



## **MINUTES OF THE REGULAR BOARD MEETING OF MARCH 22, 2022**

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE MADERA CEMETERY DISTRICT, HELD TUESDAY, FEBRUARY 22, 2022 AT 5:30 P.M. AT THE ARBOR VITAE CEMETERY LOCATED AT 1301 ROBERTS AVE., MADERA, CA 93637

**TRUSTEES PRESENT:**

DAVID NEMETH  
JIM HARPER  
LOIS BETTY  
CANDY TALLEY  
MAURICE CAPPELLUTI

**PUBLIC/EMPLOYEES PRESENT:**

BELVA BARE -DISTRICT MANAGER  
ARTHUR GARDNER – ASST. MANAGER  
TRACY ISAAK – OFFICE TECHNICIAN  
RONNIE RAMIREZ – OPERATIONS MANAGER  
DENNIS MEISNER – D&D AG SERVICES, LLC  
GARRY RIEZBOS – ADAIR & EVANS

**CALL TO ORDER:**

Chairperson David Nemeth called the meeting to order at 5:30 p.m.

**ROLL CALL OF BOARD:**

Chairperson David Nemeth took roll of the Board. David Nemeth, Jim Harper, Lois Betty, and Maurice Cappelluti were present. Candy Talley arrived a few minutes late.

**PLEDGE TO THE FLAG:**

Tracy Isaak presented the flag.

**CHANGES TO THE AGENDA IF NECESSARY:**

None

**PUBLIC COMMENT ON ANY AGENDA ITEM:**

None

**CONSENT CALENDAR:**

Next meeting will be held April 26, 2022. Trustee Lois Betty pointed out that her name was misspelled several times in the minutes. Assistant Manager Arthur Gardner stated that the minutes needed to be amended to show that the board had agreed to hire him as district manager. A copy of the minutes was required by Bank of America to add him as a signee on the district's checking account. Chair David

Nemeth asked questions about Household and Structures and Improvements in the financial reports. Trustee Jim Harper moved to accept the consent calendar with corrections. Trustee Maurice Cappelluti motioned to second. All were in favor, except for Trustee Talley, who had not arrived yet.

**RECESS TO CLOSED SESSION:**

Chairperson David Nemeth asked for a closed session.

**RECONVENE TO OPEN SESSION - REPORT OF ANY ACTION TAKEN DURING**

No action taken

**DISCUSSION/REPORT IF NEEDED ON OPERATIONS OF M.C.D. CEMETERIES:**

Operations Manager Ronnie Ramirez reported the well at Calvary Cemetery is operational and that the water tank has also been replaced. The new tank is a bladder tank and cost around \$45,000 less than a large tank would have. The main pump at Arbor Vitae is down and Anderson Pump is working on replacing it.

**DISCUSSION/REPORT/APPROVAL OF 2020/2021 ADAIR & EVANS AUDIT:**

Auditor Garry Riezbos thanked Belva Bare and Tracy Isaak for their work in gathering information for the audit. Mr Riezbos presented a draft of the audit and reviewed it section by section with comments and explanations. He requested an inventory count of vaults and liners for the end of the year and asked for all cemeteries to keep track month by month. The board agreed to go over this at the planning meeting. Mr. Riezbos exited after completing his presentation.

**DISCUSSION/REPORT/APPROVAL OF LEASE AGREEMENT OF D&D AG SERVICES LLC:**

Dennis Meisner of D&D Ag Services explained how he is using the land he leases from MCD. He pulled 18 acres of grapes to plant a different variety. Despite the large portion of the leased property that will be unproductive until 2026, Mr. Meisner agreed to keep paying the same rent as before. Trustee Lois Betty moved to approve the lease agreement and Trustee Candy Talley seconded. Chair David Nemeth polled the board and all were in favor: David Nemeth, aye; Jim Harper, aye; Lois Betty, aye; Maurice Cappelluti, aye, Candy Talley, aye.

The lease agreement was signed by David Nemeth, Candy Talley, and Dennis Meisner and was to be sent to Madera County's legal counsel for review and signature. Mr. Meisner left after the discussion was completed.

**DISCUSSION/REPORT ON NEW DISTRICT OFFICE:**

Arthur Gardner said the project is progressing slowly. District Manager Belva Bare said she had contacted someone in the city Planning Department, but that there had been no follow-up from them. She said Larry Moore from Berry Construction had suggested arranging a meeting with Planning.

Mr. Gardner voiced his opinion on purchasing the plot adjacent to Arbor Vitae Cemetery, building the office there, and paying the \$200 each month for common area maintenance. In 40-50 years, the building could be sold and a new office constructed at Calvary Cemetery. This would avoid burning the 250 grave spots that would be lost if the building were constructed on cemetery property.

Trustee Jim Harper asked if the property owner would negotiate the price. Belva Bare said she would see if they would donate the land to MCD.

**DISCUSSION/REPORT ON ARBOR VITAE MAUSOLEUMS:**

Arthur Gardner said there was nothing new to report.

**DISCUSSION/REPORT FOR ANNUAL PLANNING MEETING:**

Assistant Manager Arthur Gardner reminded the board of the April 5, 2022 planning meeting from 9 a.m. to noon.

Board Chair David Nemeth said the April meeting will be the short meeting and that later in the year another meeting will be held over two days. The first day will be for the trustees only and management would attend the second day.

**DISCUSSION/REPORT ON LEASE OF CEMETERY PROPERTY FOR SOLAR FARMS:**

Assistant Manager Arthur Gardner reported that the company that had inquired about leasing land from MCD to build solar farms had determined that district lands were not suitable because of lack of access to adequate power lines.

