

Coachella Valley Public Cemetery District
Board of Trustees Meeting Minutes
June 9, 2020

A Regular Board Meeting of the Governing Board of the Coachella Valley Public Cemetery District (CVPCD) was held at the District Office, 82-925 Avenue 52, Coachella, CA 92236, on Tuesday, June 9, 2020. Pursuant to the Executive Order N-29-20 as a result of COVID 19, this meeting was conducted via teleconference by Zoom.

Public Notice: Public notice was posted on the District Website and at the Cemetery Office on Friday, June 5, 2020 by 2:00 PM by the Clerk of the Board.

CALL TO ORDER, ROLL CALL

Chairman Ernesto Rosales called the meeting to order at 8:01 am, those in attendance were as follows:

Directors Present: Ernesto Rosales, Chair, Judy Vossler, Vice-Chair, and John Rios, Trustee

Directors Present via Zoom: Bruce Underwood, and Marcos Coronel, Trustees

Directors Absent: None

Add'l Participants present: Lee Kestell, General Manager, and Kathryn Herrera, Clerk of the Board (clerk arrived after)

Add'l Participants via zoom: Carlos Campos, District Counsel with Best, Best & Kreiger

FLAG SALUTE

MOMENT OF SILENCE

PUBLIC COMMENT

No public comments

ADDITIONS TO THE AGENDA

None

CONSENT CALENDAR – Board Minutes and Finance and Administration

BOARD MINUTES

Regular meeting – May 12, 2020

Motion: Rios

2ND: Vossler

Discussion: none

Yes: Coronel, Rios, Rosales, Underwood, Vossler

No: none

Abstain: none

** Motion Carries

FINANCE AND ADMINISTRATION

Expenditures #24240-24303

Rios inquired on Trustee Coronel's repayment for \$38.70 mailing charges to attorney Campos. Discussion followed regarding reimbursement policy; clarification needed.

Discussion regarding timeline for distribution of the board agenda ensued. Chair Rosales stated that distribution is, and will be, within legal guidelines. Coronel requests more time for questions and responses from staff. Rios expressed to Coronel that many of his questions are repetitive, redundant and/or have previously been taken care of. Further, the volume of questions bogs down and overwhelms the busy small staff. Chair Rosales stated that Coronel has never been denied information.

Motion: Rios
2ND: Vossler
Discussion: as per above
Yes: Rios, Rosales, Vossler
No: none
Abstain w/out
explanation: Coronel, Underwood
** Motion Carries

BOARD ACTION ITEMS

2018/2019 Fiscal Audit presented by David Farnsworth (via phone& zoom)

David Farnsworth reported he worked with staff and Kestell onsite for 5 days and had conversation with Chair Rosales and Co-Chair Vossler for basic inquiries. Trustee Coronel reported he initiated a 1½ hour telephone call with Auditor. Vossler asked if Chair was aware of the call; Coronel said he did not need the Chair's permission. Vossler questioned the practice of any board member calling an auditor or other vendor without board/staff awareness.

Farnsworth shared a slide presentation via telephone and reported a "clean opinion." Farnsworth reviewed his format, February field work and the process of sampling that led to his conclusions.

- Farnsworth reported the CV Cemetery District's two biggest expenses are salaries and supplies and said the "District is solvent."
- Discussion ensued re: Due To/Due From, monies owed to the endowment account from general account which was reported in all past audit reports for years back. Farnsworth believes the non-transfer was an oversight years ago and has been carried on the books through past audits. Consensus was the money should be transferred to the endowment account. Kestell reported conversation is in process with Osborne Rincon CPAs regarding this matter. Kestell reported that during his management, \$15,000 is automatically paid to the endowment fund monthly. Questions arose about interest on the money. Attorney Campos was asked to research the matter and report back at the next scheduled meeting.

Auditor was pleased to work with Lee and staff and wrapped up with the following recommendations per slideshow and conclusions:

Recommendations:

1. Perform yearly inventory of vaults and large equipment.
2. District name should be engraved on large dollar equipment
3. Have a worksheet to show the cumulative preneed liability balance. The worksheet should have the following: Customer name, Date of Preneed, Total amount, Date of burial
4. Review quarterly tax returns to ascertain the taxes are being paid
5. Create a travel policy with spending thresholds

6. The Board should implement or create a process for the GF to replenish the endowment fund \$270,308.

Conclusions:

This presentation was an overview of the financial highlights of the District. If you would like to review further, please see the FY 2019 audit report. It was a pleasure to work with Lee and team. I thank them for providing the information needed to complete the audit. Farnsworth offered his training and education series.

