internments and services, and charge a non-resident fee of at least 15%. (H&S Code §9068)
13. Meetings and correspondence between trustees is governed by the open meeting laws of the Ralph M. Brown Act.

The Trustees:

1. Must be a voter of the District. (H&S Code §9022)
2. If approved by ordinance or resolution, Trustees may receive up to \$100 for attendance at each meeting, up to a maximum of four per month. (H&S Code §9031(a))
3. Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business *other than a meeting of the board*. (H&S Code §9031(c))
4. Determination and reimbursement of expenses is controlled by Government Code §53232.
5. Shall not engage in the business of selling monuments or markers. (District employees are prohibited as well) (H&S Code §9052(d))
6. Must represent the interests of the public as a whole, and not solely the interests of the supervisor who appointed them. (H&S Code §9022).
7. Must have sexual harassment prevention training within 6 months of taking office, and every two years thereafter. (Government Code §53237)
8. Must take ethics training every two years, file a Form 700 annually, and is subject to the rules and regulations of the Fair Political Practices Commission. (Government Code §53235)
9. Must place the interests of the District above their own, and not have any conflicts of interest.
10. Cannot act unilaterally, except for those duties assigned to the officers of the Board by its bylaws. One trustee = one vote.

Disclaimer: *This is only a partial list of the laws that apply to public cemetery districts and its trustees in California. A district or its trustees should contact their general counsel for any questions or opinions regarding the above.*



**MARK R.
VELASQUEZ, ESQ.**

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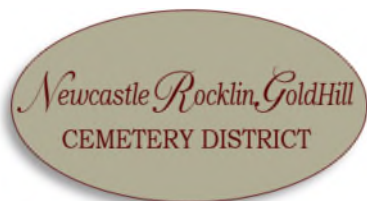
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Newcastle-Rocklin-Gold Hill Cemetery District Hosts Equipment Show



NRG Cemetery District manager Harley Forrey emceed the show

Twenty suppliers shared their latest products and services with 85 cemetery personnel at the Rocklin Cemetery on March 14. The show was hosted by Newcastle Rocklin Gold Hill Cemetery District (NRG) and co-sponsored by Auburn Public Cemetery District.

Vendors showed the latest lines of equipment related to cemetery operations. Displays included everything from backhoes and loaders to hand-held trimmers and safety shoes. GSRMA Safety & Loss Prevention Specialist Betsy Downey presented a Heat Illness training in anticipation of summer working conditions. The session was well-received, but the cool rainy weather made attendees longing for a bit of summer heat.

Participants were treated to grilled hamburgers, hot dogs



Top left; Valley Truck & Tractor's Danny Chase and Sara Forbes prepare lunch. **Top right;** Co-host Auburn CD staff. **Center left;** Attendees take in safety training **Center right;** Walker mowers on display. **Bottom left;** JCB and John Deere machines **Bottom right;** Quenvold's mobile safety shoe store.

and side dishes all prepared and donated by Valley Truck and Tractor. There was even a free-throw shooting contest to coincide with the NCAA basketball championships. The equipment show has become a highly anticipated event and continues to grow.

The staffs at NRG and Auburn put together a great show and the location and facilities were excellent.



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Districts Updating Communications in Response to Court Ruling



“district personnel and trustees should abstain from using personal email addresses for communicating district business”

In March of 2017, a significant ruling from the California Supreme Court determined that public business transmitted on private devices is subject to the California Public Records Act (CPRA). While many districts have adopted policies and procedures to avoid the potential negative impacts this ruling can create, more work needs to be done.

As a reminder, district personnel and trustees should abstain from using personal email addresses for communicating district business. This potentially subjects personal email

communication to the scrutiny of the CPRA. Text communication of district business, no matter how innocuous it may seem, should also be avoided.

Districts that utilize electronic communication internally or externally should use agency-specific email address exclusively. This serves to protect employees and trustees, as well as the district.

If your district has not yet created such accounts, you should consider doing so immediately.

