

*Saratoga Cemetery District*  
**Board of Trustees**  
Minutes – February 11, 2009  
Multi-Purpose Room, Oak Street School  
14592 Oak Street, Saratoga, CA 95070

**1. CALL TO ORDER:**

1.1 Meeting called to order at 4:05 p.m. by Vice-Chairman Victoria Bosworth.

**2. ROLL CALL:**

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

**3. APPROVAL OF MINUTES OF LAST MEETING:**

3.1 Judy Johnstone said that there is no “t” in web page designer Jeff Johnson’s last name. Staff will correct the minutes to Jeff Johnson. Jim Sorden commented that the minutes should say “draft” before they are approved. Judy Johnstone moved to approve the minutes of the last meeting as corrected. Second by Jim Sorden.  
Unanimous.

**4. PUBLIC PARTICIPATION:**

4.1 Seven members of the public attended the meeting.

John Teeter said he is petitioning the City of Saratoga to change the designation of his property in the City’s General Plan from public use to residential. The City has requested a letter from the Saratoga Cemetery District Board of Trustees stating that they do not object to the change in designation. John says the City does not have any record of when or why the property was given the public use designation in the General Plan. Nikki

Teeter

said that the previous cemetery Board had threatened to sue the City if it changed the designation. Staff denied that the Board had ever threatened to sue over the matter. The Board requested that John Teeter bring to the next Board meeting any and all information he has regarding the matter. Staff was also asked to provide any information it might

have

in previous minutes. This matter will be agendized for the March Board meeting.

**5. AGENDA CHANGES:**

5.1 None.

**6. COMMUNICATIONS:**

6.1 Written: Staff presented:

a) Four buy confirmations from Wachovia Securities for bonds that were purchased and added to the District’s new Land Acquisition and Capital Improvements portfolio.

b) A notice from the County Board of Supervisors announcing the election of two new Supervisors to the Board and the election of Liz Kniss as President of the Board and Ken Yeager as Vice President.

c) An education workshop catalog from the CSDA for Board member and staff training. Staff reminded the Board that all Trustees must complete mandatory ethics training during their first year after being appointed to the Board.

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**6. COMMUNICATIONS: Continued:**

6.1 d) A letter from Nicholas Marafino requesting that the Board refund the \$750.00 non-resident fee paid for the interment of his sister Norma Marafino. Staff noted that the sister was not a resident or property owner in the District and her only eligibility for interment at Madronia Cemetery is her familial relationship to her brother. Jane Hopkins asked staff to bring a copy of Mr. Marafino's contract and the Policies and Regulations he was given at the time of purchase. Continued to the next Board meeting.

e) A letter from auditor Charles Z. Fedak & Co. asking the Board to appoint two Board members to an Ad Hoc Audit Committee to meet with management and the auditor during audit prep and audit exit conference. No action taken at this time.

6.2 Oral: None.

**7. CONTRACTORS AND PURVEYORS ATTENDING:**

7.1 Dan Cable of EDA Land Planning, Inc. will address item 9.2

**8. GROUNDSKEEPING AND MAINTENANCE REPORT:**

8.1 Staff reported that:

a) The repairs to the redwood fencing have been completed.

b) Guardino Well drilling will install the new well pump next week, weather permitting.

c) Two bids were received for installing electrical power from the utility pole to the pump.

Garbini Electric      \$9,500.00

Rosendin Electric    \$7,359.00

Greg Fox and staff chose the bid from Rosendin.

d) Staff talked with PG&E about their part in supplying power to the pump. Staff went to the County Recorder's office to check on the easement where the utility pole is located. The information on the easement was given to PG&E.

e) A letter was sent to the president of Jensen Landscape Services expressing management's dissatisfaction with the quality of the landscape maintenance and the lack of response from Jensen's management and supervisory personnel.

f) Accountant Jayne Brownlee has been to the District offices twice to work on account reconciliation. Jayne is unfamiliar with the BusinessWorks accounting software that the District uses so it is taking longer than expected.

g) Staff had requested that web site designer Jeff Johnson place password protection on the web site until punctuation, grammatical and factual errors could be corrected. After initially placing the password protection on the web site it was subsequently removed. The web site still contains incorrect data, for instance a map of the District boundaries is labeled as a block map and a description of the District boundaries is incorrect. Judy Johnstone said that the description of the District boundaries came from the audit report. She stated that she wrote much of the web site content because staff did not respond to her requests in a timely manner. Staff said that it would be more practical for them to provide the content to Jeff directly rather than going

through

a third party. Staff also thought that they should be able to post minutes and agenda directly to the web site and should not have to use Jeff for this basic task.

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8.1 f) continued: Jane Hopkins said that she saw the email that staff had sent to Jeff Johnson requesting the password protection and that she found it offensive. Jim Sorden said that the Board should operate in a very open way and that a practical web site is important. He stated that no one in computerland expects web sites to be accurate and that we should move as fast as possible to get a web site up. He said he thought Judy had done a wonderful job and he affirmed that she should continue working with Jeff on the web site.

## 9. CONTINUING BUSINESS:

9.1 Staff reported that investments are performing well with annual returns on the District's four Wachovia Securities accounts ranging from 3.18% to 4.93%.

9.2 Dan Cable of EDA Land Planning gave an overview of what his company will do for the pre-design evaluation of the cemetery. He said that cemetery master planning is one of his specialties and that he has worked on over 400 projects. He will provide project coordination and data gathering. Dan has retained two area companies to gather data. Aspen Survey will perform a topological survey of the cemetery. Pacific Geotechnical will drill several test holes and evaluate the soil conditions. Dan summarized his process which includes holding public meetings and taking comments and preparing a viable master plan. Jane Hopkins asked what the timing was on this phase. Dan said that it depends on when the rain stops so the drilling rig can get in and the survey done.

