

2023-2024 KERN COUNTY GRAND JURY



Kern River Valley Public Cemetery District *Historically Tranquil, Currently Troubled*

Release Date
May 23, 2024

KERN RIVER VALLEY PUBLIC CEMETERY DISTRICT

Historically Tranquil, Currently Troubled



Historic Cemetery Section
Archive photo from Sierra Nevada GeoTourism Website



Public Cemetery Section
Photo from Find a Grave Website

SUMMARY:

Have you considered taking a step back in time to enjoy the beautiful Kern River and its valley, surrounded by the Sierra Nevada Mountains, which first attracted Native Americans and early settlers? If so, then you should visit the Kern River Valley Public Cemetery District (District) and the intriguing Kern River Historical Cemetery (Historic Cemetery) overlooking the Kern River.



Panorama of Kern River Historical Cemetery
Photo taken in May 2010 – Richard Cayia Rowe

Although the grounds of the cemetery are peaceful, the internal governance of the District itself, is experiencing turmoil. Notably:

- A. Required financial audits are seriously delinquent.

- B. The District’s Board of Trustees (Board) has a position vacant since October 2023.
- C. The Board only schedules bi-monthly meetings.
- D. Nepotism is a concern.
- E. Staffing levels are insufficient to bring administrative duties current.

Water issues continue to be a challenge for the District, and although solutions are being explored, none have come to fruition. The grounds are generally well kept and boast many inviting features. However, the cemetery maintenance is dependent on no-cost labor supplied by several agencies and would benefit from a dedicated groundskeeper.

The District’s \$216,000 budgeted annual revenue from services, parcel taxes, and interest, has shown an excess in the budget for the last two Fiscal Years (FY). Adjustments to the budget could provide funding for needed staffing.

PURPOSE OF INQUIRY:

The 2023-2024 Kern County Grand Jury (Grand Jury) is authorized by Penal Code §933.5 to investigate special districts. Upon receiving complaints, the Grand Jury initiated an investigation into the operations of the Kern River Valley Public Cemetery District.

METHODOLOGY:

The Grand Jury conducted 12 interviews, either in person or by telephone, with District personnel, Board Trustees, Kern County Government personnel, complainants, and outside consultants. The Grand Jury also reviewed past Grand Jury Reports, District financial documents, Board Meeting Agendas, and the District’s website.

DISCUSSION OF FACTS:

The Kern River Valley Public Cemetery District, encompassing 22 acres, is located 42 miles Northeast of Bakersfield between Wofford Heights and Kernville. The District, formed in 1950, is home to the Historic Cemetery to the South of Burlando Rd. and the newer section to the North. The Historic Cemetery, which borders the Kern River, is the final resting place for many early settlers, miners, and indigenous peoples since 1868. The District reports, between 1972 and 2024, the internment/inurnment of 4,649 remains, including approximately 1,500 veterans. However, the District could not provide an accurate total number of internments/inurnments. The District continues to serve the people of the surrounding communities.

The District is governed by a board of five trustees appointed to four-year terms by the Kern County Board of Supervisors (BOS). A General Manager, two part time office staff, and an on-call gravedigger/groundskeeper are employed by the District. Outside helpers from California Work Opportunity and Responsibility to Kids (CalWORKs), Kern High School District, and the Mexican American Opportunity Foundation are intermittently utilized at no cost to the District to

help keep the cemetery clean. The Cemetery is enhanced by many landscape features including benches, gardens, and memorials, adding to the comfort of visitors.



Upper Cemetery



Veterans Memorial
Photos by Grand Jury



Rose Garden

- A. The BOS has not filled the vacant board position due to a lack of qualified applicants.
- B. The Board schedules bi-monthly public meetings, however, due to cancellations, there were only four regular meetings in 2023.
- C. Board meeting minutes have not been made public, nor have they been on the District's board meeting agendas for approval.
- D. Not all Board Trustees are current on required Ethics and Sexual Harassment training.
- E. Financial audits required by California Government Code §26909 are delinquent back to 2017. Part-time office staff and a Certified Public Accountant are working to convert their old accounting system to a more comprehensive accounting software system to enable FYs 2017, 2018, and 2019 audits to be brought current by May 2024. FYs 2020, 2021, and 2022 are projected to be completed by December 2024.
- F. The Policies and Procedures generated from the California Special Districts Association (CSDA) template supplied by the District to the Grand Jury, specifically states: *Nepotism 3126.3: When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.* The District Secretary, the General Manager and the seasonal on-call employee are close relatives.
- G. Payroll oversight is currently without checks and balances.
- H. The administrative staff is currently comprised of a 30 hour-a-week District Secretary and an eight hour-a-week Clerk Specialist.

