



## **MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 24, 2023**

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE MADERA CEMETERY DISTRICT, HELD TUESDAY, JANUARY 24, 2023 AT 5:30 P.M. AT THE ARBOR VITAE CEMETERY LOCATED AT 1301 ROBERTS AVE., MADERA, CA 93637

### **TRUSTEES PRESENT:**

DAVID NEMETH  
CANDY TALLEY  
LOIS BETTY  
BELVA BARE

### **PUBLIC/EMPLOYEES PRESENT:**

ARTHUR GARDNER - DISTRICT MANAGER  
STEPHEN CLOETERS - H.R. GENERALIST  
TRACY ISAAK - OFFICE TECHNICIAN  
ALEX COSIO - GROUNDSKEEPER II  
RONNIE RAMIREZ - OPERATIONS MANAGER  
LARRY MOORE - BERRY CONSTRUCTION  
DENNIS MEISNER - D&D AG SERVICES  
KATHY BORIA, RODONNA BETTS, SANDY KONKOL,  
CELESTE VOYLES - MEMBERS OF THE PUBLIC

### **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. Trustees David Nemeth, Lois Betty, Candy Talley, and Belva Bare were present.

### **PLEDGE TO THE FLAG:**

HR Generalist Stephen Cloeters presented the flag. Afterward, all present observed a moment of silence to honor Trustee Maurice Cappelluti, who passed away December 30, 2022 and served 36 years on the MCD Board of Trustees.

### **PUBLIC COMMENT:**

Kathy Boria and Rodonna Betts spoke with the Board about a tree near their family plots they would like removed. Kathy asked that the Board have minds and hearts open to removing the tree. She stated the trees root system is aggressive and that it drops leaves for months, leaving stains on their headstones and causing the family to have to remove bags full of leaves. She said the tree continues to shed and it is disrespectful to their loved ones.

Board Chair David Nemeth stated that the Board had looked into this tree two years ago and asked if the environment was different now. Ms. Boria said the roots had been cut back but that they grow back and will continually need to be cut back. She handed Mr. Nemeth a binder with photos of the tree and grounds for the Board to look at. Trustee Belva Bare asked Operations Manager Ronnie Ramirez if the tree's roots had been shaved back when the family previously came forward with their concerns. Mr. Ramirez confirmed that that had been done a couple of years ago but that it wasn't necessary to do that again at this time.

Ms. Boria and Ms. Betts stated that their main concern was with the leaves and that they own 27 plots in the area underneath the tree. Chairman David Nemeth asked if they'd picked the area under a tree, to which Ms. Boria said yes, because their mother wanted to be buried underneath a tree.

Mr. Nemeth stated that the arborist the District had previously hired to look at the tree said the tree was healthy and did not need to come out. Ms. Betts said the tree gets worse every year and they don't want their children to have to deal with it. Mr. Nemeth and Trustee Belva Bare asked if anyone had any ideas for a solution. Operations Manager Ronnie Ramirez said that many families chose plots in the area specifically because they want to be under the tree.

Mr. Nemeth told Ms. Boria and Ms. Betts that the Board would take a look at the tree and the situation. Ms. Boria said that the tree is not as messy right now and asked that the Board keep an open heart as they consider the request. Mr. Nemeth thanked them for coming and said the Board will get back to them regarding the matter.

Celeste Voyles approached the Board and expressed her gratitude. Serving on the Board was a bright light for her father, Maurice Cappelluti, and he really enjoyed it. Ms. Voyles would like to continue her family's legacy and serve on the Board. She has completed her application to submit to the County. Trustee Belva Bare instructed District Manager Arthur Gardner that he would need to write a letter to the County Board of Supervisors supporting Ms. Voyles. Ms. Voyles then stayed for the duration of the meeting.

Two agenda items were moved up to earlier slots in the meeting for the convenience of non-District attendees.

**REPORT/DISCUSSION OF NEW DISTRICT OFFICE & ARBOR VITAE MAUSOLEUMS PROJECT:**

Larry Moore of Berry Construction gave the Board an update on the construction of the District office building. He distributed copies of the plan check from the City of Madera that showed the changes the Planning Department was requiring. He asked whether the District would use land phone lines or voice-over-internet-protocol phones. District Manager Arthur Gardner said VoIP and Mr. Moore told him Comcast would need to plan on installing their lines at the same time as construction is underway and trenches are open. Mr. Moore also said the city is requiring more insulation in the walls, which will result in thinner stucco, which means the exterior walls are more susceptible to dents.

