

NORTH KERN CEMETERY DISTRICT

A Revisit to a Previous Report



SUMMARY:

A Grand Jury is mandated to generate published reports on government entities located within each county in California. Most reports demonstrate these entities perform their tasks diligently, using taxpayer funds properly. Some reports show poor management, disharmony of constituents or Board Members not conducting themselves according to relevant laws. When this happens, reports shine a light to the public, often by news agencies reporting, of this failure. With this exposure, individuals involved become accountable to their constituents. Most importantly, entities change direction and management to do a better job for the constituent. Grand Juries can follow-up on reports, especially if considered to be severe. The 2021-2022 Kern County Grand Jury (Grand Jury) followed-up on such a report from a previous Grand Jury.

PURPOSE OF INQUIRY:

The 2016-2017 Kern County Grand Jury issued a report on North Kern Cemetery District (District), reporting 35 areas of concern and offering nine recommendations. The District responded, in written form, of its planned action to comply or correct findings and recommendations, according to statutes of the State of California. The report and responses of the entities involved can be reviewed online at www.kerncounty.com/grandjury. The 2021-2022 Kern County Grand Jury initiated an investigation, pursuant to California Penal Code §925, as a follow-up to that report.

METHODOLOGY:

The Grand Jury extensively reviewed the above-mentioned report, noting different areas, especially financial and record-keeping. Tours and interviews were conducted, Board Minutes perused, and financial documents checked. Other agencies, as needed, were also contacted.

DISCUSSION OF FACTS:

The North Kern Cemetery District serves the cities of Delano, McFarland and surrounding areas. Established as a cemetery in 1869, the District was formed in 1939. A five-member Board of Directors (Board), appointed by the Kern County Board of Supervisors (BOS), serve four-year

terms. According to their website, <https://www.northkerncemeterydistrict.org> the cemetery has 55,000 square feet, has had 22,000 burials since 1869, and averages 320 burials a year.

In 1972, the District was deeded a family cemetery of 1½ acres, known as the Pomfret Memorial Pioneer Cemetery, located north of the community of Famoso. The site contains about 11 identifiable graves. It is presumed there are more graves, unmarked, because the wooden markers used in earlier years have disappeared. The District does not use this location for new burials, and is assisted by the McFarland Lion's Club and Leo's Club in the care of the cemetery.



(Photo provided by the Grand Jury)

- A. Board Meetings are conducted on the second Thursday of each month at 4:15PM. The District Office is located at 627 Austin Street, Delano, California. Board Members receive a stipend of \$100 per meeting.
- B. Agendas are posted on the District's website and bulletin board located at the office. The above-mentioned report noted that agendas and minutes were posted at the District Office only.
- C. Current Board has one vacancy. Seated members were re-appointed by BOS. When current four-year appointments are completed, some members will have been seated for ten years. The previous report noted long tenures for Board Members and recommended the BOS consider length of service when appointing Directors for the District.
- D. Candidates for appointment to the Board must submit an online application to the BOS, live within the District and be a registered voter. Interviews of all candidates are conducted by the Supervisorial District's Supervisor and staff. Each Supervisor has latitude in making the appointment. The selection process includes sharing the names of candidates and their interaction with management of the District. When a selection is made, the appointment is made at a regular BOS meeting. The new Board Member is publicly introduced at the next Board Meeting.
- E. When a new Board Member is appointed, members of the Board and staff educate them about the District, its goals and plans, ensure they receive all legal requirements of board members, and the filing of Form 700.
- F. The previous report expressed that some Board Members were governing members of other entities within the District's boundaries. These created conflicts of interest. The current members do not sit on other Boards within the District. It was also stated, the staff and Board are aware of this possible conflict.
- G. The District has a written Policy and Procedures Manual for its employees. A manual outlining the ethics, expectations, and conduct of Board Members has not been written.

- H. The approved minutes of some Board Meetings contained public comments regarding visitors to the cemetery playing music loudly, consuming alcoholic beverages, and littering. It was expressed this element of visitors was disrespecting the memories of those interred. An issue with the flower removal regulation has also been mentioned.



