

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



## **WOODLAKE PUBLIC CEMETERY DISTRICT**

### **BACKGROUND:**

The Woodlake Public Cemetery District (WPCD) was founded in 1928. According to the 2010 census, the population within the sphere of influence of the cemetery was 9,333. The WPCD was formed under the provisions of the California Health and Safety Code sections 8890-9925 to provide and maintain cemetery facilities for district residents. The WPCD is a special district that is governed by a Board of Trustees consisting of three members. The WPCD has one manager and a part-time employee. There are thirteen Public Cemetery Districts within Tulare County. Cemetery maintenance standards regulations are specified within Title 16 of California Code of Regulations Division 23, Cemetery and Funeral Bureau. Each cemetery district is governed by a board of trustees of either three or five members as specified in the petition for formation of the district. In Tulare County, all Public Cemetery District board members are appointed by the Board of Supervisors. In the event of a non-functioning district board, the Board of Supervisors has the authority to assume the responsibility of the district board.

### **REASON FOR INVESTIGATION:**

The Tulare County Grand Jury (TCGJ) received a complaint alleging poor conditions and maintenance of the cemetery and violations of the Brown Act.

### **METHOD OF INVESTIGATION:**

- Attended board meetings
- Interviewed witnesses
- Inspected the site
- Reviewed documentation

### **FACTS:**

1. The board of trustees shall meet at least once every three months. (California Health and Safety Code).
2. Notices and agendas for regular meetings are required to be posted.
3. On or before August 30th of each year, the board of trustees shall adopt a final budget for their district and forward a copy to the county auditor.



4. The board of trustees shall adopt a schedule of fees for interments in cemeteries owned by the district and for other necessary convenient services.
5. The county treasurer acts as the district's treasurer.
6. A district that has total annual revenues greater than \$500,000 may withdraw excess funds from the control of the county treasurer.
7. Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration.
8. The Americans with Disabilities Act (ADA) became law in 1990.

## **FINDINGS:**

- F1. Many headstones are in need of repair and maintenance. Some headstones have fallen into holes and others are partially sunk into the ground. Some markers are covered with dirt and are not visible.
- F2. Site visits revealed poorly maintained grounds, dry grass, unlevelled areas, sink holes, vermin tunnels and an abundance of weeds.
- F3. Some of the board minutes reflect complaints made by individuals regarding the poor condition of the cemetery.
- F4. The board meeting notices posted December 12, 2016, December 20, 2016 and January 17, 2017, at the district office, did not meet the requirements of the Brown Act as no agendas were included.
- F5. Public documents are not being provided upon request.
- F6. The cemetery district does not have a computer and/or internet service. The public is notified of board meetings by word of mouth and posting at the district's office.
- F7. Since there were no board meeting agendas for the public to review prior to and/or during the board of trustees meetings, it is impossible for the public to know what matters are to be discussed and/or acted upon by the board during open and closed session.
- F8. There is no record within any of the board minutes that makes reference to adopting a final budget on or before August 30, 2016.
- F9. The minutes of September 12, 2016, state under the caption, "New Business: It was moved and seconded to raise the price of the burials accordingly, voted, passed." There was no indication of the dollar amount of the raise, the current price of a burial, and/or any reason(s) justifying the increase.

- F10. The WPCD has a bank account outside of the county treasurer, but its revenues are less than \$500,000.
- F11. On April 13, 2015, the board approved to transfer an amount that exceeded accumulated earnings on those principal funds. Upon completion of the audit for that year, management was aware of the uncompliant excess withdrawal and understood the need to transfer it back to the separate account. As of June 30, 2016, there still remains excess funds that must be transferred back to the county treasury.
- F12. At the entrance of the handicap ramp there is a large mat that obstructs the passage of walkers and wheelchairs which is not in compliance with ADA.

**RECOMMENDATIONS:**

- R1. Provide Brown Act training to Woodlake Public Cemetery District Board of Trustees and the General Manager.
- R2. Follow the provisions of the Brown Act.
- R3. Follow the provisions of the California Health and Safety Code Sections 8890-9925.
- R4. Follow the California Code of Regulations Title 16 and Professional and Vocational Regulations Division 23, Cemetery and Funeral Bureau.
- R5. Comply with ADA requirements.