A discussion on the Arbor View mausoleum followed, including whether the plan is to build indoor niches on the end of one of the structures, whether the current District office will be converted to a columbarium with glass niches, and Mr. Moore

stated his opinion that an area at Oakhill Cemetery needs to be set aside for niches. Mr. Moore left a contract to be signed for the construction of the District office.

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

Chairman David Nemeth asked Dennis Meisner for an update on ag and the land leased from the District. Mr. Meisner gave a brief report and said that he'd cleared three rows of grapes to make way for the District's solar project at Calvary. He said he would not ask for a decrease in the District's lease despite the fact that he's getting no income from the grapes this year because all the vines are new. Trustee Candy Talley so moved to accept the lease as written for one year. Trustee Lois Betty seconded. All were in favor: David Nemeth, aye; Candy Talley, aye; Lois Betty, aye; and Belva Bare, aye. The lease agreement is to be sent to County Counsel.

**CONSENT CALENDAR:**

Trustee Lois Betty moved to approve the consent calendar and Candy Talley seconded. All were in favor.

**RECESS TO CLOSED SESSION:**

Chairman David Nemeth asked for a closed session. Afterword he instructed that the record show that no action was taken.

**REPORT/DISCUSSION/APPROVAL OF BOARD CHAIR, VICE CHAIR, AND SECRETARY:**

Trustee Belva Bare motioned to approve Candy Talley as Board Chair, Lois Betty as Vice Chair, and Arthur Gardner as Secretary. All Board members were in favor: David Nemeth, aye; Candy Talley, aye; Lois Betty, aye; and Belva Bare, aye.

**LOYALTY AFFIRMATION:**

District Manager Arthur Gardner asked all members of the Board to rise, raise their right hand, and repeat after him the "Trustee Loyalty Affirmation". After the affirmation, all Board members signed and dated their individual forms.

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

Operations Manager Ronnie Ramirez reported the recent heavy rains and wind brought down a couple of trees at Oakhill Cemetery and that a culvert at Oakhill was plugged up with rocks and soil that washed into it. Board Chair Candy Talley asked whether something could be done to prevent this from happening again. Ronnie explained some solutions.

The Arbor Vitae well is operational but there are no guarantees that sand will not get in the pump again. Anderson Pump gave the District a 20% discount on labor because the previous pump did not last very long. The wrecked pump was not defective, it was sand in the water that wore it down. A rotary well would alleviate that problem but that type of pump is not possible.

**REPORT/DISCUSSION OF CALVARY SOLAR PROJECT:**

District Manager Arthur Gardner reported that proof of internet service is holding back the construction of the system. GreenDay Finance needs an internet contract or invoice to proceed. The solar contractor made some errors in plotting out the layout for the installation, but things have been straightened out.

**REPORT/DISCUSSION OF CEMETERY MAPPING SOFTWARE PROJECT:**

District Manager Arthur Gardner said things are moving along. PlotBox is sending out drones in a few weeks to take overhead pictures of the cemeteries. Mere Secure, the District’s IT vendor, is working with PlotBox on the data migration.

**REPORT/DISCUSSION OF AGING REPORT:**

This item was tabled.

**REPORT/DISCUSSION OF OAKHILL MASTER PLAN:**

District Manager Arthur Gardner had contacted Trevor Sterns from QK, a civil engineering firm. Trevor will get back to Arthur to set up a meeting.

**REPORT/DISCUSSION/APPROVAL OF ADJUSTMENTS TO 2023 BUDGET:**

District Manager Arthur Gardner reported that the Safety budget had been increased by \$3,000, per the Board’s authorization from December. MCD is hosting a Safety Meeting with Golden State Risk Management Authority in February. Operations Manager Ronnie Ramirez said 64 people had signed up to attend but that the count should end up in the 80’s.

**REPORT/DISCUSSION ON BURIAL COUNT FOR 2022:**

The percentage of cremation burials continues to slowly expand. Burials for 2022 were down compared to 2021. Trustee Belva Bare pointed out that 2021 was an unusual year and that 2022 compares favorably with 2020.

**REPORT/DISCUSSION ON CAPC CONFERENCE, MARCH 23-25:**

Trustees Candy Talley, Lois Betty, and David Nemeth will be attending.

**REPORT/DISCUSSION ON TRUSTEE UNIFORMS:**

DM Arthur Gardner reported the uniforms have been ordered. The MCD logo on the women’s sweaters had to be altered because there wasn’t room for the entire logo. The uniforms will be done in time for the CAPC meeting.