There are several ways to establish these accounts.

Professional email accounts that utilize your agency's domain name is the traditional method. District employees and trustees are assigned addresses that are clearly from the agency; i.e.

jdoe@cemeterydistrict.org.

There are numerous low-cost solutions. If you have a website and a registered domain name, your website host can guide you through the process.

There are work-arounds if your district has not registered a domain name. It is recommended to contact a reputable technology consultant for assistance.

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THE PROCESS:

We will evaluate your ground burial and cremation history at the cemetery. Compare your cremation rate to the actual cremation rate in your area. After reviewing your data, we will begin to chart future inventory plans based on those findings.

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Springtime Increases Flying, Crawling, Slithering Critter Hazards

By Mark Marshall, Safety Officer, Golden State Risk Management Authority



As the weather becomes warmer, you will find yourself working in outdoor areas that you didn't during the winter months. Whether you're performing activities such as mowing, weed-eating, and trimming, you may find yourself face-to-face with poisonous plants, insects, spiders, and snakes. Contact with poisonous plants, bites, or stings may send you to the doctor's office or even the emergency room for a remedy.

Remember what risk management speaker Gordon Graham said 'if it is predictable it is preventable'. If you can predict that there may be a poisonous plant, snake, spider or insect present then prevention is the answer, and to do that you should look and listen before you jump into an area where you may have danger lurking.

Spiders and snakes will soon be coming out of their winter dormant state and often hide where you may have occasion to work. As a matter of fact, one of our member cemetery district's recently had an employee suffer a bite from a rattlesnake. Insect and spider bites can be just as dangerous, especially if you are allergic to them. A bite or sting may cause an allergic reaction called anaphylaxis, which can be a life-threatening event and should be treated immediately. Call 911 if you are having a reaction to a bite or sting.

Bees, Wasps, Yellow Jackets:

- Stings kill more people each year than all other venomous animals combined.
- Look out for hives
- Keep food and drinks in your vehicle. Bees are attracted to sweet smells.
- Watch for unusual reactions to stings. Call 911 immediately!



Spiders:

- Black widow spider venom is 15 times more poisonous than rattlesnake venom!
- Watch out for spiders when working around wood piles, vegetation and other areas that are dark.
- Wear gloves when working in areas that may harbor spiders.
- If you notice a tingling feeling, sudden nausea, or stomach pain, convulsions, or signs of shock, you may have been bitten by a spider. Seek medical attention immediately.

Snakes:

- Rattlesnakes are the most common poisonous snake in our area and can be found in areas that are protected, like wood piles or rock piles, bushes or tall grass.
- Rattlesnakes are often found where there are food sources for them like gophers, squirrels, and mice.
- Other places may be near streams or rivers that have recently flooded during the winter and have transported snakes on debris piles or logs downstream and deposited them on the bank near your cemetery.
- Leave the snake alone.
- Most people are bitten trying to kill them or to get a better look.
- If a snake bite contains venom, swelling occurs quickly.
- Call 911 and seek medical assistance immediately.
- Avoid running and do not panic.
- Do not cut the affected area or attempt to remove venom with your mouth.



Report all bites, stings, and contact with poisonous plants that cause a rash or swelling to your supervisor immediately. All of these are true medical emergencies and should be treated as such. When in doubt, call 911.



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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.

We “work” for California public cemeteries by:

- Being responsive to busy, multi-tasking cemetery professionals.
- Leveraging our experience in public cemetery risk management.
- Issuing dividends and never having assessments.
- Achieving “Accredited with Excellence” by the California Association of Joint Powers Authorities.
- Processing our claims in-house.
- Providing a wide range of valuable services to members at no additional cost.
- Implementing loss prevention and training incentive programs.
- Packaging the best mix of coverage and services from first class partners.