- I. Per the approved budgets for FY 2021-2022 and 2022-2023, there has been a budget excess of approximately \$15,000 per year and the current year is also showing an excess. (Appendix A)
- J. The Board room consists of a table and chairs for the board members with little to no seating for the public. The consultation and sales area is surrounded by workstations.



Official Boardroom



Consultation and Sales Area

Photos by Grand Jury

- K. Per CA SB929, Special Districts are required to maintain a website with specified content. The District's website is difficult to search by name and does not include Board Trustees' contact information, as mandated.
- L. The District partially relies on no-cost labor from CalWORKs, Kern High School District, and the Mexican American Opportunity Foundation to help maintain the grounds.
- M. The District continues to struggle with water issues. Adjacent to the District property are the Big Blue Mine and properties managed by the Bureau of Land Management and the U.S. Forest Service. The U.S. Forest Service, in a letter dated February 6, 2024, stated that the District is no longer allowed to access water from the mine due to unsafe levels of contaminants.
- N. The capacity of the well and storage tanks owned by the District does not meet the irrigation requirements of the newer section's grass. The Historic Cemetery is surfaced with gravel and therefore does not require watering.



Photo Taken by Grand Jury

- O. California Water Service (Cal Water) is available at the property line. If connected, the District would be charged at the Interruptible Public Authority Irrigation Service Rate of \$1.3941 per 100 Cubic Feet.

Irrigation Feasibility Cost California Water Service Interruptible Public Authority Irrigation Service Rate Effective August 29, 2014, \$1.3941 per 100 Cubic Feet				
Average daily water requirement in 100 Cubic Feet*	Cost per 100 Cubic Feet	Cost per Day	Cost per Month	Cost per Year
20.05	\$1.39	\$28	\$850	\$10,201
*Estimated Water Requirement provided by District				

Table prepared by Grand Jury

P. The Historic Cemetery is experiencing ground instability.



Photo by Grand Jury

Q. The Historic Cemetery suffered slope failure damage during the winter storms of 2023. This damage is included in the Federal Emergency Management (FEMA) Disaster 4699DR-CA declaration. To qualify for FEMA and California Office of Emergency Services (CalOES) funding for a retaining barrier bordering the Kern River, a professional engineering proposal is required. The proposed funding would comprise of 75% from FEMA, 18.75% from CalOES and 6.25% from the District.



Photo by Grand Jury

FINDINGS:

- F1. The District would function more effectively with an engaged five-member board.
- F2. The Board's bi-monthly scheduled meetings are insufficient to conduct business in a timely manner and cause agendas to be excessively long.
- F3. The absence of board meeting minutes has caused a lack of transparency to the community they serve.
- F4. Failure of some Trustees to remain current on required training causes the District to be non-compliant.
- F5. The Board has been negligent in securing and overseeing personnel to maintain financial audits current, causing the District to become delinquent in mandated County and State filings.
- F6. The Policies and Procedures generated from the CSDA template are not specific enough to the District and could cause misinterpretation by the Board.
- F7. The Grand Jury finds the District is in violation of their Nepotism Policy 3126.3, causing widespread concern.
- F8. Without oversight of payroll, the potential for fraud exists. This could create public distrust.
- F9. The District's administrative office is currently understaffed. This is causing serious delinquencies of administrative duties including financial audits, board meeting minutes, and website updates.
- F10. The budget excess of approximately \$15,000, for each of the past two FYs, as reported in the District's adopted 2023-2024 Operation and Maintenance Expense Distribution Budget, could be allocated for additional staffing.
- F11. Poorly designed office space does not accommodate interaction with the public. The board does not face the public, hindering communication. The client consultation area lacks privacy and is not comfortable for families.
- F12. The District's website is difficult to locate by name, and the absence of Board Trustee contact information causes a lack of transparency.
- F13. Due to the intermittent availability of no-cost labor to the District, the upkeep of the grounds is not consistent.
- F14. Utilizing Cal Water is an affordable option to the Cemetery's irrigation requirements. According to Cal Water, due to existing infrastructure there will be no hook-up charge incurred.
- F15. The retaining barrier project is critical to the preservation of the Historic Cemetery.

