

September 11, 2023

VIA MAIL AND EMAIL (grandjury@yolocounty.org)

To: The Honorable Daniel M. Wolk
Superior Court of California, County of Yolo
1000 Main Street
Woodland, CA 95695

To: Yolo County Grand Jury
P.O. Box 2142
Woodland, CA 95776

Re: 2022-2023 Yolo County Grand Jury Report: Yolo County Cemeteries “With Great
Autonomy Comes Great Responsibility”

Dear Judge Wolk and the Yolo County Grand Jury:

This letter responds to the findings and recommendations in the 2022-2023 Yolo County Grand Jury Report concerning Yolo County Cemeteries. This response is provided by the Board of Trustees of the Cottonwood Cemetery District (“District”).

FINDINGS

F-2. The Cottonwood Cemetery District lacks guidelines or maintenance standards for the cemetery grounds, which may contribute to the observed unkempt appearance with grass, shrubs and trees obscuring flat markers of individual graves, headstones and monuments.

Response: The District disagrees wholly with finding F-2. The District is proud of its Cemetery and receives many complements from people who stop by to see the cemetery who have described it as “beautiful” to the Trustees and have received many inquiries from people who are interested in buying plots in the Cemetery but are disappointed to learn that they are not eligible if they live outside of the District and don’t satisfy any other eligibility criteria. The cemetery is not “unkempt;” it is regularly maintained with regular visits from the District’s Trustees. Indeed, the Board’s Chair, John Regelbrugge, visits the Cemetery almost daily to visit his many family members who are buried at the Cemetery and makes sure he notifies the groundskeeper if sees any issues or items that need attention. The pictures included in the Grand Jury’s report appear to have been taken after recent rains and further appear to have been taken on a single day. With the unusually wet winter in 2022-23, regular maintenance was more difficult as mowing cannot occur too soon after it rains. For instance, in the photos included in the grand jury’s report, there are clumps of clover, which comes up after the rain. The groundskeeper as to wait to mow the clover until the grounds have dried out because mowing

wet clover will jam and potentially damage the mower. As a result, there may be periods where the beautiful trees, shrubs, and grass in the Cemetery are more overgrown, but groundskeeping takes place as weather conditions and the District's limited budget allows for one person to maintain the Cemetery's five acres. This may result in a more natural state than a manicured appearance. While this may not be the preferred look for the members of the Grand Jury, it does not mean the Cemetery is "unkempt" or poorly maintained.

To the extent more formal and frequent groundskeeping maintenance may be desired, the District's limited budget constrains the District's ability to provide a higher level of service than what is presently provided. The District has a total annual budget of approximately \$30,000 for FY 23-24 and just one employee to take care of the Cemetery's five acres. In addition, thefts and additional security measures the District has had to invest in to address such threats have further reduced the District's available funds for additional maintenance staff or hours.

F-3. The Cottonwood Cemetery District lacks a formal process for evaluating the work completed by the groundskeeper or for tracking the employee's work hours or schedule, which may contribute to the observed unkempt appearance as well as concerns about whether and when work is performed.

Response: The District disagrees wholly with finding F-3. Again, the District disagrees that the Cemetery is "unkempt." Beauty is in the eye of the beholder and visitors often stop to and comment on the beauty of the Cemetery. The Cemetery is part of a small community and the Trustees have family, beloved spouses, parents, and children and other friends and family buried at the Cemetery. The Trustees visit the Cemetery regularly to ensure it is adequately maintained and a beautiful in the eyes of the community. The Grand Jury's description of the Cemetery as having an "unkempt appearance" is subjective and not well defined, nor does it account for the subjective opinions of those who live in the community and have family at the Cemetery. The Board Chairs also has regular contact (almost daily via telephone as well as regular in person meetings) with the groundskeeper regarding the maintenance. With the small size of the District, the District has not found that developing more formal maintenance standards or work schedules is necessary given its limited resources. Until the complaint that apparently resulted in the Grand Jury's report, the District was not aware of any concerns in the community regarding the condition of the Cemetery.

F-4. A close familial relationship exists between a current trustee serving on the Board of the Cottonwood Cemetery District and the groundskeeper as the sole employee of the District. This raises questions of nepotism and the specter of a conflict of interest.

Response: The District disagrees wholly with finding F-4. The District does not dispute that its groundskeeper is the non-dependent, adult son of one of the Trustees, but the District

wholly disagrees that this familial relationship was the reason the groundskeeper was hired, nor does it result in a conflict of interest under the law. As previously noted in response to F.2, the District has a very limited budget to hire a groundskeeper and had no one interested in the position the last time there was a vacancy, which is not unexpected in a small, rural community with such a limited budget. The current groundskeeper, also a resident of the community, volunteered his time while the District looked for a new groundskeeper and accepted the position when the Chair's efforts to find a new groundskeeper were unsuccessful. The groundskeeper proved during that volunteer period that he has the necessary skills to perform the necessary maintenance duties and is also able to respond quickly to the Cemetery as a resident of the District. He was not selected because of nepotism but because he is qualified and willing to do the work with the limited funds the District can allocate towards maintenance. The Trustees have further ensured that any nepotism concerns are addressed by having the Chair, John Regelbrugge, who is unrelated to the groundskeeper, supervise the maintenance of the Cemetery.