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 at
(530) 934-5633 or memberservices@gsrma.org
Visit our website at www.gsrma.org



Madera Cemetery's 2018 Regional Training Serves 15 Districts



On February 7, 2018, Madera Cemetery District held its Annual Regional Safety Training. There were 65 individuals in attendance representing 15 separate districts. Madera generously offers their facilities to host these events year after year.

Three breakout sessions were conducted:

- Mark Marshal from Golden State Risk Management Authority (GSRMA) provided a Fire Safety and Prevention training
- Madera CD's Ignacio Becerra and Fred Verduzco provided instruction on Small Equipment Safety
- John Anderson presented a Workplace Safety and Accident Prevention session



John Anderson, Madera CD Operations Manager and PCA President

Madera CD' regional trainings have proved to be a tremendous benefit to area public cemeteries. These events not only provide training, but build comradery through the sharing of experiences in cemetery operations.

Madera CD Operations Manager John Anderson has been a strong advocate for training opportunities tailored for operations personnel. Madera CD's annual trainings are testament to that commitment.

The PCA is grateful to Madera CD's staff and trustees for their support of the PCA's mission!

Top: Attendees tour the maintenance facilities at Madera CD's Arbor Vitae Cemetery. **Center:** Lorenzo Belmontes (second from right) and Huston Petterson (right) talk shop with three Hanford CD employees. **Bottom:** Attendees share experiences and ideas.

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2018 PCA Annual Meeting Hosted By Nevada Cemetery District



Gold Miners Inn, Grass Valley, CA will be the event site for the 2018 PCA Annual Meeting

The 2018 PCA Annual meeting in Grass Valley has an outstanding agenda planned. Host Nevada Cemetery District will provide information on their pioneering Green Burial program. After the presentation, a tour of the designated Green Burial cemetery site will be conducted. CPA Robert Johnson will lead an "Understanding Financial Statements" workshop.

Mr. Johnson provides audit services to more than 50 public agencies. His presentation will provide a solid foundation to more confidently analyze your district's finances.

There event will also feature a tour of the world-famous Empire Mine, receptions, great local food and opportunities to visit with great PCA members and vendors.

Schedule of Events for PCA Annual Meeting

Wednesday, August 22

- 1:00 PM-Tour of Empire Mine (off-site, transportation provided)
- 5:00 PM-Registration and Vendor Reception
- 7:00 PM-Dinner and Annual Awards

Thursday, August 23

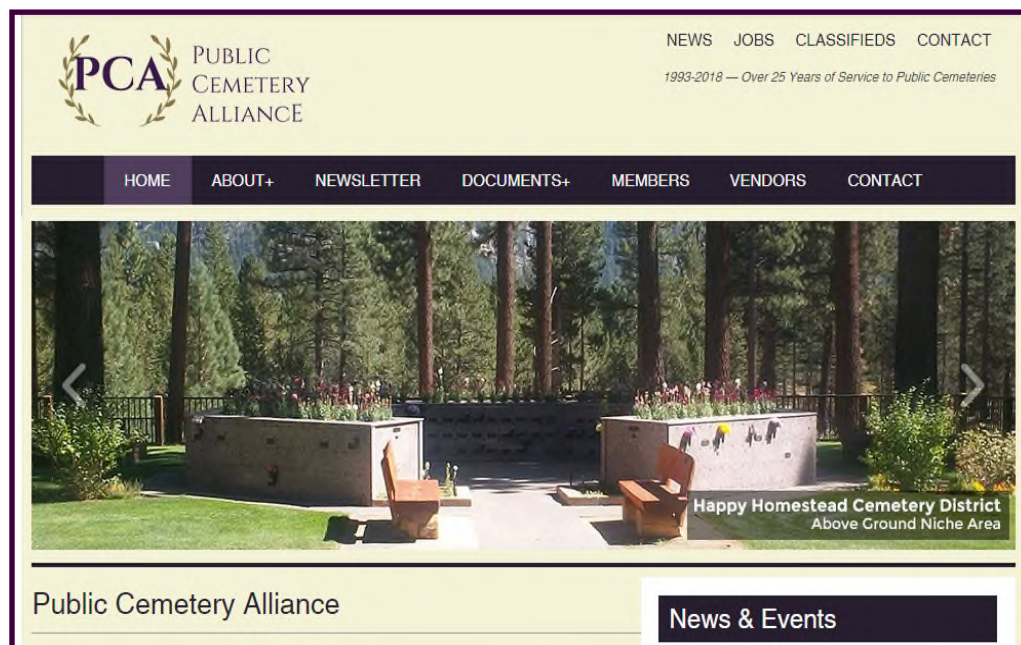
- 8:00 AM-Registration & President's Welcome
- 9:00 AM-Robert Johnson, CPA—Understanding Financial Statements
- 12:00 Noon-Lunch and Prize Drawings
- 1:15 PM-Green Burial Presentation—Matt Melugin, Nevada CD
- 2:15 PM- Green Burial Tour of Cherokee Cemetery (off-site, transportation provided)
- 6:00 PM-Gold Miner's Inn Thursday Night Wine & Dine
- Dinner on your own