COMMENTS:

The Grand Jury would like to express their appreciation to the staff and management of Kern River Valley Public Cemetery District for sharing their knowledge, and for patiently answering our plethora of questions. We especially want to thank the management for the tour we were given of Kern River Valley Public Cemetery District. It was so interesting, and we enjoyed observing this beautiful and peaceful cemetery.

RECOMMENDATIONS:

The 2023-2024 Kern County Grand Jury recommends that the District:

- R1. Recruit at least three qualified residents of the District to submit applications to the BOS by September 1, 2024, enabling them to fill the Board of Trustees vacant seat. (Finding 1)
- R2. Schedule board meetings monthly to stay current on issues and keep agendas at a reasonable length, starting with the September 2024 Board Meeting. (Finding 2)
- R3. By September 1, 2024, include previous board meeting minutes on the current agenda for approval by the Board, and to be posted on the website. (Finding 3)
- R4. Ensure that Board Trustees become current with required training no later than September 1, 2024. (Finding 4)
- R5. By September 1, 2024, develop a plan to keep District financial audits current and filed with the County and State, as required by law. (Finding 5)
- R6. Review, update, and approve District Policies and Procedures by December 31, 2024. (Finding 6)
- R7. By December 31, 2024, restructure the District's organization to align with the District's Policies and Procedures, especially regarding the section on Nepotism. (Finding 7)
- R8. Establish a procedure to verify and approve hours worked by staff before submission to the third party payroll provider. This should be in place by September 1, 2024. (Finding 8)
- R9. Restructure its budget to allow for adequate office staffing to become and remain current on all administrative duties by September 1, 2024. (Findings 9 and 10)
- R10. By December 31, 2024, reconfigure the office to combine the board room with the client consultation area so the Board can interact with the public, and client consultations are separated from the daily workstations. (Finding 11)
- R11. Bring its website into compliance with CA SB929, and make it searchable by the District's name, not its acronym, by September 1, 2024 (Finding 12)
- R12. Recruit and hire additional groundskeeping personnel by September 1, 2024. (Findings 10 and 13)

- R13. Connect to Cal Water for irrigation of the Cemetery, and adjust the budget to fund the expense, by December 31, 2024. (Findings 10 and 14)
- R14. Meet all requirements necessary to receive funds from FEMA and CalOES to construct the retaining barrier, by December 31, 2024. (Finding 15)

NOTES:

- The Kern River Valley Public 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: <https://www.kerncounty.com/government/other-agencies/grand-jury>
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website <https://www.kerncounty.com/government/other-agencies/grand-jury>

RESPONSE DEADLINE: REQUIRED WITHIN 90 DAYS FROM:

- Kern River Valley Public Cemetery District: Findings 1 through 15 inclusive and Recommendations 1 through 14 inclusive.

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

- **PRESIDING JUDGE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF KERN
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**
- **FOREPERSON
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.

APPENDIX:

Appendix A

**KERN RIVER VALLEY PUBLIC CEMETERY DISTRICT
Adopted Fiscal Year 2023-2024 Operation and Maintenance Expense Distribution Budget**

