

Saratoga Cemetery District
Board of Trustees
Minutes – October 21, 2009
Multi-Purpose Room, Oak Street School
14592 Oak Street, Saratoga, CA 95070

1. CALL TO ORDER:

1.1 Meeting called to order at 5:03 p.m. by Chairwoman Victoria Bosworth.

2. ROLL CALL:

2.1 Trustees present: Victoria Bosworth, Jim Sorden, Judy Johnstone, and Gregory Fox.
Trustee absent: Jane Hopkins. Staff present: Gary Reed and Tim Zadel.

3. APPROVAL OF MINUTES OF LAST MEETING:

3.1 Judy Johnstone asked that the following statement be added to the to Item 10.4 of the August minutes: "Judy Johnstone stated that she believed Tim Zadel had given a legal opinion in the Orloff case and in the email to Kathleen King." Jim Sorden moved to approve the minutes of the August meeting as amended. Second Judy Johnstone. Unanimous.

Judy Johnstone asked for clarification of item 9.4 second sentence of the September minutes. Staff said that two words, 'be added', had been left out of the sentence which should read, "Jane Hopkins asked that "Written Communications" be added as item 8." Jane Hopkins had sent two emails to the Board and staff prior to the meeting. Since Jane is not at the meeting the Board continued approval of the September minutes to the next meeting.

4. PUBLIC PARTICIPATION:

4.1 Dianne Tuley-Brown said she emailed a letter to each Board member but it did not get placed on the agenda. The manager said that both Maria and he had exchanged emails with Dianne asking her to send the letter to the District office so it could be placed on the agenda under communications – the letter was not provided.

John Teeter provided staff with a copy of the recording of the August meeting that was requested at the September meeting.

Nikki Teeter asked how the special meeting in October was noticed. Staff said it was posted outside the office and on the district web site. She asked if members of the public could be notified when special meetings are scheduled. Staff said they could on written request. Mrs. Teeter said she was disturbed that the Board hadn't added the letter noted above to the agenda so the questions in the letter could be addressed.

Mike Oliver asked if it was correct that the district had no plans to use eminent domain to acquire any properties. Vicky Bosworth replied that that is correct.

Deanna Manion asked if there is a proper protocol for obtaining records through the the freedom of information act. Vicky Bosworth briefly outlined the requirements of the act.

5. AGENDA CHANGES:

5.1 Judy Johnstone moved to add discussion of Dianne Tuley-Browns letter to the agenda. The motion failed for lack of a second.

Jim Sorden moved to add discussion of the letter to the next Board meeting agenda to give the manager, accountant and auditor an opportunity to prepare a response. Second by Greg Fox. Unanimous

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6. COMMUNICATIONS:

6.1 Written: Staff presented:

a) An email from web site host Jeff Johnson detailing visits to the web site during the month of September – there were 51 visitors.

6.2 Oral: Vicky Bosworth reported that she and Judy Johnstone had attended the CAPC Area Meeting and Educational Seminar. Attorney presentation on the first day of the conference covered the Brown Act, Public Records Act, and Conflict of Interest. On the second day she attended the Trustee session.

7. CONTRACTORS AND PURVEYORS ATTENDING:

7.1 Auditor Paul Kaymark and accountant Jayne Brownlee will address Item 10.1.

8. GROUNDSKEEPING AND MAINTENANCE REPORT:

8.1 Staff reported that:

a) At the direction of the Board the Saratoga City Manager's office had been contacted to inquire how the city reported compensation paid to the City Council members. Karen Caselli of the City Manager's office said the City issues Form W-2's.

b) There was a power failure for two hours during a recent storm and a subsequent second power failure. The loss of lights and computers essentially closed the office. The failure also resulted in a loss of rainfall data from our weather station. There were also leaks from the roof into the men's bathroom and into the wall between the Board room and interview room. Jerry Hamilton suspects the leaks were due to wind blown rain getting into the vents, he repaired one leak and will repair the second.

c) Augie Gardino will finish making the well connections and installing the pressure tanks and Santa Clara Valley Water District meter tomorrow.

d) The District should look into getting a generator that will provide power to the office in the event of a power failure. Staff was asked to look into the cost of a generator or UPS units to power the computers.

9. CONTINUING BUSINESS:

9.1 Staff reported annual returns on the District's four investment accounts: Endowment Interest 4.86%, Endowment Principal 4.56%, Pre-Need 4.72%, Land Acquisition 3.98%.