(Photo provided by the Grand Jury)

- I. There have been incidents of vandalism within the facility. Grave markers have been damaged or knocked over. Also, complaints of pilferage of mementos left at grave sites, flowers being knocked over or removed, and other upsetting events. Some employees have also been threatened or harassed. There was a gang related homicide on the grounds on February 5, 2021.
- J. The Delano Police Department (DPD) has been called to assist several times. According to dispatch records, there has been 12 incidents of either phone calls or patrol checks initiated by mobile units since January 2022 to the writing of this report. The District facilities are located within the boundaries of the City of Delano.
- K. The District has local private security to patrol the grounds during the weekend and holidays, four times a day, between 8AM to 7PM. They also unlock and lock the drive-in gates on the weekend. Walk-in gates remain open at all times.
- L. The District employees includes the General Manager, two office staff and six groundskeepers.
- M. Financial reports are being accomplished and presented to the Board monthly. The reports indicate the financial activity is properly done. However, the monthly financial report is not posted on the website. Although not required, it is suggested they be posted in the practice of complete transparency.
- N. The previous report mentioned missing cash. The District instituted a “no cash” policy. When presented with cash, the person is asked to purchase a money order. Staff stated this arrangement is working well. Bank deposits are transacted digitally; no physical trips to the bank are done.
- O. The District’s original cemetery grounds is at capacity. Adjacent land has been developed and is nearing capacity. There is additional land (30-40 acres) to be developed located north of the newer section. As the community grows, the number of burials will increase.
- P. The Board has received a Fee Proposal from a private design group to assist in designing a Master Plan, including new office space.
- Q. Current office space is small, especially the room being used for Board Meetings. If several constituents attend, the meeting is moved outside.

- R. When burial plots are needed, the family meets with staff to discuss the costs and family preferences. The family is escorted by a groundskeeper to view the available plots. When selected, the office staff finalizes the transaction. Pre-need burial plot sales have been suspended, except for plots adjacent to in-need selections, until mapping is completed.
- S. Burial costs are available on the website and in printed form.
- T. A section is assigned to honor veterans. There is a wall erected with names inscribed of all veterans who are interred at the cemetery. Names are to be inscribed once a year before the Memorial Day holiday. This year, the company contracted to inscribe names has informed the District they are behind in their schedule, thus they will have difficulty in meeting the holiday deadline.
- U. The District is building columbariums for cremated remains in different areas of the facility. This allows for additional space and helps to keep burial costs under control.
- V. The 2016-2017 Grand Jury report mentioned legal issues surrounding the Pomfret Memorial Historical Cemetery. In the District's response to this issue they stated, *"The survey of the cemetery boundaries has now been completed and the cemetery will proceed accordingly. The cell tower is not located on District property."* However, it was discovered the almond orchard west of the cemetery had trees planted on the cemetery property. The trees will be removed when the farmer's lease expires.

FINDINGS:

- F1. The District has corrected the areas of concern noted in the 2016-2017 Kern County Grand Jury Report.
- F2. The vacant Board seat is in the process of being filled.
- F3. The District has an employee Policy and Procedure Manual, however, there is a need for a written policy and procedure instructions for Board Members.
- F4. A Master Plan has not been completed as of the writing of this report. Board discussions have taken place, and more information is being sought. An estimate has been received but no further action has occurred.
- F5. A concern of the District is police assistance, if needed, seems slow and dismissed as petty.

F6. The District utilizes a private security company to open and secure the drive-in gates during the weekends and holidays. They also are to patrol through the cemetery an additional four times a day between 8AM to 7PM during the same time period. If anyone is participating in activity not allowed by District policy, the patrol should, at least, ask for identification and be informed of the posted rules. The rules are posted at each gate and at every turn of the internal road. If visitors will not comply with the posted regulations, security is directed to contact the local law enforcement agency.



(Photo provided by the Grand Jury)

- F7. The cemetery has experienced some vandalism, including grave markers.
- F8. The thirteen walk-through gates are open 24 hours.
- F9. There have been issues with groups of individuals visiting gravesites, consuming alcoholic beverages, and/or playing music loudly in, as construed by others, a “party atmosphere.” This is often viewed as disrespectful to the memories of others who are interred there.

COMMENTS:

The North Kern Cemetery District appears to have turned the corner regarding the previous report. Management of the District seems to be dedicated to the idea of “doing it right.” The Grand Jury wishes to thank the District staff for the information used to complete this report. Also, the Grand Jury wishes to thank other entities who rendered information as requested.