Discussion: Trustee Underwood added there is a goal to achieve District of Distinction.

Rios expressed the need for a Capital Replacement Program which the Kestell said he is preparing and will present in the future with the State of the Cemetery report.

Motion: Coronel to Approve the annual audit, post the audit and the slide presentation to the District's website.

2ND: Rios

Discussion: as per above

Yes: Coronel, Rios, Rosales, Underwood, Vossler

No: none

Abstain: none

** Motion carries

Memorial Day Wreaths Stolen

In the essence of time, item 2.4 was moved up to accommodate the guest speaker Susie Del Toro, Founder Freedom Flags for Families. Mrs. Del Toro thanked Kestell for support, displayed a sample wreath, said she places wreaths on 1,500 veterans' graves, three times a year: Memorial Day, Veterans Day, Christmas, funded by her family.

She reported that she and volunteers most recently set wreaths on Thursday and Friday before Memorial Day 2020. On Monday, Memorial Day, she visited the cemetery and saw that 75 wreaths (cost \$25 each) were missing, presumed stolen. She has since filed a police report.

Mrs. Del Toro's request is for security cameras or security on site.

Chair Rosales thanked Mrs. Del Toro for her efforts and expressed sadness regarding missing wreaths. Further, he said that is an ongoing problem at all cemeteries.

Rios stated there is no electrical to accommodate security cameras. It was agreed that Chair Rosales, Coronel and Kestell will meet to explore "opportunities" and report to the board and Mrs. Del Toro in a timely manner.

Credit Card Policy Approval

Legal Counsel advised the board that a policy is already in effect however a procurement policy will follow at the July 2020 board meeting, the matter and procurement policy will be moved/brought forth to the July 2020 Agenda.

CERF Program - COVID 19 Emergency Response Fund

**The findings presented by legal counsel indicate as per the memorandum provided by Best Best & Krieger dated May 26, 2020 Re COVID 19 Relief Fund Applicable fees: "The District may not waive any portion of the standard \$2,700.00 internment fee amount. The only fees that the District charges that may be covered by the fund are the

headstone setting fee (\$200-300), the canopy fee (\$50) and the chair setting fee (\$1 per additional chair beyond 8 chairs)”

The Health & Safety Code(9803D) referenced above states:

(a) In addition to the other fees authorized by this part, a board of trustees may charge a fee to cover the cost of any other service that a district provides or the cost of enforcing any regulation for which the fee is charged. No fee charged pursuant to this section shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.

(b) Notwithstanding Section 6103 of the Government Code, a board of trustees may charge a fee authorized by this section to other public agencies.

(c) A board of trustees may charge residents or persons who pay property taxes on property located in the district a fee authorized by this section that is less than the fee that it charges to nonresidents or non-taxpayers.

(d) A board of trustees may authorize district employees to waive the payment, in whole or part, of a fee authorized by this section when the board of trustees determines that payment would not be in the public interest. Before authorizing any waiver, the board of trustees shall adopt a resolution that specifies the policies and procedures governing waivers.”

A fee “authorized by this section” is a fee that is different than and supplemental to interment and/or endowment fees. Therefore, the only fees that the Board could waive are miscellaneous fees such as headstone setting fees, canopy use fees, and additional chair use fees. As noted above, the canopies and extra chairs are not currently being offered, but canopies may be offered in the upcoming weeks.

**The minutes as noted above are direct from the memorandum provided by Best Best & Krieger dated May 26, 2020 Re COVID 19 Relief Fund Applicable fees.

The Coachella Valley Public Cemetery District currently provides at no charge a canopy and 2 additional chairs.