9.2 As a follow-up to the Davis master plan that Jane Hopkins had presented at the September meeting, Vicky Bosworth reported that she had visited the cemetery in Davis, CA.

Ray Persico asked if staff had provided the drawings for roads into the new area as directed at an earlier meeting. Vicky Bosworth replied that staff had provided the drawings but the Board was looking into hiring a landscape architect for development plans.

Jenny Taylor provided the name of a landscape architect for consideration.

Continued to the next Board meeting.

9.3 The Board conducted a second reading of revised Board Policy 102. There were no changes to the policy. Judy Johnstone moved to approve the BP 102 as presented. Second by Greg Fox. Unanimous.

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- 9.4 Discussion of bidding policy for large projects continued to next Board meeting.
- 9.5 Discussion of monument policy continued to next Board meeting.
- 9.6 Staff reported that a recorder was purchased to record Board meetings. This item will be removed from the agenda.
- 9.7 Discussion of reasonable & proper communications continued to next Board meeting.
- 9.8 Discussion of adopting a policy on not considering concerns or issues raised anonymously continued to next Board meeting.
- 9.9 Discussion of record keeping protocol continued to next Board meeting.
- 9.10 Staff reported that essential files are backed-up weekly on flash drives. Jessica Teeter asked if the District has a record retention policy. Vicky Bosworth responded that it does. Jessica encouraged the Board to be specific about physical records and electronic records such as e-mail. Dianne Tuley-Brown asked how she can get the emails, including deleted emails. Vicky Bosworth responded that emails that have been deleted are no longer available. Emails that are available may be viewed at the District office. A District staff member will review the email before it is made available to ensure that the email does not contain personal or private information. Record keeping protocol continued to next Board meeting.
- 9.11 Discussion of employee 457 annuity plan continued to next Board meeting.
- 9.12 Salary and benefits review continued to next Board meeting. Dianne Tuley-Brown said that Bradford surveys has compensation surveys. Another member of the public recommended Robert Half for compensation surveys.

10. NEW BUSINESS:

10.1 Auditor Paul Kaymark presented the financial audit for the fiscal year ending June 30, 2009. Paul said it was a clean unqualified opinion which is what you are looking for. Paul noted one mid-term note in the investment portfolio had been downgraded to a BBB rating – public agencies can only purchase notes with an A or better rating. Staff will contact investment advisor Sandra Wheeler about the note. Paul also reviewed the management letter, he mentioned that with an outside accountant reconciling the books and helping prepare for the audit that there were no auditor adjusting entries.

Paul will provide a PDF file of the audit for posting on the web site.

Jim Sorden moved to accept and receive the 2008-09 audit report. Second by Greg Fox. Unanimous.

Dianne Tuley-Brown asked how in previous years the lack of reconciliation of bank accounts was not considered material. Paul responded that this is the first year the District had a bank account, previously the funds were held by the County. The County performed reconciliations which he compared with the Trial Balance. Dianne asked if there was a government requirement to reconcile bank accounts. Paul responded that that there was not but that it was prudent practice.

Jim Sorden requested that the member of the public who submitted the letter (concerning the public records request) if they so chose to modify the letter or send additional comments or questions so the accountant, manager, and treasurer can respond.

10.2 Vicky Bosworth reported that she visited Home of Christ Church twice and met with a pastor and elder Chang. She will arrange a third meeting between her and elder Chang, followed by another meeting to include Greg Fox and Gary Reed.

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10.2 Continued. Norm Matteoni was mentioned as an attorney who specializes in land issues as a candidate to enter negotiations for the utility easement if needed.

Identifying other attorneys who specialize in public agency issues for interview was also recommended. Continued to next Board meeting.

10.3 Staff read Resolution 2009-3 “A Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller’s Proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith.”

Jim Sorden moved to adopt the resolution as read. Second by Greg Fox. The vote was four ayes, one absent.

11. CLOSED SESSION:

11.1 None Scheduled.

12. BOARD SIGNATURES:

12.1 Board signed Certificates of Ownership of Burial Rights and checks.

13. ADJOURNMENT:

13.1 Judy Johnstone asked that a “sign-up for email alert for special meetings on website” be added to the November agenda. Meeting adjourned at 6:48 p.m.

Gary T.S. Reed, General Manager

Victoria Bosworth, Chairman

James Sorden, Vice-Chairman

Judy Johnstone, Financial Officer

Gregory T. Fox, Trustee

Jane Hopkins, Trustee

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