

ORANGE COUNTY CEMETERY DISTRICT
Board of Trustees
July 9, 2024

MINUTES

The adjourned regular monthly meeting of the Orange County Cemetery District Board of Trustees was called to order by Chair Cynthia Ward 10:13 a.m., in the Board Room of the Orange County Cemetery District, 25751 Trabuco Rd., Lake Forest, CA 92630.

The Pledge of Allegiance was led by Cemetery Manager Julio Amarillas
Roll Call by Board Secretary, Mary Funk.

PRESENT:	Cynthia Ward, Chair	Fourth District
	Maribel Marroquin-Waldram, Vice Chair	First District
	Kelly Rivers	Second District
	Noel Hatch	Fifth District

ABSENT:	Vladimir A. Anderson	Third District
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STAFF:	Tim Deutsch, General Manager
	Brenda Manriquez, Finance and Accounting Manager
	Mary Funk, Board Secretary
	Julio Amarillas, Cemetery Manager

ALSO

PRESENT:	Steve Quintanilla, General Counsel (attended remotely)
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PUBLIC COMMENTS

GM Deutsch stated that there were no public comments. He did report that the District had received a Public Records Request from Mr. Harvey Liss who wanted to get a copy of the Addendum to the Final Environmental Impact Report No. 331 for the Gypsum Canyon Cemetery Development Project that had been prepared by LSA. GM Deutsch provided Mr. Liss with the link so he could access the document. Trustee Hatch asked how Mr. Liss was connected to the project. GM Deutsch explained that Mr. Liss is the Executive Director of the Build the Great Park Veterans Cemetery. Trustee Hatch asked about the upcoming Anaheim City Council Meeting. GM Deutsch confirmed that the District's cemetery development project is scheduled to come before the Anaheim City Council on July 23rd.

Vice Chair Marroquin-Waldram arrived at 10:17 a.m.

CONSENT CALENDAR

- A. Approval of Minutes – Adjourned Regular Board Meeting, June 5, 2024.
- B. Approval of Minutes – Regular Board Meeting, June 26, 2024


Chair


Secretary

- C. Authorization for the August 2024 Check Registers (Claims) Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32.

MOTION: of Trustee Rivers, seconded by Vice Chair Marroquin-Waldram and carried by a vote of 4-0 (Trustee Anderson absent for the vote), approved the Consent Calendar.

MANAGER REPORTS

A. Interments and Interment Space Sales Reports – May 2024

The following interment and interment space sales for May 2024 were reviewed:

			<u>2023-2024</u>	<u>2022-2023</u>
ANAHEIM	Interments	6 (6 Urn)	74 (57 Urn)	78 (50 Urn)
	Lot Sales	2	31	35
EL TORO	Interments	71 (27 Urn)	841 (288 Urn)	860 (295 Urn)
	Lot Sales	45	790	1,223
SANTA ANA	Interments	21 (13 Urn)	198 (93 Urn)	167 (99 Urn)
	Lot Sales	12	81	68
TOTAL	Interments	98 (46 Urn)	1,113 (438 Urn)	1,105 (444 Urn)
	Lot Sales	59	902	1,326

GM Deutsch stated that Anaheim Cemetery had two space sales in May. Year-to-Date Anaheim is trending the same with 31 Space sales this year compared to 35 the year before. Staff conducted 6 interments which were all in-ground cremation services.

El Toro’s sales are declining as expected with 43 space sales in May. Year-to-Date, El Toro is at 790 sales this year, compared to 1,223 at the same time last year. As of the end of May, El Toro has approximately 633 casket spaces remaining, which at the current rate of sale, should last about 22 months. Ten niches were sold in the Maureen Rivers Memorial Niche Garden and there are approximately 138 niches remaining.

For Interment Services, El Toro is about on track. Staff conducted 71 interments in May which included 44 casket burials, 10 niche services, and 17 in-ground cremation burials. Year-to-Date, El Toro Memorial Park has conducted 841 interments compared to 860 in the previous year.

Santa Ana Cemetery had 12 space sales in May with included 9 niches, one in-ground cremation space and two casket pre-need sales. The casket sales were from older contracts that had been placed on hold and not paid in full until now. Vice Chair Marroquin-Waldram asked how long we hold spaces. GM Deutsch answered usually not more than 30 days, but occasionally a space will be put on hold and an invoice started but then the customer does not act on it in a timely fashion and sometimes staff forget about those spaces where the sale was not finalized.


Chair


Secretary

Overall, the District had 59 interment space sales. Year-to-Date the District is at 902 space sales and GM Deutsch believes we will end the fiscal year with about 975 total sales. In the previous year, the District had 1,326 space sales. This is a number that staff knew could not be repeated this year with the lack of pre-need casket spaces at El Toro Memorial Park.