Motion: Vossler – to dissolve process of the CERF program as it is not viable
2ND: Rios
Discussion: Coronel & Underwood would like to move forward with some proceeds for CERF Program

**Substitute motion as listed below proposed by Coronel

1st Substitute

Motion: Coronel - change fee schedule retroactive to May 12 and lower fees by \$1,000.00 and keep progress moving forward and try and find funds from other places
2ND: Underwood
Discussion: Underwood says it would be disingenuous to public to stop proceedings
Yes: Coronel, Underwood
No: Rios, Rosales, Vossler
Abstain: none

** Motion does not carry

2nd substitute

Motion: Coronel - allocate up to \$500.00 for CERF Program retroactive to May 12
2ND: Underwood
Discussion: Rios says with no substantial facts he would still vote no

Yes: Coronel, Underwood
No: Rios, Rosales, Vossler
Abstain: none

** Motion does not carry

3rd substitute

Motion: Coronel - authorize Underwood and Coronel to seek funding from Desert Health Care District and County Supervisor Zip Funds and any other emergency funds to reach the goal of the CERF Program

2ND: Underwood

Discussion: Coronel indicated Desert Health Care District requires a letter of intent from the CVCPD to submit for an application; because as an individual he cannot seek out their funds

Yes: Coronel, Underwood

No: Rios, Rosales, Vossler

Abstain: none

** Motion does not carry

Original Motion:

Motion: Vossler – to stop any forward progress on the CERF Program which will end the proposal to this point

2ND: Rios

Discussion: Coronel & Underwood would like to move forward with some proceeds for CERF Program

Yes: Rios, Rosales, Vossler

No: Coronel, Underwood

Abstain: None

** Motion carries

2020/2021 Budget Approval

The proposed budget with total operating expenses at \$2,056,900.00 was reviewed by Board which provided input from County actuator and David Farnsworth, CPA

Motion: Vossler

2ND: Coronel

Discussion: Kestell was asked to include an organizational chart with positions at the July 2020 meeting. Salaries and Landscape Contractors will need to be adjusted accordingly to comply with AB5.

Yes: Rios, Rosales, Vossler

No: Coronel, Underwood

Abstain: none

** Motion carries

Sheriff's Department Disinterment

As per the summary in the Board agenda which stated the Riverside Coroner's office would like to disinter 2 graves for DNA analysis of County Indigents. The fiscal impact would be \$350.00 for each dis-internment which was a fee established prior to Kestell being hired.

Motion: Coroneel – to deny the fee as proposed and charge basic costs as per the current cemetery fee schedule with no other consideration.
2ND: Underwood
Discussion: as per above
Yes: Coroneel, Rosales, Underwood
No: Rios, Vossler
Abstain: None
**Motion carries with no discounted fees to Coroner's Office

Board Trustee Rios excused himself from the meeting at 11:17am

Amendment to Maintenance Contract

The Amendment dated June 4, 2020, between COACHELLA VALLEY PUBLIC CEMETERY DISTRICT and Vintage Associates Inc. for Landscape Maintenance to amend to be a month to month contract as of July 1, 2020 and thereby renewing each subsequent month thereafter. Additionally, parties agree they may terminate the Agreement without giving cause by giving thirty days written notice. All other terms/conditions of contract shall remain in full effect.

Legal counsel briefed all members of the amendment.

Motion: Vossler – to approve amendment as presented by Legal Counsel
2ND: Rosales
Discussion: prevailing wages to be discussed with next year's contract
Yes: Rosales, Vossler
No: Coroneel, Underwood
Absent: Rios
Abstain: None
**Motion does not carry however the current contract carries on automatically for 1 year with 30-day termination provision

2nd Motion: Coroneel, - to Sign amendment with addition that Vintage Associates will be in compliance with prevailing wages effect immediately and retroactive to May 1. The Board wishes are to be compliant with prevailing wages and to continue with the RFP process immediately
2ND: Vossler
Discussion:
Yes: Coroneel, Rosales, Underwood, Vossler,
No: none
Absent: Rios
Abstain: None
**Motion carries

INFORMATIONAL ITEMS

General Manager Update

None to review due to time restraints

Chair Rosales excused himself from the meeting at 12:00pm

General Counsel Update – Manual of Procedure/Board Manual

Due to time restraints this item was moved to accommodate closed session upon returning nothing was reported as meeting was adjourned

CLOSED SESSION

4.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4)

Three (3) potential case

4.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)/(e)(1)

Three (3) potential case

No reportable actions were taken

BOARD/GENERAL MANAGER COMMENTS/QUESTIONS

None to review due to time restraints

ADJOURNMENT

Meeting adjourned at 12:21pm

NEXT MEETING TIME, DATE AND LOCATION

Next scheduled meeting is: July 14, 2020 - 8:00 am, Cemetery Office.

Respectfully Submitted,

Kathryn Herrera, Clerk of the Board
Coachella Valley Cemetery District

Approved: 09/15/2020 BOD Mtg