**DISCUSSION/REPORT RE: LOCAL CORONAVIRUS FISCAL RECOVERY FUND:**

Assistant Manager Arthur Gardner said there was nothing new to report.

**DISCUSSION/REPORT ON I.T., INTERNET, AND SECURITY CAMERAS:**

Arthur Gardner said he is working with Comcast on the high-speed internet installation, which will allow the security cameras to function properly. He also reported that everyone in the district office currently shares the same email but he would like each person to have their own, unique address. The district manager would have access to all emails. Individual emails will necessitate a monthly charge for each user license.

**DISCUSSION/REPORT ON MARCH CAPC MEETING:**

Trustee Jim Harper was congratulated for receiving the Ruben Siemens/Wayne Byington Award at the March CAPC meeting. He expressed his surprise for being given the recognition. Arthur Gardner said a press release was submitted to the Madera Tribune.

There was a brief discussion on the Brown Act and on whether the board should continue to follow Robert's Rules of Order. Jim Harper talked about the session for managers and trustees and how helpful it was to have three attorneys there to address legal questions.

**DISCUSSION/REPORT/APPROVAL OF PROPERTY AT 80 N I STREET AS POTENTIAL URN HILL, NICHE, GROUND BURIAL OR OFFICE SPACE:**

This had been discussed previously in the discussion regarding the new District office.

**DISCUSSION/REPORT/APPROVAL OF DISTRICT COVID/MASK POLICY:**

Assistant Manager Arthur Gardner reviewed the Cal OSHA Guidance for Use of Face Masks Policy. He stated that masking is no longer mandated in offices, but that District policy still requires it. Gardner said he will write a policy stating that the district's policy will mirror Cal OSHA's and will be flexible to adapt to changing standards. The board will review the policy at the next regular board meeting.

**DISCUSSION/REPORT/APPROVAL OF AMENDED HEADSTONE POLICY:**

Assistant Manger Arthur Gardner presented proposed changes to the current headstone policy. After input from Trustee Lois Betty to clarify a point on symbols, the new policy reads, "*No profane, vulgar, offensive words or images will be permitted on any monument. Gang signs or gang symbols, or any imagery which could reasonably be construed as implying a gang affiliation, are not permitted.*" Trustee Jim Harper moved to approve, Trustee Candy Talley seconded. Chair David Nemeth polled the board and all were in favor: David Nemeth, aye; Jim Harper, aye; Lois Betty, aye; Maurice Cappelluti, aye, Candy Talley, aye.

**DISCUSSION/REPORT/APPROVAL OF "CHANGES TO THE AGENDA IF NECESSARY" APPEARING ON THE AGENDA:**

Trustee Lois Betty explained that at the March CAPC meeting, it was brought up that anything not listed on the agenda and posted 72 hours before the meeting cannot be added to the agenda unless it's an emergency and the board of trustees votes to add it. Arthur Gardner read Government Code Section 54954.2(b)(2). Lois Betty said this should be removed as a line item from the agenda.

**DISCUSSION/REPORT/APPROVAL OF POLICY REGARDING ITEMS PLACED IN GRAVESITE:**

Assistant Manger Arthur presented a proposed policy on Placing of Items in Gravesite, which reads: *Madera Cemetery District will allow only small and limited items to be placed inside the liner at a gravesite at the time of burial, i.e. flowers, rosary, pictures, trinkets, etc. Burials are designated for human remains only as per the Health and Safety Code.*

Board Chair David Nemeth moved for approval, Trustee Jim Harper seconded. Chair David Nemeth polled the board and all were in favor: David Nemeth, aye; Jim Harper, aye; Lois Betty, aye; Maurice Cappelluti, aye, Candy Talley, aye.

**DISCUSSION/REPORT/APPROVAL OF TEMPORARY INCREASE IN MILEAGE REIMBURSEMENT RATE:**

Assistant Manger Arthur Gardner stated the current safe harbor rate for mileage reimbursement is \$0.585 per mile and asked whether the board would like to temporarily raise it because of high fuel costs. Trustee Candy Talley suggested the district simply follow the IRS' suit. The board decided to leave the reimbursement as-is.

**DISCUSSION/REPORT/APPROVAL OF WESTLAKE PROPERTY CLEANUP:**

Assistant Manger Arthur Gardner stated the board had previously requested this item be included in the March agenda. District Manager Belva Bare said the property is a mess and a fire hazard and needs to be cleaned up. She said it is

difficult to find someone to do the work who has the proper liability insurance. Chairman David Nemeth said he was there a month ago and the work needs to be done now, and questioned how much it would cost. He said he would be happy to meet someone at the property who would provide a quote. Candy Talley moved for cleanup of the property, Jim Harper seconded and all were in favor.

**DISCUSSION/REPORT OF MOSQUITO & VECTOR REPORT:**

Nothing to report.

**DISCUSSION/REPORT ON CEMETERY SECURITY REPORT:**

The report from the security company was reviewed. Zak's reported two men drinking and security asked them to leave. Assistant Manager Arthur Gardner said he got a quote from Madera Private Security Patrol for \$2,000. No action was taken pursue a change.

**DISCUSSION/REPORT/DECISIONS ON INVESTMENTS FOR E.C. AND PRE-NEED AS PER SANDRA WHEELER/STIFEL INVESTMENTS IF NEEDED:**

Board Chair David Nemeth stated it was time to transfer \$200,000 from the Madera County endowment fund into the Stifel endowment fund. Trustee Maurice Cappelluti seconded and all were in favor.

**ADJOURNMENT:** 8:13 p.m.