RECOMMENDATIONS:

- R1. The Board should begin now to produce a Policy and Procedures Manual for Board Members for approval by the Board before December 31, 2022. (Findings 2 and 3)
- R2. The Board and staff should develop a Master Plan no later than March 30, 2023. This should establish a timeline and cost estimate for the development of the vacant land. (Finding 4)
- R3. The District should use the timeline and cost estimate to assist planning for future growth. Major funding sources need to be investigated and brought before the constituents. (Finding 4)

- R4. By December 1, 2022, the District staff, Delano Police Department officials, and private security should schedule a meeting to resolve the issues concerning response times and expected results. (Finding 5)
- R5. Security of the facilities and personnel should be a major concern of the Board. Additional security measures should be implemented by November 1, 2022. Such measures should include:
- Locking some of the walk-through gates after hours could possibly reduce some vandalism.
 - Additional private security
 - Electronic control of gates
 - Local police presence within the grounds
 - Scheduling events surrounding holidays when families typically honor their deceased members, i.e., Memorial Day, Veterans Day, and Day of the Dead.
 - Although the District is not normally a place of family outings, these planned events could provide sensible, reflective gatherings to honor those interred.
- (Findings 6, 7, 8, and 9)

NOTES:

- The North Kern Cemetery District should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE § 933, SUBD. (C) AND 933.05 WITHIN 90 DAYS TO:

- **PRESIDING JUDGE**
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREMAN**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

TRUSTEES
Pearl Rivera
Hubert Rabanal
Jose J. Hernandez
Andrew Mendoza
George Chase

North Kern Cemetery District

Post Office Box 308
627 Austin Street
Delano, California 93216
Office: (661) 725-8412 - Fax: (661) 725-6803

MANAGER
Jorge Jaime Jr.

October 5, 2022

Honorable Colette Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxton Avenue, Suite 212
Bakersfield, CA 93301

Foreperson
Kern County Grand Jury
1415 Truxton Avenue, Suite 600
Bakersfield, CA 93301

RE: Response to 2021-2022 Grand Jury Report – North Kern Cemetery District

Dear Honorable Colette Humphrey and Members of the Grand Jury:

The mission of the North Kern Cemetery District (“District” or “Cemetery”) is to provide for the respectful and cost-effective interment of human remains and to meet the cultural, religious, economic and social needs of the families of our District. The Board of Trustees of the North Kern Cemetery District (“Board”) thanks the 2021-2022 Kern County Grand Jury for its review of the District, and appreciates its recommendations for improvement. The Board notes that the recommendations made by the Grand Jury are well-taken and the recommendations further the mission of the District as a public cemetery. The District is in the process of implementing the recommendations.

The Board hereby respectfully submits its responses to the Findings and Recommendations of the 2021-2022 Kern County Grand Jury Report.

Responses to Findings

F1. The District has corrected the areas of concern noted in the 2016-2017 Kern County Grand Jury Report.

RESPONSE: AGREE. The District worked diligently to implement internal and external controls regarding financial management, and addressed the other concerns raised by the 2016-2017 Grand Jury Report.

F2. The vacant Board seat is in the process of being filled.

RESPONSE: AGREE. The District is pleased to welcome Susana Valenzuela as its newly appointed Trustee.

F3. The District has an employee Policy and Procedure Manual, however, there is a need for a written policy and procedure instructions for Board Members.

RESPONSE: AGREE. The employee handbook is updated periodically. The General Manager and the District's legal counsel are in the process of drafting a Trustee Manual, which will set out policies and procedures relating to general governance and compliance with transparency laws, such as the Brown Act. In July of 2017, the Board adopted Rules of Decorum, to ensure that the Board meetings are conducted in an orderly, fair and open manner, and that the rights of the people to speak and be heard on matters of public interest are protected. The Trustee Manual will also incorporate the Rules of Decorum.

F4. A Master Plan has not been completed as of the writing of this report. Board discussions have taken place, and more information is being sought. An estimate has been received but no further action has occurred.

RESPONSE: AGREE. The Board is in the process of obtaining additional information to move forward with the creation and implementation of the Master Plan.

F5. A concern of the District is police assistance, if needed, seems slow and dismissed as petty.

RESPONSE: AGREE, HOWEVER, THE SITUATION HAS IMPROVED. Since the publication of the Grand Jury Report, the District and the City have re-opened a dialogue to address the concerns of their mutual constituents regarding safety and security at the Cemetery. The District and the City have discussed, and are continuing to explore, whether amending the Municipal Code or adopting a District Ordinance would assist in solving some of these issues. The District supports and appreciates the dedication of the officers and personnel of the City of Delano Police Department.