For Interment Services the District is just slightly outpacing the previous year with 1,113 services this year compared to 1,105 in the previous year. GM Deutsch is budgeting for about 900 services for the next fiscal year which will include the accompanying interment service fees at the new price rates. GM Deutsch said he expects the District to conduct about 1,200 services in the upcoming year, although they do not generate as much revenue as the space sales.

B. Financial Reports – May 2024

Brenda Manriquez reported that the District has received the bulk of the property taxes and we are at 103% of budget expectations. She also said that Redevelopment money is about \$100,000 over what was expected. She added that it is difficult to predict from year to year what this will be and we cannot expect that every year. On another positive note, interest income is almost three times what was budgeted. She stated that, through June, across all four funds, the District is just shy of \$2 million. Normally, the most we generate in interest is about \$1 million. This is great news in light of space sales substantially declining. Brenda Manriquez also reported that there is quite a bit of pre-need services now being used. The accounting staff does journal entries about four times a year to recognize that use. Going forward we may have to do that more frequently.

For expenses there were no real changes to salaries or benefits. When accruals are completed, we will see how much over the District is. The 1410 Account for New Cemetery Maintenance is up due to increased consultant services for planning review and for non-recurrent flag pole/lighting maintenance issues. For Total Operating Expenditures, the District is about \$298,000 over budget including all special departmental expenses. This is just about equal to the Economic Uncertainty Fund. Everything else is trending about the same.

There were no new equipment purchases in May.

For the Balance Sheet, Brenda Manriquez explained that all debt payments for the fiscal year will show what is due for the next fiscal year. She also stated that as of the end of May, there is about \$3.2 million in Assigned – Land Development. This will trend down with lower sales and expense accruals, but she anticipates the District will still be about \$2 million ahead. This last year we have been able to make our debt payments within the fiscal year without relying on reserves.

C. Investment Portfolio Changes - June 2024

GM Deutsch reported that there were a few investments maturing in June. The District completed the \$630,000 transfer from the OCIP to the Stifel – Endowment Principal Fund and purchased one CD and one bond with rates in the 5% range with 5 year terms. Trustee Hatch asked what Stifel was saying about the current investment climate. GM Deutsch said that Stifel thought the Fed's were going to adjust interest rates, but they did not. GM Deutsch added that the District should be mindful of our liquidity needs and keep most investments short. In the


Chair


Secretary

Endowment Principal Fund, the District can keep our ladder, but not in the other funds. GM Deutsch stated that in the next six months the UBS Endowment Principal and Income Funds will have about \$1.9 million maturing. The Stifel Endowment Principal and Income Funds will have about \$1.4 million maturing. The Stifel Pre-Need Fund will have about \$1.6 million coming due. For the current pooled rates, GM Deutsch said that California Class is continuing to outperform, but the other funds are starting to catch up.

E. Capital Projects Update

GM Deutsch reported that the Capital Projects report shows a summary of all the activity that is occurring regarding the Gypsum Canyon site. The most important event was the Anaheim Planning Commission Meeting that was held on June 17th. GM Deutsch stated he was pleasantly surprised by the lack of opposition at the meeting. The next milestone meeting will be the Anaheim City Council Meeting that is scheduled for July 23rd when the Council will consider the District’s New Cemetery project.

GM Deutsch said that both the Orange County Register and the Voice of OC ran stories on the additional \$5 million in State funding that was secured for the Veterans Cemetery. This funding was secured through the assistance of Senator Umberg and Assemblymember Quirk-Silva. GM Deutsch said that brings State funding for the Veterans to about \$30 million, with the County there is an additional \$50 million and they are hoping to secure another \$10 million from Federal funding. Chair Ward asked if GM Deutsch communicated that to reporters. GM Deutsch said that he did not want to speak for the State and said that would be better left to CalVet and Assemblymember Quirk Silva.

GM Deutsch said that he would be having a meeting on Thursday to help prepare for the Anaheim City Council Meeting on the 23rd. He is working on a couple of things for a possible PowerPoint Presentation.

Staff is also working on finalizing the construction agreement for the niche installation with KMI. The niches are still about four to five months out for delivery

GM Deutsch said that at the August meeting the Capital projects report would include projects and equipment for the upcoming fiscal year.

GENERAL COUNSEL REPORT

Counsel Quintanilla explained that a new OSHA regulation is requiring the District to have a Workplace Violence Prevention Plan in place. Counsel Quintanilla recommended that the Board add the proposed Workplace Violence Prevention Plan to this meeting as an urgency item. The Brown Act permits discussion and action on an item not appearing on the posted agenda if immediate action is necessary. For the purposes of our Board, a unanimous vote would be needed.

MOTION: of Trustee Rivers, seconded by Vice Chair Marroquin-Waldram and carried by a vote of 4-0 (Trustee Anderson absent for the vote), approved adding to New Business, Item C “Approval of Workplace Violence Prevention Plan.”


