

# **2017-2018 GRAND JURY REPORT**

## **Coachella Valley Public Cemetery District**

### **Background**

The Coachella Valley Public Cemetery District (hereinafter referred to as the CVPCD) located in Coachella, California, was formed August 8, 1927 under the authority of the California State Health and Safety Code, §§ 8125 through 8137. The CVPCD serves the public cemetery needs of the residents of 3,444 square miles of Riverside County. As of this date, there have been approximately 17,000 interments at the CVPCD and it meets the needs of approximately 400 families per year. There are six full-time employees and an on-site General Manager who oversees the day-to-day operations of the CVPCD.

A three member Board of Trustees, (hereinafter referred to as the Board), governs the CVPCD. The Board members are appointed by the Riverside County Board of Supervisors (BOS) for four-year terms. The Board is currently under the leadership of a President who has approximately six years of Board membership. The President of the Board is elected by his fellow Board members. The remaining members of the Board have four years and fourteen months of experience, respectively. The Board regularly meets on the second Tuesday of each month with exceptions for vacations usually taken during the summer months. Board members receive a \$50 stipend per meeting for their attendance. The attendees at the Board meetings are generally the three Board members and the General Manager who serves as the Clerk of the Board. Attendance by members of the public is rare. Public notification of Board meetings are posted on the door of the Cemetery administration building.

The current footprint of the CVPCD is 60 acres, 30 of which have been developed as burial sites. The remaining 30 acres will be developed to serve the burial needs for the next 50 years. The property also contains an administrative building, three residences and a maintenance building.

The Cemetery's annual income is derived mostly from property tax revenue. The Riverside County Auditor-Controller's records indicate that in the years of 2015 through 2017 the CVPCD received property tax funds ranging from \$721,000 to \$785,000 yearly. Approximately \$680,000 of additional revenue is obtained by charging \$1,700 each for 400 burials which take place annually. As of March 9, 2017, the CVPCD had a total bank account balance of \$10,226,242 spread over eight accounts with a major investment banker. These accounts are managed by the Board with advice furnished by the bank.

## **Methodology**

### **Interviews Conducted:**

#### CVPCD:

- General Manager
- Board of Trustees (3)

#### Riverside County Officials:

- District 4 Supervisor
- District 4 former Chief of Staff
- District 4 former Legislative Analyst

#### California Association of Public Cemeteries (CAPC):

- Mentor Manager
- Mentor Trustee

### **Tours:**

- CVPCD, including the observance of two residential properties and property for future development.

### **Documents:**

- Independent Auditor's Report of CVPCD finances: FY 2014-2015, FY 2015-2016, FY 2016-2017
- Private investigation report, regarding a CVPCD Board member, June 02, 2017

### **State Codes:**

- Cal. Gov't. Code §§ 6250 – 6276, Inspection of Government Records, a State version of the Federal "Freedom of Information Act" (FOIA)
- Cal. Gov't Code §§ 54950 – 54963, Local Agencies: "The Brown Act"
- Cal. Health and Safety Code, Public Cemetery Districts - §§ 8100-9703

### **CVPCD Documents:**

- Financial Statements FY 2014-2015, FY 2015-2016, FY 2016-2017
- Check Register, December 2015 to April 2017
  
- Staff names, positions, job descriptions, personnel files, training records, employee reviews, Policies, Procedures, Bylaws
  
- Meeting Agendas and Minutes 2015 to 2017
  
- Employee Handbook, Revised 2011
  
- Completed worksheet for computing Estimating Fund Balance Available and Corresponding Special District General Budget, FY 2015-2016, FY 2016-2017

### **Letters:**

- Letter recommending adoption of a five member board from California 28<sup>th</sup> District Senator to CVPCD, received May 10, 2017
  
- Letter requesting help for board problems from Board President to 4<sup>th</sup> District Supervisor dated March 20, 2017 (never sent or delivered)

### **Internet Resources and Trade Associations:**

- California Special District Association, maps, information, training, “Laws Governing Special Districts,” December 23, 2015; “California Public Records Act Compliance for Special Districts,” 2015 <http://www.csd.net>
  
- Special District Risk Management Authority, articles <http://www.sdrma.org>
  
- Senate Local Government Committee, “What’s So Special About Special Districts,” October 2010, <http://sgf.senate.ca.gov>
  
- “California SB 341 and the Public Cemetery Law, Report 1268-5, August 2004,” Senate Local Government committee, <http://sgf.senate.ca.gov/publishedreports>
  
- Special District Leadership Foundation, transparency guidelines, training
- <http://www.sdlf.org>