F6. The District utilizes a private security company to open and secure the drive-in gates during the weekends and holidays. They also are to patrol through the cemetery. If anyone is participating in activity not allowed by District policy, the patrol should, at least, ask for identification and be informed of the posted rules. The rules are posted at each gate and at every turn of the internal road. If visitors will not comply with the posted regulations, security is directed to contact the local law enforcement agency.

RESPONSE: AGREE.

F7. The cemetery has experienced some vandalism, including grave markers.

RESPONSE: AGREE. As indicated above, the District employs private security to provide patrols, and has re-opened a dialogue with the Police Department for more law enforcement presence at the Cemetery.

F8. The thirteen walk-through gates are open 24 hours.

RESPONSE: AGREE. The District is working with law enforcement to identify the appropriate gates for closure on the weekends or after District Office Hours.

F9. There have been issues with groups of individuals visiting gravesites, consuming alcoholic beverages, and/or playing music loudly in, as construed by others, a "party atmosphere." This is often viewed as disrespectful to the memories of others who are interred there.

RESPONSE: AGREE. The District has implemented additional security patrols and is working with law enforcement to identify the appropriate gates for closure. The District is also reviewing the efficacy of passing an ordinance to regulate such activity.

R1. The Board should begin now to produce a Policy and Procedures Manual for Board Members for approval by the Board before December 31, 2022. (Findings 2 and 3).

RESPONSE: AGREE. The General Manager and the District's legal counsel are in the process of drafting a Trustee Manual, which will set out policies and procedures relating to general governance and compliance with transparency laws, such as the Brown Act. In July of 2017, the Board adopted Rules of Decorum, to ensure that the Board meetings are conducted in an orderly, fair and open manner, and that the rights of the people to speak and be heard on matters of public interest are protected. The Trustee Manual will also incorporate the Rules of Decorum. The Trustee Manual will be completed on or before the deadline set by the Grand Jury.

R2. The Board and staff should develop a Master Plan no later than March 30, 2023. This should establish a timeline and cost estimate for the development of the vacant land.

RESPONSE: AGREE. The Board is prioritizing its efforts to establish a Master Plan, with associated timelines. The Board is committed to meeting the deadline set by the Grand Jury.

R3. The District should use the timeline and cost estimate to assist planning for future growth. Major funding sources need to be investigated and brought before the constituents. (Finding 4)

RESPONSE: AGREE. See above comment regarding adopting and implementing the Master Plan.

R4. By December 1, 2022, the District staff, Delano Police Department officials, and private security should schedule a meeting to resolve the issues concerning response times and expected results. (Finding 5)

RESPONSE: AGREE. The District is committed to establishing a positive mutually beneficial relationship with the Delano Police Department, and the District recognizes that dialog on the important subject of public safety is an important first step.

R5. Security of the facilities and personnel should be a major concern of the Board. Additional security measures should be implemented by November 1, 2022. Such measures should include:

- *Locking some of the walk-through gates after hours could possibly reduce some vandalism.*

RESPONSE: AGREE. The District is working with law enforcement to identify the appropriate gates for closure on the weekends and after the Cemetery is closed for the day.

- *Additional private security.*

RESPONSE: AGREE. The District will be bolstering its security coverage to provide additional security during off hours.

- *Electronic control of gates*

RESPONSE: AGREE. The District is in the process of obtaining bids to allow for automatic gate closures.

- *Local police presence within the grounds*

RESPONSE: AGREE. The District welcomes additional police presence on the cemetery grounds.

- *Scheduling events surrounding holidays when families typically honor their deceased members, i.e., Memorial Day, Veterans Day, and Day of the Dead.*
 - *Although the District is not normally a place of family outings, these planned events could provide sensible, reflective gatherings to honor those interred.*

RESPONSE: AGREE. The District will be hosting its second Dia de Los Muertos at the Cemetery, which will feature local food vendors and entertainment. For several years, the District has coordinated programs and guest speakers for Memorial Day. The District remains open to public input as to how it can improve these events and if it should consider hosting additional activities.

The Board of Trustees appreciates this opportunity to address the issues raised by the Grand Jury. Please do not hesitate to contact the District should you require further information.

Best regards,

NORTH KERN CEMETERY DISTRICT

Pearl Rivera

Pearl Rivera
Board of Trustees

cc: Kern County Board of Supervisors

RECEIVED

NOV 17 2011

By