**REQUIRED RESPONSES:**

- 1. Woodlake Public Cemetery District Board of Trustees (F 1-12 and R1-5)

**Disclaimer**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



*THIS  
PAGE  
INTENTIONALLY  
LEFT  
BLANK*

## **Synopsis of Complaints Closed With No Report Written**

### **Complaint 16/17 # 1**

The Tulare County Grand Jury received a complaint on July 5, 2016, from an inmate housed in the Tulare County Jail concerning his medical diet. The Grand Jury conducted interviews and reviewed documentation and it was determined that no action was warranted. The Grand Jury closed the complaint on August 16, 2016.

### **Complaint 16/17 #2**

The Tulare County Grand Jury received an anonymous complaint on July 7, 2016, alleging several teachers in a county school district were placed on the incorrect salary schedule. After conducting interviews and a thorough review of all documentation, it was discovered the issue had already been resolved. The complaint was closed on September 7, 2016.

### **Complaint 16/17 #3**

The Tulare County Grand Jury received a complaint on July 5, 2016, from a private citizen. The complainant alleged that a non-profit business was being illegally operated. The Tulare County Grand Jury interviewed the complainant and determined it had no jurisdiction in this matter. The complaint was closed on August 12, 2016.

### **Complaint 16/17 #4**

The Tulare County Grand Jury received a complaint from a private citizen on July 11, 2016, alleging widespread corruption within a county law enforcement agency. The committee reviewed all documentation and interviewed witnesses. The allegations could not be substantiated and the complaint was closed on October 24, 2016.

### **Complaint 16/17 #7**

The Tulare County Grand Jury received a complaint from an inmate housed in the Tulare County Jail on July 12, 2016, alleging poor work ethics by a County Prosecutor. The Grand Jury reviewed the complaint and determined the subject matter was not within their jurisdiction. This complaint was closed on September 23, 2016.

### **Complaint 16/17 # 8**

The Tulare County Grand Jury received a complaint from a private citizen on July 18, 2016, alleging they were being taken advantage of financially by a private entity. The Tulare County Grand Jury is prohibited from investigating the conduct of private entities or individuals; therefore, this complaint was closed on August 12, 2016.

**Complaint 16/17 #9**

The Tulare County Grand Jury received a complaint on July 20, 2016, from a private citizen complaining that deputies at the jail were rude to her. The Grand Jury interviewed the complainant and reviewed documentation. It was determined that no further action was warranted. The complaint was closed on September 23, 2016.

**Complaint 16/17 #10**

The Tulare County Grand Jury received a complaint on July 29, 2016, from an inmate housed in the Tulare County jail concerning meals served and missing or late mail. After conducting interviews, reviewing documentation and policies and procedures, it was determined no further action was warranted. The complaint was closed on November 4, 2016.

**Complaint 16/17 #12**

The Tulare County Grand Jury received a citizen's complaint on August 4, 2016, alleging a county agency was not following proper policy and procedures. The Grand Jury conducted interviews and reviewed documentation. The allegations could not be substantiated. The complaint was closed on October 14, 2016.

**Complaint 16/17 #13**

The Tulare County Grand Jury received a citizen's complaint on August 18, 2016. The complainant alleged that there were problems with the way the mail was being handled at the Tulare County Jail. The Grand Jury conducted interviews and reviewed documentation. The Grand Jury determined that no further action was warranted and closed the complaint on November 4, 2016.

**Complaint 16/17 #14**

The Tulare County Grand Jury received a complaint on September 9, 2016, from a private citizen regarding a multi-county health care district's reluctance or refusal to provide public records. Due to Tulare County's limited jurisdiction in this matter, this complaint was officially closed on October 7, 2016.

**Complaint 16/17 #15**

The Tulare County Grand Jury received a complaint on September 8, 2016, from an inmate alleging corruption within the county jail system. The Grand Jury conducted interviews, reviewed documentation, and determined no further action was warranted. The complaint was closed on November 4, 2016.