- Little Hoover Commission, “Special Districts: Improving Oversight and Transparency, Report #239,” August, 2017, <http://www.lhc.ca.gov>
- Riverside Local Agency Formation Commission, “Municipal Service Review/Sphere of Influence Review,” 2005, <http://www.lafco.org>
- California Fair Political Practices Commission, Brown Act Training, <http://www.fppc.ca.gov>
- California Association of Public Cemeteries, training: Annual Conference, Annual One-Day Meeting, lectures, and workshops, <http://www.capc.info>

## **FINDINGS**

### ***BOARD FUNCTIONS***

1. Through statements made during sworn testimony to the Riverside County Grand Jury by Board Members and the General Manager, it was determined that two of the three Board Members, in cooperation with the General Manager, purposely excluded the third Board member from attending Board meetings and from taking part in any Board decisions since March of 2017.

The General Manager has formed the opinion that one Board member has created a hostile work environment among the other Board members and employees of the CVPCD. With the cooperation of the Board President, they commissioned a private investigative firm to conduct an investigation directed at that Board member with a goal of the member's removal or resignation.

### **LEADERSHIP AND TRAINING**

2. The Board suffers from a lack of leadership. The current President, as well as the majority of the members, has received little training to address their duties and responsibilities as Board members.

### **GENERAL MANAGER**

3. The General Manager, an employee, is setting the policies and directing the decisions of the Board.

### **TRANSPARENCY**

4. The CVPCD has no website on the internet, which makes public access to meetings, agenda items and minutes difficult. A search of "CVPCD" reveals commercial sites for various purposes, such as finding a gravesite, or getting directions to the Cemetery.

### **THE BROWN ACT**

5. Under sworn testimony, Board members have described violations of the Ralph M. Brown Act committed by the CVPCD. Meetings were conducted without notifying the third Trustee. Agendas were not always sent to Trustees at least 72 hours in advance of meeting times.

## **COMMUNICATIONS**

6. To date, the only effort made by either Board members or employees of the CVPCD to resolve the district problems has been the commission of the private investigation and the composition of a letter dated March 20, 2017 to the District Supervisor, which was never sent or delivered.

## **DISTRICT RESIDENCES**

7. The General Manager and the Head Mechanic are currently living in residences on the cemetery property. This practice has gone on for years and is considered a benefit of the positions. This benefit exists without the usual requirements such as rental or lease agreements or payments.

## **BOARD EXPANSION**

8. The CVPCD operates with a three-member Board of Trustees, which lends itself to the possibility of manipulation by a strong member, General Manager, or Clerk of the Board. Very few Special District Boards are composed of less than five Trustees because of inherent problems.

**Riverside County Board of Supervisors  
Coachella Valley Public Cemetery District Board of Trustees**

**Recommendations**

**BOARD FUNCTIONS**

1. Mediation to resolve the issues that exist between Board members and the General Manager is needed. If mediation efforts fail, replacement of the General Manager and/or dissolution of the Board should be considered

***LEADERSHIP AND TRAINING***

2. The President and Board members should be required to complete training, at District expense, that is offered by the California Association of Public Cemeteries, the California Special Districts Association, and the Special District Leadership Foundation.  
Additionally, Board members should discuss and agree upon appropriate training as needed. Certificates of completed training should be maintained at the CVPCD office

**GENERAL MANAGER**

3. The CVPCD Board should reaffirm their position as decision makers. By best practices, the Board should supervise the Manager and the Manager should supervise the other employees.

**TRANSPARENCY**

4. Create a computer website which communicates CVPCD meetings and agendas to the public. The California Special District Association recommends over 15 items to be included on District websites to promote transparency and public access.

**THE BROWN ACT**

5. Post all public meeting notices as required by law. Notify all Board members of anticipated meetings and agendas in a timely manner. Conduct meetings in a transparent fashion and encourage public participation.

## **COMMUNICATIONS**

6. Establish a line of communication with Riverside County Board of Supervisors as well as Mentor Managers and Mentor Trustees designated by the California Association of Public Cemeteries, to obtain advice should future Board problems arise.

## **DISTRICT RESIDENCES**

7. Consider the appropriateness of bestowing a benefit such as housing without accounting for such compensation as part of the employee's salary. Require some type of use or rental agreement to be signed by the employees. Such a document would clarify issues of liability, insurance, maintenance, and utility usage.

## ***BOARD EXPANSION***

Expand to either a five or seven member Board of Trustees.

Report Issued: 04/23/2018  
Report Public: 04/25/2018  
Response Due: 07/23/2018