Chair


Secretary

GM Deutsch recommended that the Board Discuss New Business Item C – Approval of Workplace Violence Prevention Plan at this time.

NEW BUSINESS

C. Approval of Workplace Violence Prevention Plan (Urgency Item)

GM Deutsch explained that SDRMA provided this policy for the District. It is a basic policy that complies with state law. The District can amend the plan as necessary. He also stated that employers with ten or more employees are now required to have such a plan in place. Employers must administer appropriate training and keep a 5-year incident log.

Trustee Hatch asked if this plan covers just employees or also vendors or contractors working for the District on our properties. Counsel Quintanilla said that independent contractors like vendors or contractors are not considered employees. While the plan does include contractors, volunteers, and visitors, the District only provides training to employees.

GM Deutsch asked if Trustees are considered employees, since the Trustees will participate in the training and implementation of the plan. Counsel Quintanilla stated that in some instances, Trustees are treated as employees and cited workers compensation and tax withholding as examples. He stated he would interpret this to include Trustees. Counsel Quintanilla recommended adding language to the plan that would clarify that for the purposes of administration and training of this plan, Trustees are considered employees. He suggested including a definition of an employee that would include part-time and full-time employees as well as Trustees. Chair Ward stated that she wants to make sure everyone is protected.

Chair Ward also asked if the offender is an elected official and makes threats against another party, what can be done? Counsel Quintanilla stated that the plan is there to address protocols at an administrative level. In all likelihood such behavior would be criminal in nature.

MOTION: of Trustee Hatch, seconded by Trustee Rivers and carried by a vote of 4-0 (Trustee Anderson absent for the vote), approved the adoption of the Workplace Violence Prevention Plan with the revision that the definition of Employees will include Trustees.

At this time the Board returned to the General Counsel Report.

GENERAL COUNSEL REPORT

Counsel Quintanilla gave a brief update on the Public Records Act. He stated that anyone can request records that are retained in the normal course of business. If anyone makes a public records request, the District has ten days to respond. The request does not have to be in writing. The District can automatically take a 14-day extension with no reason. After that another 10-day extension can be requested, but the District must provide a valid reason for the need for the extension. Counsel Quintanilla recommends that Public Records Requests should always be accommodated as quickly as possible. He stated that if documents are voluminous in nature and can be accessed electronically, it is acceptable to provide to the requestor a link that they can use to access the requested documents online.


Chair


Secretary

Vice Chair Marroquin-Waldram asked, as an example, if she was just at the grocery store shopping and someone recognized her and asked for a public record, does that ten-day clock start ticking then? Counsel Quintanilla said that she would need to be working in an official capacity. So in that case, no, the ten day clock would not start. If she was, however attending an official function and acting in the capacity of a Trustee, then yes it would. Counsel Quintanilla stated that the best course of action would be to advise the person to contact the District office, as they would be the ones able to fulfill the request. The Trustee should notify staff at the District office that such a request has been made.

Counsel Quintanilla stated that there if the District is not responsive to a public records request there are penalties and attorney fees that the District could be liable for. He stated that there are firms out there that target public agencies with simple requests in the hopes that a public records request will be ignored, opening the door for lawsuits. They have no interest in the actual public records request, they are simply looking for agencies who fail to comply. Chair Ward stated that whoever is keeping records, should confirm with the requestor to ensure they are receiving the correct records. Counsel Quintanilla added that documenting public records requests is very important.

At this time the Board returned to New Business.

NEW BUSINESS

A. CSDA Board of Directors Seat A – Southern Network Election 2024

GM Deutsch explained that there are three candidates who are running for the CSDA Board of Directors Seat A in the Southern Network. The candidates are Jo MacKenzie from Vista Irrigation District, Jason Dafforn with Valley Sanitary District, and Ross Leja with the Jurupa Area Recreation and Park District. GM Deutsch said that once the Board selects a candidate he will submit the ballot on or before July 26th. He asked the Board if they have a preference, noting that the only candidate he is familiar with is Jo MacKenzie. Trustee Hatch suggested that we select Jo MacKenzie.

MOTION: of Trustee Hatch, seconded by Vice Chair Marroquin-Waldram and carried by a vote of 4-0 (Trustee Anderson absent for the vote), approved the selection of Jo MacKenzie as the candidate for the CSDA Board of Directors Seat A – Southern Network for 2025-2027.

B. Strategic Planning Discussion

GM Deutsch provided documents for the Trustees to review showing Action Steps for each fiscal year of the Strategic Plan. GM Deutsch said that, while this plan is designed to carry the District through the next five years, we will likely make periodic amendments as we approach each year, particularly for the last two years of the plan. GM Deutsch said that this plan will be used as an accountability tool and will be used in staff evaluations as a measure of what we succeeded or failed to accomplish. Trustee Hatch noted that he had written down his feedback on the previous document the Trustees received at the last Strategic Planning Meeting, but this new document effectively mirrors his feedback and is even more thorough.