**Complaint 16/17 #16**

The Tulare County Grand Jury received a complaint from an inmate housed in the Tulare County Jail on September 8, 2016, alleging inappropriate behavior by staff. The Grand Jury interviewed the complainant and determined the complaint could not be substantiated. The complaint was closed October 28, 2016.

**Complaint 16/17 # 17**

The Tulare County Grand Jury received a citizen's complaint on September 12, 2016. The complaint alleged that a County agency gave preferential treatment to an employee. The Grand Jury reviewed documentation and determined that no action was warranted. The complaint was closed on October 28, 2016.

**Complaint 16/17 #18**

The Tulare County Grand Jury received a citizen's complaint on October 25, 2016, concerning city utility charges. The Grand Jury interviewed city staff, reviewed documentation and determined that no action was warranted. The complaint was closed on December 2, 2016.

**Complaint 16/17 #19**

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

**Complaint 16/17 #20**

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

**Complaint 16/17 #21**

The Tulare County Grand Jury received a complaint on September 30, 2016, from an inmate housed in the Tulare County Jail concerning medical treatment, medical diet and placement. The Grand Jury reviewed all documentation and determined the allegations could not be substantiated. The complaint was closed on December 9, 2016.

**Complaint 16/17 #22**

The Tulare County Grand Jury received a complaint on September 23, 2016, from an inmate housed in the Tulare County jail alleging improper housing. The Grand Jury reviewed the complaint and determined that all policies and procedures had been followed. The complaint was closed on October 19, 2016.

**Complaint 16/17 #24**

The Tulare County Grand Jury received a complaint on October 10, 2016, from an inmate housed in the Tulare County Jail complaining of poor legal representation. After reviewing documentation and conducting interviews it was determined the complaint was not within the jurisdiction of the Grand Jury. The complaint was closed on December 20, 2016.

**Complaint 16/17 #25**

The Tulare County Grand Jury received a complaint on October 14, 2016, from an inmate housed in the Tulare County Jail regarding security issues. The Grand Jury determined the complaint was not within their jurisdiction. The complaint was closed on November 4, 2016.

**Complaint 16/17 #26**

The Tulare County Grand Jury received a complaint on October 18, 2016, from an inmate housed in the Tulare County Jail. The complainant was allegedly denied the right to bond out. After interviewing the complainant and reviewing documentation, the Grand Jury determined that no action was warranted. The complaint was closed on December 23, 2016.

**Complaint 16/17#27**

The Tulare County Grand Jury received an anonymous complaint on October 28, 2016, regarding an individual who was running for a seat on a school board. The subject of the complaint is not within the jurisdiction of the Grand Jury, therefore the complaint was closed on December 9, 2016.

**Complaint 16/17 #28**

The Tulare County Grand Jury received a complaint from a private citizen on November 2, 2016, alleging that a warrant for his arrest was incorrectly issued by a local law enforcement agency. The Grand Jury interviewed the complainant and reviewed documentation. It was determined that no further action was required and the complaint was closed on December 23, 2016.

**Complaint 16/17 #29**

The Tulare County Grand Jury received a complaint on November 18, 2016, from an inmate housed in the Tulare County jail alleging his confidential medical rights had been violated. After reviewing documentation, the Grand Jury determined it was unable to substantiate the allegation. The complaint was closed on December 18, 2016.

**Complaint 16/17 #31**

The Tulare County Grand Jury received a complaint on November 21, 2016, from an inmate housed in the Tulare County Jail concerning sanitary conditions in the facility. The Grand Jury reviewed all documentation and inspected the facility. It was determined that the allegation could not be substantiated and the complaint was closed on December 20, 2016.

**Complaint 16/17 # 32**

The Tulare County Grand Jury received a citizen's complaint on November 18, 2016, alleging that a lien previously placed on a private business was still being listed on their credit report. The Grand Jury reviewed all documentation and determined the complaint was not within their jurisdiction and the complaint was closed on December 2, 2016.