Further, there is no conflict of interest simply because the groundskeeper is related to one of the appointed Trustees. The Political Reform Act does not prohibit the hiring of an adult child; only the financial interest of dependent children of public officials are pertinent in evaluating whether there is a legal conflict of interest. Nevertheless, the Trustee related to the groundskeeper has recused herself from any negotiations or Board action specifically related to the compensation of the groundskeeper.

F-6. The Cottonwood Cemetery District does not manage records of the location and ownership of burial sites and remains interred in a manner that can be maintained, reproduced or recovered easily.

Response: The District partially disputes finding F-6. The District maintains records as required by the Cemetery District Law, but acknowledges that it has not yet been able to expand the means of accessing the records as suggested in the Grand Jury Report. Due to limited staffing and resources, including limited financial resources, the District has not been able to create additional digital copies of its records, but has reached out to several copy services in the area though the Trustees have not yet found one able to reproduce the maps. However, the District will continue to investigate additional options as funding and resources allow (see response to R-8 below).

RECOMMENDATIONS

R-2. The Cottonwood Cemetery District should adopt cemetery maintenance standards by January 1, 2024, to ensure the property is appropriately and regularly maintained, including trimming and mowing grass, and pruning shrubs and trees around the cemetery.

Response: This recommendation will not be implemented at this time because it is not warranted and is not reasonable. The Cemetery is part of a small, rural community and our community, including the Trustees, regularly visit the Cemetery to ensure it is maintained to the standards of the community and with the extent of the District's budget. The District does not have the staff, resources, or budget to implement more formal standards, nor has the input the District received from the community and visitors indicated dissatisfaction with the condition of the Cemetery as further explained in response to F-2.

R-3. The Cottonwood Cemetery District should adopt written guidelines or expectations for individuals performing groundskeeper and maintenance services for the District by January 1, 2024, including accountability provisions to ensure the maintenance and upkeep of the cemetery grounds, guidelines and expectations are being followed.

Response: This recommendation will not be implemented at this time because it is not warranted and is not reasonable. As explained above, the District has a very limited budget to hire a groundskeeper, but the Chair of the Board of Trustees visits the Cemetery nearly every day in visiting the graves of family and works closely with groundskeeper to ensure the upkeep of the cemetery. With the small size of the District, the District has not found that developing more formal maintenance standards or work schedules is necessary given its limited resources. Until the complaint that apparently resulted in the Grand Jury's report, the District was not aware of any concerns in the community regarding the condition of the Cemetery and often receives complements from visitors.

R-4. The Cottonwood Cemetery District should adopt both a Conflict of Interest and a Nepotism Policy by January 1, 2024, to ensure that decisions made represent the interests of the public as a whole and not the interests of any Trustee.

Response: This recommendation will not be implemented at this time because it is not warranted and is not reasonable. Adoption of more restrictive conflict of interest and nepotism policies in such a small, rural community with an annual budget of just \$30,000 for FY 23-24 is not practical or necessary. The conflict-of-interest laws, such as the Political Reform Act, already govern when there is an impermissible conflict or a financial conflict of interest that may require disqualification of a Trustee on a particular decision. As such, to the extent the Grand Jury is recommending that the District adopt further or more restrictive policies besides what the conflict of interest laws already require, such additional policies are not warranted or necessary. The exemptions the District has filed and that have been approved by the County, which were referenced in the Grand Jury's report, only apply to the requirement to adopt a conflict of interest code to positions beyond those identified in the Political Reform Act, but the District will re-evaluate with the County as part of the biennial code review process whether future exemptions continue to be warranted.

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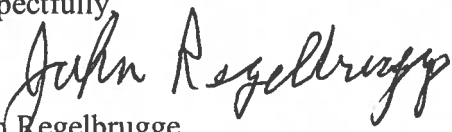
R-5. The Cottonwood Cemetery District should establish a website by January 1, 2024.

Response: This recommendation will not be implemented at this time because it is not warranted and is not reasonable. The District has previously evaluated establishing a website, but determined that it is a hardship with the District's limited budget and resources to keep such a website up to date. However, the District recognizes the need to annually re-evaluate the feasibility of maintaining a website and will ensure it complies with SB 929. The District's Board of Trustees adopted a resolution at their September 11, 2023 board meeting in compliance with SB 929 and will also look into the availability of potential grants or scholarships that might reduce the District's hardship in trying to establish and maintain a website when it annually re-evaluates the hardship of establishing a website.

R-8. The Cottonwood Cemetery District should make available to the public the location and ownership of burial sites and remains interred, in reproducible form by April 1, 2024. This information could be displayed on a website.

Response: This recommendation requires further analysis. The District maintains records that the public may review, but limited staffing, resources, and budget constraints have made digitizing records difficult for the District to accomplish. As discussed in response to R-5, the hardships related to the District's limited staffing and resources, including limited financial resources, have precluded the District from establishing a website. But the District wants to ensure records are maintained and that additional copies are available to protect against loss or damage of records and to provide greater access to the records. The District will be working over the next year to identify options for making such records more readily reproducible and will re-evaluate the hardship of establishing a website on an annual basis, as noted in response to R-5.

Respectfully,


John Regelbrugge
Chair, Board of Trustees
Cottonwood Cemetery District