

Saratoga Cemetery District
Board of Trustees
Minutes – August 19, 2009
Multi-Purpose Room, Oak Street School
14592 Oak Street, Saratoga, CA 95070

1. CALL TO ORDER:

1.1 Meeting called to order at 5:00 p.m. by Chairwoman Victoria Bosworth.

2. ROLL CALL:

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

3. APPROVAL OF MINUTES OF LAST MEETING:

3.1 Jane Hopkins asked that the June minutes, Item 9.2, end of paragraph two be changed to read “The question asked whether the cemetery should sell its residence located on Oak Street. Vicky Bosworth suggested that question seven be reworded as “Do you think that the cemetery should sell any of its property?” Greg Fox moved to approve the minutes of the June meeting as amended. Second by Jim Sorden. Unanimous.

Greg Fox moved to approve the minutes of the July meeting as mailed. Second by Judy Johnstone. Four aye votes. Jane Hopkins abstained.

4. PUBLIC PARTICIPATION:

4.1 Twelve members of the public attended the meeting.

5. AGENDA CHANGES:

5.1 None.

6. COMMUNICATIONS:

6.1 Written: Staff presented:

a) Registration materials for the CAPC Education Seminar and Area Meeting to be held October 9, 10 at the Crowne Plaza Beach Hotel in Ventura, CA. Vicky Bosworth and Jim Sorden indicated they planned on attending – staff will make arrangements.

b) Registration materials for the CSDA Annual Conference to be held September 21-24 at the Renaissance Esmeralda Resort at Indian Wells, CA.

c) An email from Goldie Ghaffari giving her views on the cemetery master plan.

d) A request for public records hand delivered by Diane Brown and signed by six neighborhood residents. The request asks for all email messages from January 1, 2009 through the date of the request and all check registers for disbursements from January 1, 2008 through the date of the request. Mrs. Brown stated that there are rumors of improper disbursements and the involvement of Kathleen King and former Board member Phil Boyce in challenging a Board members ability to serve on the Board because of the proximity of their home to the cemetery.

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6. COMMUNICATIONS: Written continued:

e) A letter from the cemetery staff to the Board requesting that the Board adopt standards for communications and interactions between the Board and staff. The letter stated that two Board members have exhibited hostile and unprofessional behavior towards the staff.

6.2 Oral: None.

a) Staff reported that Dee Sander, owner of D S Landscape Management, had called to inquire why Jane Hopkins had called him to request a copy of the District's Maintenance and Interment Contract specifications. D S Landscape Management provided one of the bids that was not accepted in June.

b) Phil Boyce called to inquire if Jane Hopkins was still participating in Board decisions? Staff said that she was. Phil asked staff to speak to Vicky Bosworth to find out if the Board was going to do anything to deal with Jane's apparent conflict of interest. After talking with Vicky, staff informed Mr. Boyce that nothing was being done at the Board level. Mr. Boyce said that he would be contacting the Fair Political Practices Commission to file a complaint against Jane.

7. CONTRACTORS AND PURVEYORS ATTENDING:

7.1 None

8. GROUNDSKEEPING AND MAINTENANCE REPORT:

8.1 Staff reported that:

a) The summer color change has been completed by the landscape contractor.

b) The representative of the Home of Christ Church said that he needed to talk with an attorney before signing the PG&E easement papers for supplying power from the power pole to the cemetery well. The attorney is currently traveling.

c) Naj Wikoff of the John Brown Coming Home organization had contacted the District and the Saratoga Chamber of Commerce to request that a shovel full of dirt from the grave of Mary Brown be exchanged with a shovel full of dirt from the grave of John Brown. Members of the Chamber of Commerce arrived at the cemetery for photos while staff provided the requested shovel full of dirt that the Chamber of Commerce will ship to Mr. Wikoff.

d) A volunteer for the Audubon Society bluebird recovery project requested that he be allowed to put 10 – 20 bluebird houses in cemetery trees to attract bluebirds to nest in the cemetery. Staff showed the Board an example of the birdhouse. Jim Sorden asked if the birdhouses could be camouflaged to be less visible? The Board did not object to the birdhouses being place in the cemetery – staff will check on painting or camouflaging the birdhouses.

9. CONTINUING BUSINESS:

9.1 Staff reported annual returns on the District's four investment accounts: Pre-Need 4.85%, Land Acquisition & Capital Improvements 3.92%, Endowment Principal 4.61%, and Endowment Interest 4.94%. Staff also informed the Board that the State Legislature has suspended Prop

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and will be taking 8% of tax revenue from local government agencies to balance the State budget. The State is suppose to repay the tax revenue with interest within three years.

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9.2 The Board acknowledged receipt of the "Summary of the Public Input Meeting Questionnaire" provided by Dan Cable of EDA Land Planning. The general consensus is that

the cemetery should develop its undeveloped areas similar to the existing developed areas. Jane Hopkins commented that of the \$25,000 already paid to EDA Land Planning, \$15,000 was spent on the soils report and topological survey. She also wants to incorporate Judy Johnstone's statistical analysis with the plan. Vicky Bosworth proposed a Special Board Meeting to consider the previous development plans and to give the Board an opportunity to look over the undeveloped areas as a prelude to any development decisions. The Board decided to hold the Special Meeting at 1:00 p.m. Tuesday, September 1. Ray Persico said he wants the Board to address the future expansion of the cemetery. John Teeter encouraged the Board to choose indigenous plant species. Jim Sorden made a motion to have Jane thank Dan Cable for his work and inform him that the Board will not require his services further. Second by Greg Fox. Unanimous.

