

Saratoga Cemetery District
Board of Trustees
Minutes – April 8, 2009
Multi-Purpose Room, Oak Street School
14592 Oak Street, Saratoga, CA 95070

1. CALL TO ORDER:

1.1 Meeting called to order at 5:02 p.m. by Chairwoman Victoria Bosworth.

2. ROLL CALL:

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

3. APPROVAL OF MINUTES OF LAST MEETING:

3.1 Greg Fox moved to approve the minutes of the last meeting as mailed. Second Judy by Judy Johnstone. Unanimous.

4. PUBLIC PARTICIPATION:

4.1 Fourteen members of the public attended the Board meeting.

5. AGENDA CHANGES:

5.1 None.

6. COMMUNICATIONS:

6.1 Written: Staff presented:

a) Four call notices and six buy notices from Wachovia Securities for bonds held in the District's investment portfolio. There was also a cancellation and re-buy for a bond reported last month.

b) A letter from Annette Stransky of the Saratoga Historical Museum thanking Tim Zadel for the historical tour he conducted at the cemetery.

c) The response letter to Mr. Nicholas Marafino concerning his request to the Board presented at the March Board meeting – this letter was included in the Board packet.

d) A letter from the District to Mr. Benjamin Wang at Home of Christ Church requesting an extension to an existing utility right-of-way easement so that three phase power can be brought to the District's new water well – this letter was included in the Board packet.

e) A letter from Keith Reiken in support of John Teeter's request which will be considered under Item 9.5.

6.2 Oral: Vicky Bosworth reported on the Annual CAPC Conference. Topics included: Four bills before the State Legislature presented by Tom Vu of the CSDA – only one of the bills is supported by the CSDA. Cemetery law – how much can be charged for Endowment. Employee leave – who is entitled. Posting no loitering signs in a cemetery. Revenue – look for alternative income sources, tax revenues may not be available in the future. Restricted funds can not be raided by the state, general funds can.

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7. CONTRACTORS AND PURVEYORS ATTENDING:

7.1 None

8. GROUNDSKEEPING AND MAINTENANCE REPORT:

8.1 Staff reported that:

- a) Staff met on site with Steve Smith of PG&E and C.W. Nunnery of Rosendin Electric to review the requirements for supplying power to the new water well. The power pole for providing three phase power to the well is on adjoining property owned by Home of Christ Church. Staff provided PG&E with utility easement information regarding the power pole which was recorded with the Santa Clara County Recorder's office. Steve Smith later found additional information regarding the easement.
- b) The keypad for the main entrance gate was worn out. Staff had the keypad replaced; broken capitals on the wrought iron fence pickets were also replaced and the end of the fence was modified to terminate where the redwood fence begins.
- c) The pump, motor and electrical panel for the new well were installed. The pump was run for two hours at 100 gal/min to test the system. During the test the water level of the well was drawn down from a static level of 159 feet to 267 feet. All indications are that this is a very good well.
- d) The small claims court case filed against the District by Orloff/Williams & Leeper was decided in their favor. The District was ordered to pay Orloff/Williams & Leeper the sum of \$5,060.00. The Board discussed whether to appeal the judgment in Superior court or pay the judgment and be done with it. Vicky Bosworth suggested that the we request the return of the photos we provided Orloff/Williams and the photos they took of the cemetery and pay the judgment. If the District does not receive the photos then the judgment should be appealed. The rest of the Board concurred.
- e) An elderly woman attending the cremation interment of her husband fell over a hose bib. She received some significant scrapes and bruises – staff provided first aid supplies to tend her injuries.

9. CONTINUING BUSINESS:

9.1 Staff reported that the return on the District's four investment funds with Wachovia Securities ranged from 4.02% to 5.16%.

9.2 Jane Hopkins received the Geotech and Survey reports from Dan Cable of EDA Land Planning, which she gave to staff. This completes phase 1 (Pre-design and data gathering) of EDA's original proposal which Dan coordinated with the two subcontractors. The cost of phase 1 was \$17,935.

Board approval is required for the next phase of the proposal which consists of Item C, site analysis for \$4,100 and Item D, Public meeting for \$4,300. Judy Johnstone moved to approve items C & D of EDA Land Planning's proposal for \$8,400. Second by Jane Hopkins. Unanimous.

9.3 The Board conducted second readings of Board Policy 202 "Executive Sessions" and Board Policy 412 "Purchasing Policy". Greg Fox moved to approve BP 202 and BP 412 as read. Second by Jane Hopkins. Unanimous. Board Policy's 202 and 412 adopted by the Board. A first reading of Board Policy 413 "Financial Officer" was

conducted by the Board. No changes were made to the policy. A second reading of BP 413 will be conducted at the May Board meeting.

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9.4 Consideration of changing the Board meeting time was continued to the May Board meeting so that Jim Sorden can be present for the discussion and decision. The May Board meeting will be at 5:00 p.m.

9.5 John Teeter presented his written request that the Board of Trustees write a letter to the City of Saratoga stating that the Board will not object to the City changing the designation of his property in the City's General Plan. John has requested that the City change the designation of his property from quasi-public to residential to conform with the current zoning.

Lynne Gurley stated that she has lived four houses from the cemetery for 40 years. She said that writing the letter would give relief to a stressful situation that neighbors have dealt with for years.

Vicky Bosworth stated that the Board is in the cemetery business and has a constituency of 35,000 taxpayers.

Jane Hopkins said that the Board should deal with the specific request. She stated that

the specific prevails over the general and that the zoning of the property as R1-10,000 is more specific than the General Plan and therefore should prevail.

Greg Fox stated that the Board has never interfered with neighbors plans for their property and while the Board might not object it should remain neutral.

John Teeter said that all he is asking is that the Board not oppose his request.

Judy Johnstone moved that the Board send a letter to the City of Saratoga stating that it does not object to Mr. Teeter's request to bring the City General Plan into compliance with the current zoning for his property. Second by Jane Hopkins. Unanimous. Vicky Bosworth and Greg Fox stated that they also want the letter to state that the Board remains neutral and does not take a position in private property matters. The Board agreed.

9.6 Judy Johnstone queried the Board members whether they wanted to receive email directly from the District web site? Judy Johnstone and Vicky Bosworth are okay with receiving email directly, Greg Fox does not want to receive email directly. Jane Hopkins has not reached a decision on whether to receive email directly.

Jane Hopkins asked why the District doesn't allow rocks to be placed on graves? Staff responded that it is a safety issue – the rocks can become a dangerous projectile when expelled by a lawn mower. What do other cemeteries do about rocks on graves?

10. NEW BUSINESS:

10.1 Staff presented Board Resolution 2009-01 "Investment of Monies in LAIF". A new resolution is required because of the change in Board officer designation from Treasurer to Financial Officer. The Board voted at the March 2009 Board meeting to move a portion of its Land Acquisition and Capital Improvement funds from the County to LAIF. Greg Fox moved to approve Resolution 2009-01 as read. Second by Jane Hopkins. Unanimous.

10.2 Staff presented sections of the California Health & Safety Code dealing with required non-resident fees for public cemetery districts. After reviewing the code sections staff does not believe that the waiver clause applies to the non-resident fee. It was proposed that a new tier of non-resident fee be adopted for long time residents of the District who move from the District prior to their death. The Board agreed that a fee of 15% of the current Endowment Fee be adopted for former residents of the District who resided in the District for at least 25 years and purchased their interment rights before moving from the District.

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 6:22 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