**REPORT/DISCUSSION ON CSDA 6-MONTH FREE MEMBERSHIP:**

The District has signed up for a free 6-month membership. Trustee Belva Bare said they offer some good training and suggested DM Arthur Gardner look into training for secretaries.

**REPORT/DISCUSSION ON PROFESSIONAL EQUIPMENT TRAINING FOR  
GROUNDS STAFF:**

DM Arthur Gardner reported he'd looked into certified backhoe training programs. There are no local programs, they are expensive and could potentially incentivize employees to leave for higher paying jobs. He did not recommend pursuing this idea.

**REPORT/DISCUSSION ON CONVERSATION WITH REALTOR RE: MADERA  
RANCHOS PROPERTY:**

District Manager Arthur Gardner spoke with Paul Sobaje, a realtor in Madera Ranchos. Mr. Sobaje said a swap of property in the Ranchos for the District's Westlake property is not likely. He said now is a good time to buy land because water limitations mean that farmers cannot use their land. A brief discussion ensued about low-water-use burials, including granite pillars and benches for cremains. This could be done at Oakhill.

**REPORT/DISCUSSION/APPROVAL OF REAPPOINTMENT OF TRUSTEE LOIS  
BETTY:**

Trustee Belva Bare motioned to reappoint Trustee Lois Betty, which was seconded by Trustee David Nemeth. All were in favor: Belva Bare, aye; David Nemeth, aye; Candy Talley, aye, and Lois Betty, aye. DM Arthur Gardner addressed the County's roster of trustees and their appointment dates and asked whether he should address some questions on appointment dates. The Board agreed to leave the County's roster as is.

**REPORT/DISCUSSION/APPROVAL OF APPOINTMENT OF CANDIDATE TO FILL  
MAURICE CAPPELLUTI'S SEAT:**

Trustee David Nemeth made a motion to send a letter to the County Board of Supervisors in support of Celeste Voyle's trustee application. Trustee Lois Betty seconded and all were in favor: David Nemeth, aye; Candy Talley, aye; Lois Betty, aye; and Belva Bare, aye.

**REPORT/DISCUSSION/APPROVAL OF INCREASING TRUSTEE  
COMPENSATION:**

District Manager Arthur Gardner said that according to the Health & Safety Code, trustees cannot be compensated for miles driven to a regular board meeting.

Mr. Gardner read selected parts of the California Water Code pertaining to increasing trustee compensation. Compensation can be increased by 5% for every year since the last increase in trustee pay. Trustee Belva Bare asked when the last time was that trustee pay was increased. Trustee David Nemeth asked that information on the date of the most recent pay increase be made available for the next board meeting. Trustee Belva Bare suggested looking in the 'minute resolution cards' stored in the vault.

**REPORT/DISCUSSION/APPROVAL ON INCREASING MILEAGE REIMBURSEMENT TO MATCH 2023 IRS STANDARD MILEAGE RATE:**

District Manager Arthur Gardner stated that the 2023 IRS reimbursement rate is \$0.655 per mile. Trustee Belva Bare motioned to adopt the federal guidelines for higher mileage reimbursement. Trustee David Nemeth seconded and all were in favor. DM Arthur Gardner asked whether he should prepare a new policy for the next meeting that would tie mileage reimbursement to the IRS rate, so the District's reimbursement rate would move automatically and not require Board approval each time the IRS rate changes. The Board answered 'yes'.

**REPORT/DISCUSSION ON PROPERTY ADJACENT TO ARBOR VITAE CEMETERY, 780 N 'I' ST:**

Trustee Belva Bare said the District really ought to look into the property. It could make a beautiful niche and burial area. Trustee Candy Talley suggested making an offer for a certain dollar amount on the property. Trustee David Nemeth suggested offering a lesser amount. Ms. Talley gave DM Arthur Gardner the phone number to the realtor representing the seller and instructed him to make the offer and report back to the Board in the next meeting.

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

District Manager Arthur Gardner pointed out there wasn't much on the security report other than that a dog was tied up.

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

Trustee David Nemeth said he and Sandra Wheeler spoke. The District had \$225,000 available for investment from the Endowment Care account and \$120,000 in the Pre-Need account. He further reported where the funds had been invested. Yield rates were 4.5% and 4.67% respectively.

**ADJOURNMENT:** 8:10 p.m.