9.3 Jane Hopkins and Vicky Bosworth reported their contacts with cemeteries and a rabbi concerning the Jewish tradition of placing stones on headstones. Cemeteries that were queried responded that they only allow stones on top of the upright portion of raised monuments and pick up the stones when they fall off. The Board directed staff to add incense and stones to the flower policy as items prohibited and bring it to the next Board meeting for consideration and vote.

9.4 Jane Hopkins inquired what the current policy is for leaving temporary markers on new graves. Staff reported that the written policy is to leave the temp markers for six months, staff usually leaves them for nine months unless a headstone has been installed.

9.5 The Board discussed the possibility of changing the day and time of the Board meeting. Members of the Board and public expressed their preferences. Jim Sorden moved to keep the time of the Board meeting at 5:00 p.m. but move it to the fourth Wednesday of the month. After more discussion Jim modified the motion so that the Board would continue meeting on the third Wednesday of the month through the end of the year and begin meeting at 5:00 p.m. on the fourth Wednesday of the month in January 2010. Second by Greg Fox. Unanimous.

9.6 Vicky Bosworth said that she and Greg Fox had not had the opportunity to work on policy changes yet. Continued to the next Board meeting.

10. NEW BUSINESS:

10.1 Jane Hopkins said that she was not happy with how the landscape maintenance and interment bids came in because the Board was not provided with the specifications that were bid on. Vicky Bosworth and Greg Fox will look at the policy during their policy review. Continued to next meeting.

10.2 Jane Hopkins said she wants to see a written policy that states that monuments may need to be moved and replaced to facilitate interments. She also stated that the District should not be in the business of telling people what they can or can not put on a monument. Staff commented that no one has ever submitted a monument inscription for prior approval. Jane stated that no one should be asked to submit it. Vicky Bosworth said that maybe the policy should be that if the inscription is offensive it can be removed. Jim Sorden and Greg Fox suggested that the policy state that the Board reserves the right to remove inappropriate verbiage that is not within the bounds of decorum and propriety. Jane recommended getting a legal opinion before the Board proceeds. Jim asked staff to contact an attorney. Continued to the next Board meeting.

10.3 Jane Hopkins said that an exorbitant amount of time is spent correcting the minutes. In submitting this item for the agenda Jane had recommended considering hiring a professional note taker. Staff suggested a recording device be used to record the meetings. A member of the public suggested a Polycom speakerphone system with microphones. Staff will look into the cost and features of the suggested system. Continued to the next Board meeting.

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10.4 Tim Zadel read a letter he had written on behalf of the staff concerning interactions and communications between Board members and staff. The Board discussed the issue

of communications and what the proper lines of communication should be. Jane Hopkins said that if a member of the public calls or emails the communication should be given to all Board members and not just one Board member. She suggested that Board members report communications they receive. Jane stated that she believed that the Assistant Manager had improperly given a legal opinion in the form of an email to Kathleen King, City Council member. Judy Johnstone stated that she believed Tim had given a legal opinion in the Orloff case and in the email to Kathleen King. Jim Sorden and Greg Fox said that they were aware of Tim's inactive bar status and that they did not think he gave a legal opinion. Continued to the next Board meeting.

Bill Brown said that the discussion brings back issues of the old Board of things being kept hidden. Diane Tuley Brown said that she thought the staff was disrespectful to the Board tonight. Ray Persico also said he thought the staff was disrespectful to the board and called the staff behavior outrageous.

10.5 Discussion of adopting a policy on not considering concerns or issues raised anonymously continued to next Board meeting.

10.6 Staff reported that four bid packages for connecting the well to the existing water system have been picked up by contractors. One contractor subsequently decided not to bid the project. Two other contractors have returned their bids – the third bid has not yet been received. Staff suggested waiting until the third bid is received before considering the bids. Jane Hopkins and Judy Johnstone said they want time to review the bids. Continued to the September 1 Special meeting.

10.7 Staff read Saratoga Cemetery District Resolution 2009-2 "For the Election of Directors to the Special District Risk Management Authority Board of Directors". The Board chose 4 candidates for the SDRMA Board of Directors. A roll call vote was conducted on Resolution 2009-2 and the candidates for the SDRMA Board of Directors. All five trustees voted aye. Resolution 2009-2 was adopted as read.

The CSDA also had a ballot for choosing one member for its Board of Directors. The Board agreed with the recommendation of Vicky Bosworth.

10.8 Discussion of record keeping protocol continued to next Board meeting.

10.9 Discussion of Board member access to personnel records continued to next Board meeting.

10.10 Discussion of employee 457 annuity plan continued to next Board meeting.

10.11 Semi-annual employee merit pay continued to next Board meeting.

10.12 Annual salary & benefits review continued to next Board meeting.

11. CLOSED SESSION:

11.1 Employee reviews continued to next Board meeting.

12. BOARD SIGNATURES:

12.1 Board signed Minutes of Last Meeting, Certificates of Ownership of Burial Rights and warrants.

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13. ADJOURNMENT:

13.1 Meeting adjourned at 7:55 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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