Dan said that hiring the two companies cost about \$5,000 more than expected so he will need \$5,000 more than the contract amount. Jim Sorden moved to approve the additional \$5,000. Second by Jane Hopkins. Unanimous.

9.3 Staff presented Board Policies 201 "Board Meetings" and 202 "Executive Sessions". Jane Hopkins who worked on rewriting the Policies said that she did not recognize BP 202 as her work though it was presented in the format she used. Tim Zadel stated that he had rewritten the policy after an email exchange with Jane but used the same format. Jane said the policy lacked the detail of when an executive session is authorized. Tim said he used a simple approach that referred to the Brown Act for specifics because the detailed version did not cover all circumstances. Staff commented that Board Policies are often simple statements and that the detail is given in an accompanying Administrative Regulation, perhaps that would work well in this situation. Judy Johnstone said that she liked the one presented by Jane at last month's meeting. She said she wants to look at the last one and the Brown Act and revisit this matter at the next Board meeting.

The Board conducted a first reading of BP 201 "Board Meeting". No changes were made. A second reading of the policy will take place at the March Board meeting.

Judy Johnstone said copies of Board Policy 412 were not included in the Board packet.

Staff commented that when she passed out copies to the Board members at the last Board meeting that staff did not receive a copy. Judy said she emailed a copy to staff in a higher form of Microsoft Word. Staff commented that the software downloaded to translate the higher form produced a product that Judy said was not her work. Vickie Bosworth gave staff her copy of the policy to go out in the packet for the next Board meeting.

9.4 Vicky Bosworth said that the duties of a Treasurer were already being performed by the

General Manager. She suggested the Board appoint a Financial Officer or Financial Committee and passed out a job description for a Financial Officer. These duties would include a monthly review of checks & invoices, all income with receipts, and bank statements.

Also included is a semi-annual discussion with the General Manager of District financial trends. Vicky also stated that removing all funds from control of the County Treasurer would

require that the District Treasurer be bonded. Staff mentioned that accountant Jayne Brownlee of the Santa Clara County Open Space District had concerns about the County Treasurer having control over their funds. She told personnel at the County Controller's office that tracking the budget for the Open Space District was redundant and unnecessary and to refrain from doing so. The Controller's office acquiesced. Continued to next month.  
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9.5 Staff reported that with the signing of transfer documents today all Endowment Care funds will be removed from the County and transferred to Wachovia Securities. Jane Hopkins asked if there were additional funds that should be transferred from the County? Staff responded that there is still \$857,000 in Land Acquisition & Capital Improvement funds deposited with the County. \$500,000 of these funds could be transferred to an investment account and still leave enough with the County to cover future development and capital improvement projects. Depositing the funds for investment with Wachovia Securities would result in penalties if the funds were needed and withdrawn before the maturity date of the investment. Another option is to invest the funds with LAIF where the funds are pooled and could be withdrawn without penalty. Judy Johnstone moved to transfer \$500,000 in Land Acquisition & Capital Improvement funds from the County to LAIF. Second by Jane Hopkins. There were three aye votes. Jim Sorden voted no, he said that he thought the funds might be at risk of being borrowed or appropriated by the state. Judy withdrew her motion to move the funds. Staff will check with LAIF and auditor Paul Kaymark to ascertain if any risk exists. Continued to the next Board meeting.

#### 10. NEW BUSINESS:

10.1 Staff provided statistics on grave site availability in developed areas and estimated availability in the undeveloped areas. It was also reported that as of January there were 58 graves that were owned in which no activity had occurred in over 50 years. Of those graves 32 could be easily eliminated due to monuments or other factors. Of the 26 remaining graves, 14 could probably be used, the other 12 are too small to be used by current standards. Jane Hopkins said that it was probably not worth pursuing the 14 possible graves at this time. Ray Persico asked about graves sold but not used that were less than 50 years old. Staff responded that the information was not ready for this Board meeting but would be available for the next meeting.

10.2 Vicky Bosworth recommended that the Board rotate the officer positions. Jane asked Vicky if she would be willing to rotate to Chairman. She replied that she would. Jim Sorden would then rotate to Vice-Chairman and Judy Johnstone volunteered to be Treasurer. Jane Hopkins moved to approve the following slate of Board officers:

Vicky Bosworth – Chairperson  
Jim Sorden – Vice-Chairman  
Judy Johnstone – Treasurer

Second by Jim Sorden. Unanimous.

10.3 The Board discussed changing the time of the Board meeting from 4:00 to a later time. Jim Sorden said that the second Wednesday of the month is busy for him – if the meeting were moved to 5:00 it would have to move faster as he has another meeting at 7:00. Judy Johnstone said that said that the meeting should be made more accessible to the public. Jane Hopkins concurred. Vicky Bosworth likes having the meeting at 4:00, she has another meeting to go to. Members of the public suggested times from 5:00 to 6:00.

#### Moving

the Board meeting to the first or third Wednesday of the month was also discussed. The Board agreed by consensus to hold the March 11 Board meeting at 5:00 p.m. when they will resume consideration of changing the time and day of the Board meeting.

#### 11. CLOSED SESSION:

11.1 None Scheduled.

**12. BOARD SIGNATURES:**

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

**13. ADJOURNMENT:**

**13.1 Meeting adjourned at 6:12 p.m.**

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**Gary T.S. Reed, General Manager**

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**Gregory T. Fox, Chairman**

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**Victoria Bosworth, Vice-Chairman**

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**James Sorden, Treasurer**

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**Judy Johnstone, Trustee**

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**Jane Hopkins, Trustee**