Chair


Secretary

The Board also briefly discussed committee structures. Counsel Quintanilla informed the Board that the District can retain Committees of the Whole, but put in a resolution that for the purposes of the committee, a quorum will be defined as two members. The Trustees also briefly discussed how many meeting and events Trustees can attend for stipend purposes.

Chair Ward voiced a concern that this Strategic Plan is lacking a Current State Assessment that she feels would be valuable in defining where the District is now and the current strengths, weaknesses, opportunities and threats that the Strategic Plan is considering. GM Deutsch agreed, stating that he could certainly provide a Current State Assessment to be included in the final strategic plan. GM Deutsch noted that the Board can approve the Action Steps, Mission Statement, Vision and Core Values now and in August he will present the fully completed document that includes the SWOT analysis and the Current State Assessment.

MOTION: of Trustee Hatch, seconded by Vice Chair Marroquin-Waldram and carried by a vote of 4-0 (Trustee Anderson absent for the vote), approved the Strategic Plan 2024-29, which includes the action plan, mission, vision statement and core values.

GM Deutsch recommended that the Board discuss Items for Future Agendas, Board Comments and Announcements before adjourning to Closed Session.

ITEMS FOR FUTURE AGENDAS

GM Deutsch stated that he would provide a Current State Assessment to be added to the approved Strategic Plan for 2024-2029.

BOARD COMMENTS

Strategic Planning Meeting with Trustee Marroquin-Waldram and Santa Ana Staff

Vice Chair Marroquin-Waldram stated that she met with the staff at Santa Ana Cemetery and it was good to hear the staff’s vision and their goals for the District moving forward. Cemetery Manager Julio Amarillas said that the staff really appreciated Trustee Marroquin-Waldram making the time to discuss this with them and listen to their comments. GM Deutsch echoed that the staff at Anaheim Cemetery and El Toro Memorial Park were glad to see the Trustees taking the time to listen to their feedback.

ANNOUNCEMENTS

GM Deutsch announced that the farewell party for Diane Fuentes went very well and she appreciated all the District’s efforts to arrange the luncheon.

GM Deutsch also announced that District Secretary Iris Tatro has announced that she will be leaving the District in two weeks to move to Colorado and attend Bible College. We were already in the process of recruiting for a full-time Cemetery Assistant at Santa Ana Cemetery, so GM Deutsch is simply planning to open that recruitment to fill the vacancies at both Santa Ana Cemetery and El Toro Memorial Park.


Chair


Secretary

Chair Ward announced that as a community volunteer, she is helping to coordinate a new exhibition at Muzeo Museum and Cultural Center that will be opening on July 20th. The exhibit is titled: Eternal Mourning: Death and Remembrance in Victorian America. She will provide additional information for those who are interested in attending, but thought it would be nice for the Anaheim City Councilmembers to see the District supporting the community in this way.

The ISDOC Quarterly Luncheon will be held on July 25, 2024 featuring Karalee Darnell, the Senior Manager or Disneyland Government Relations. Trustee Rivers will be attending the meeting.

The CSDA Annual Conference is scheduled for September 9-12th in Indian Wells. Trustee Rivers will also be attending that conference.

GM Deutsch announced that CAPC will be holding its Annual Education Seminar & Area Meeting on October 11th and 12th in San Luis Obispo. Any Trustees who want to attend should let Board Secretary Mary Funk know so she can complete registrations and hotel reservations. GM Deutsch noted that the content is about 95% Trustee related, so he will not be sending any staff.

The Board adjourned to closed session at 11:57 a.m.

CLOSED SESSION

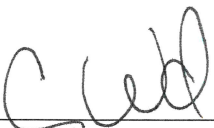
- A. Public Employee Performance Evaluation Pursuant to Government Code Section 54957.
Employee’s Title: General Manager
- B. Labor Negotiations – Unrepresented Employee
Pursuant to Government Code Section 54957.6(a)
Unrepresented Employee: Tim Deutsch, General Manager
District Designated Representative: Steven B. Quintanilla, General Legal Counsel

Trustee Hatch left the Board Meeting at 12:47 p.m.


The Board reconvened from Closed Session at 12:49 p.m. General Counsel Steven Quintanilla stated that there was no reportable action.

The next regular meeting will be held on **Tuesday, August 6, 2024**, at 10:00 a.m., at the Orange County Cemetery District, 25751 Trabuco Rd., Lake Forest, CA 92630.

There being no further business, the meeting was adjourned at 12:50 p.m.




 Chair



 Secretary



 Chair



 Secretary