

*Saratoga Cemetery District*  
**Board of Trustees**  
Minutes – May 13, 2009  
Multi-Purpose Room, Oak Street School  
14592 Oak Street, Saratoga, CA 95070

1. CALL TO ORDER:

1.1 Meeting called to order at 4:00 p.m. by Chairwoman Victoria Bosworth.

2. ROLL CALL:

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

3. APPROVAL OF MINUTES OF LAST MEETING:

3.1 Judy Johnstone asked for clarification of Item 10.2 regarding the non-resident fee for long time residents of the district who own interment rights but are not residents at the time of death. Staff responded that the Board motion was for a fee of 15% of the current endowment fee. Jane Hopkins moved to approve the minutes of the last meeting as mailed. Second by Gregory Fox. Unanimous.

4. PUBLIC PARTICIPATION:

4.1 Six members of the public attended the meeting.

5. AGENDA CHANGES:

5.1 None.

6. COMMUNICATIONS:

6.1 Written: Staff presented:

a) One cancel and repurchase notice from Wachovia Securities for a bond held in the District's investment portfolio.

6.2 Oral: Jane Hopkins brought up a customer complaint regarding stones that she had heard from Judy Johnstone. Administrative Assistant Maria Harrington who was in the office at the time told her that the stones had been picked up because they are not allowed. If the stones are knocked off the monument base into the lawn they can become a dangerous projectile when run over by the lawn mowers. The woman responded that the policy was mean. Maria offered to show her the rocks that had been removed from graves so she could retrieve the ones that were hers. The woman declined the offer. Maria told her she could write a letter expressing her views on the policy and the manager would present it to the Board. Again she declined.

Tim Zadel reported the results of his research into how other cemeteries handle the rock issue. Their rules either did not mention rocks or prohibited them. The Board discussed possible ways of accommodating rocks. Continued to the next Board meeting.

Jane said that if someone questions a policy and it is not resolved then it should be brought to the Boards attention. Jim Sorden suggested not burdening management with it but instead have a suggestion form or contact information for the Board.

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7. CONTRACTORS AND PURVEYORS ATTENDING:

7.1 None

**8. GROUNDSKEEPING AND MAINTENANCE REPORT:**

**8.1 Staff reported that:**

- a) Former Trustee Andre' Bogart died and was interred at Madronia Cemetery.
- b) A legal ad soliciting bids for the 2009-10 fiscal year Maintenance and Interment contract has been posted in the San Jose Mercury. The ad was placed in response to a proposal from the current contractor, Jensen Landscape Services, which asked for a 31% increase in monthly maintenance fees, a 23% increase in single depth interment fees and a 64% increase in double depth interment fees. Jensen also wants to charge interments as time and materials after 3:00 and asked that the new contract begin June 1 even though the current contract runs through the end of June. The requested fee increases are excessive and prompted the placement of the ad.
- c) The annual mowing of the undeveloped area for weed and fire abatement has been completed.

**9. CONTINUING BUSINESS:**

9.1 Staff reported annual returns on the District's four investment accounts: Pre-Need 5.08%, Land Acquisition & Capital Improvements 3.98%, Endowment Principal 4.84%, and Endowment Interest 5.07%.

9.2 Jane Hopkins reviewed some of the site analysis notes from Dan Cable of EDA Land Planning that were provided to the Board. She stated that Dan Cable will handle posting the notice for the public meeting in the local newspapers. Staff had provided text for the public meeting notice, Jane will change the text from "future development and expansion" to "future development and possible expansion." Jane will coordinate with Dan as to the date for the meeting, possible meeting dates include June 15, 16, 22, 23, 24. Judy Johnstone proposed 7:00 p.m. for the time of the meeting, the Board agreed. Jim Sorden suggested that a PA system be used; he also suggested the possibility of using the City auditorium for the meeting. Staff will check with Oak Street School as to availability of the multi-purpose room, Jim Sorden will check with the City as to availability of the auditorium.

9.3 The Board conducted a second reading of Board Policy 413 "Duties of Financial Officer". Greg Fox moved to approve BP 413 as read. Second by Judy Johnstone. Unanimous. Board Policy 413 adopted by the Board.

9.4 The Board discussed changes to the day and time for future Board meetings. Greg Fox moved to change the monthly Board meeting to the third Wednesday of the month at 5:00 p.m. Second by Jane Hopkins. Unanimous.

**10. NEW BUSINESS: Jane Hopkins asked the following questions:**

- a) Jane Hopkins said that she had gone to the law library to look up Health & Safety Code Section 9060 the code section and see if there were any legal decisions that would allow for a more restrictive interpretation – she found none. She asked staff to check with the CAPC or an attorney who may be knowledgeable in this area. Staff will check with Dewey Ausmus, executive secretary of the CAPC, for his opinion.

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**10. NEW BUSINESS: continued.**

b) Jane asked if there was a specific requirement for the thickness of monument foundations and if so it should be on the web site – she said she knows personally that the manager has a requirement because when she wanted to go one inch thicker he said no. Staff said there is no specific requirement and that it is best decided by the monument

company. Jane recommended that the web site state a specific monument foundation depth. Jim Sorden suggested that the web site state “foundation depth shall be as recommended by the monument company”.

c) Jane said that families who buy graves in the raised monument section should be told that their monuments may have to be temporarily moved to facilitate new interments. The Board agreed.

d) Jane brought up what she considered to be a free speech issue. She said that monument inscriptions should not have to be submitted for approval. She said that the manager had told her that she would have to submit her inscription for approval.

e) Jane asked the manager what his retirement plans are. Greg Fox and Vicky Bosworth told her she could not ask that question. Jane said the house the manager lives in is owned by the cemetery and the Board may decide to sell the house. The manager did not answer her question.

**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 6:15 p.m.

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

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**Victoria Bosworth, Chairman**

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**James Sorden, Vice-Chairman**

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**Judy Johnstone, Financial Officer**

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**Gregory T. Fox, Trustee**

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**Jane Hopkins, Trustee**

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