Acct #	Description	Budget		Budget	FY 2022-2023	Excess / Deficit	Budget	FY 2021-2022	Excess / Deficit
		2023-2024	%						
	* Budget allocation changes restricted by Board								
5050	Clothing/Uniforms	400.00	0.8%	400.00	256.30	143.70	400.00	16.07	383.93
5100	* Insurance - Commercial	6,500.00	13.1%	6,500.00	5,403.17	1,096.83	5,895.00	6,003.53	(108.53)
5100	* Commercial includes - Vehicle 2008 Ford Escape	Included Above		Included Above		Included Above	Included Above		Included Above
5101	* Insurance - Workers Comp	5,000.00	10.1%	5,000.00	3,742.83	1,257.17	4,600.00	4,530.92	69.08
5120	Maintenance - Equipment (Repairs)	3,000.00	6.1%	3,000.00	2,253.82	746.18	2,500.00	296.27	2,203.73
5130	Maintenance - Grounds	2,000.00	4.0%	2,000.00	402.26	1,597.74	1,500.00	1,510.01	(10.01)
5131	Maintenance - Structures (includes portables maint.)	1,500.00	3.0%	1,500.00	1,234.08	265.92	400.00	347.13	52.87
5132	Maintenance - Well	2,500.00	5.1%	2,500.00	-	2,500.00	1,500.00	1,050.00	450.00
5135	Maintenance - Gardens	300.00	0.6%	300.00	-	300.00	300.00	283.84	16.16
5150	Memberships: CAPC and CSDA + CSDA Policy	800.00	1.6%	800.00	799.00	1.00	700.00	784.00	(84.00)
5154	Advertising	0.00	0.0%	0.00	-	0.00	0.00	-	0.00
5155	Subscriptions	100.00	0.2%	100.00	44.00	56.00	100.00	44.00	56.00
5164	Improvements (beautification projects)	0.00	0.0%	0.00	-	0.00	0.00	-	0.00
5165	Interest Expense: GSRMA insurance paid quarterly	80.00	0.2%	80.00	69.34	10.66	80.00	-	80.00
5170	Office Supplies: Secretary	1,200.00	2.4%	1,200.00	386.66	813.34	1,200.00	1,138.60	61.40
5171	Office Supplies: General Supplies	500.00	1.0%	500.00	365.47	134.53	500.00	589.14	(89.14)
5180	Professional Services:	see below		see below		see below	see below		see below
5181	Professional Services: 5 Trustees (8 meetings = \$2,000)	2,100.00	4.2%	2,100.00	1,250.00	850.00	2,100.00	1,150.00	950.00
5182	Professional Services: Bank Statement Fees	50.00	0.1%	50.00	24.00	26.00	50.00	48.00	2.00
5183	Professional Services - County Admin	2,500.00	5.1%	2,500.00	1,399.46	1,100.54	2,000.00	1,720.26	279.74
5184	Pro Serv. Intra (CemOffice) \$650. Maint. & Tech Support	1,000.00	2.0%	1,000.00	850.00	150.00	1,000.00	725.00	275.00
5185	Pro Serv. Protection One (alarm) min. \$70 x 12 mo = \$840	1,000.00	2.0%	1,000.00	859.74	140.26	800.00	740.33	59.67
5186	Pro Serv. Attorney Fees	300.00	0.6%	300.00	-	300.00	300.00	-	300.00
5187	* Pro Serv. CPA Acct (Allocated to 2023 Gen. Fund #42010 Budget)	0.00	0.0%	0.00	-	0.00	8,000.00	-	8,000.00
5188	Pro Serv. Other (Monument Companies Etching Services)	2,000.00	4.0%	2,000.00	-	2,000.00	2,500.00	not available	0.00
5188	Pro Serv. Other (Surveyor Services)	999.00	2.0%	999.00	-	999.00	999.00	-	999.00
5188	Pro Serv. Other (Electricians)	0.00	0.0%	0.00	1,124.35	(1,124.35)	0.00	-	0.00
5189	Pro Serv. Internet - KV Wireless, AOL, Get Stream WebPg	1,750.00	3.5%	1,750.00	1,465.57	284.43	900.00	1,475.28	(575.28)
5190	Pro Serv. CalPERS GASB 68 & FEE 218 (Annual Fees)	650.00	1.3%	650.00	350.00	300.00	650.00	350.00	300.00
5191	Pro Serv. Payroll Service (Paychex)	1,500.00	3.0%	1,500.00	1,259.60	240.40	1,200.00	1,216.36	(16.36)
5210	Rents/Leases of Equipment (Post Office Box)	70.00	0.1%	70.00	76.00	(6.00)	70.00	-	70.00
5220	Small Tools & Supplies (under \$100)	650.00	1.3%	650.00	235.60	414.40	650.00	425.57	224.43
5221	Large Tools & Equipment (over \$100 under \$499)	650.00	1.3%	650.00	184.24	465.76	650.00	-	650.00
5222	Small Office Equipment (under \$499)	650.00	1.3%	650.00	284.25	365.75	650.00	-	650.00
5249	Fuel: All Equipment includes Ford Escape	1,500.00	3.0%	1,500.00	1,114.45	385.55	1,000.00	1,141.04	(141.04)
5250	Travel/Transportation/Mileage	500.00	1.0%	500.00	817.46	(317.46)	100.00	-	100.00
5251	Conference, Workshop, Meeting (apply for GSRMA \$1,000 grant)	500.00	1.0%	500.00	2,000.94	(1,500.94)	500.00	-	500.00
5260	Utilities (electricity, phones, and refuse)	6,500.00	13.1%	6,500.00	5,266.96	1,233.04	5,000.00	5,437.80	(437.80)
5340	* State Board of Equalization (Sales Tax)	751.00	1.5%	751.00	262.00	489.00	706.00	467.00	239.00
	TOTALS	\$ 49,500.00	100.0%	49,500.00	33,781.55	15,718.45	49,500.00	31,490.15	15,509.85