Friday, August 24

- 8:30 AM-2017 Cemetery of the Year
- 9:00 AM-Roundtable discussions: Legal, Policy, Risk Management, Operations, Hot Topics
- 12:00 Noon-Raffle Drawing & Meeting Adjournment

(schedule subject to change)

New and Improved! - PCA Website Updated



The PCA is excited to announce upgrades to its website. There will be a fresh look and improved functionality. The update was prompted when the PCA was notified that effective April 1, 2018, Tombfinder, the website host, would no longer provide service. Numerous cemetery districts were Tombfinder clients and have had to scramble to replace that service.

The web address will remain: publiccemeteryalliance.com. All website functions will remain intact; including announcements, event schedules, member directories and newsletters. Enhancements are under consideration and will be communicated to members as they are adopted.

Upcoming Schedule of PCA Training and Events



PCA Northern California Safety Meeting, June 8, 2018 Cottonwood Community Center, 20595 Gas Point Rd Cottonwood, CA

Cottonwood Cemetery District Manager and PCA Past President Arnie Brinton will once again host a training in Cottonwood CA, conveniently located for Northern California districts. These high-quality trainings have proven vital to districts in the north state by greatly reducing the time and expense associated with travel.

- **Mel Lewis of Cemeteries 101** will discuss creative and practical ways to increase revenue to your district
- **Mark Marshall and Betsy Downey from Golden State Risk Management Authority (GSRMA)** will provide a workplace safety-focused training

There will be a panel discussion and questions and answer session.

Lunch will be provided by GSRMA!

Registration information will be coming soon. Feel free to contact the PCA at pc.alliance@yahoo.com with questions

2019 and 2020 PCA Annual Meeting Locations Set

In 2019, the PCA will celebrate its 25th Anniversary with a return to the **Rolling Hills Casino Resort in Corning** August 21-23, 2019.

Rolling Hills has been site for multiple very popular meetings in the past, and will be the ideal location to celebrate this milestone event. The meeting will feature the usual timely information and enjoyable activities, and will focus on the PCA's history. The event will celebrate the PCA's accomplishments and recognize those who have made the PCA's success possible.



The **2020 annual meeting** will be held at the **Black Oak Casino Resort in Jamestown, CA**. The exact meeting dates have not been finalized, but is expected to be **mid-late August, 2020** as is customary. This site was extremely popular, with top-notch facilities and services. The resort is adjacent to numerous California historical locations and is a great take-off point for a trip to Yosemite. The Black Oak Lanes provided for a fantastic Bowling Mixer at the previous event, and this activity will likely be included in the 2020 event.

*"The **Goal of the Alliance** is to be a resource for all public cemeteries. Our desire is to help each public cemetery be as successful as possible in providing quality and affordable cemetery services to their respective communities. This will be accomplished through education, communication and a spirit of teamwork between the Alliance and all public cemeteries regardless of size or funding"*

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