**KERN RIVER VALLEY PUBLIC CEMETERY DISTRICT
Fiscal Year 2023-2024 Preliminary Operations Budget**

SOURCES OF REVENUES AND PROPERTY TAX APPROPRIATION	Adopted Budget FY 2021-2022	%	ACTUAL FYE 2022 as of June 30, 2022	%	REVISED FYE 2023 as of Sept. 30, 2022	%	ACTUAL FYE 2023 as of May 31, 2023	%	Adopted 2023-2024	FY	%
Services Executed Revenues	\$ 77,500.00	37.6%	\$ 70,160.29	33.7%	\$ 75,500.00	36.0%	\$ 76,598.64	36.1%	\$ 77,500.00	35.9%	
Tax Appr. Based on (FY 2019-2020) Appropriations	\$ 110,000.00	53.4%	\$ 120,761.07	58.0%	\$ 110,000.00	52.5%	\$ 120,098.57	55.6%	\$ 120,000.00	55.6%	
Total Revenues and Tax Appropriations	\$ 187,500.00	91.0%	\$ 190,921.36	91.7%	\$ 185,500.00	88.5%	\$ 196,697.21	92.7%	\$ 197,500.00	91.4%	
INTEREST INCOME TRANSFERS IN											
Stifel, Nicholas, and Company, Inc. (Endowment & PreNeed)	\$ 15,000.00	7.3%	\$ 13,748.54	6.5%	\$ 15,000.00	7.2%	\$ 11,840.38	5.8%	\$ 15,000.00	6.9%	
County of Kern Auditor Controller: EOY Fund #42010; #42011; #42012	\$ 3,500.00	1.7%	\$ 3,479.92	1.7%	\$ 3,500.00	1.7%	\$ 3,689.19	1.7%	\$ 3,500.00	1.6%	
Interest Income for Fiscal Year 2019-2020	\$ 18,500.00	9.0%	\$ 17,228.46	8.3%	\$ 18,500.00	8.8%	\$ 15,529.57	7.3%	\$ 18,500.00	8.0%	
MISCELLANEOUS INCOME RECEIVED & TRANSFER IN											
Miscellaneous Income: Donations	\$ -	0.0%	\$ -	0.0%	\$ 2,000.00	1.0%	\$ -	0.0%	\$ -	0.0%	
Miscellaneous Income: GSRMA (Conference Grant)	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	
Miscellaneous Income: Kern County Coronavirus Local Fiscal Recovery Fund	\$ -	0.0%	\$ -	0.0%	\$ 3,500.00	1.7%	\$ -	0.0%	\$ -	0.0%	
Fund #42013 Transfer: after FEMA closeout is complete (Winter Storm 2017)	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	
Miscellaneous Income for Fiscal Year 2019-2020	\$ -	0.0%	\$ -	0.0%	\$ 5,500.00	2.9%	\$ -	0.0%	\$ -	0.0%	
TRANSFER IN RESERVES FROM FUND #42010											
TRANSFER IN RESERVES FROM FUND #42010	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	
PROJECTED END OF FISCAL YEAR RECOUP 2019-2020 TRANSFERS											
Total Recoup of Accounts Receivable (cash distribution only)	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	
<small>(Recoup is drawn from previous year advanced services; excluded contracts paid in full & refunded releases of interest in plots)</small>											
TOTAL ACTUAL & PROJECTED UNRESTRICTED REVENUES =	\$206,000.00	100.0%	\$208,149.82	100.0%	\$209,500.00	100.0%	\$212,226.78	100.0%	\$216,000.00	100.0%	