

ORANGE COUNTY CEMETERY DISTRICT  
Board of Trustees  
May 5, 2009

MINUTES

The monthly meeting of the Orange County Cemetery District Board of Trustees was called to order by Chairman Vivien Owen at 10:02 a.m., in the Board Room of the Orange County Cemetery District, 25751 Trabuco Rd., Lake Forest, CA 92630.

**PRESENT:** Vivien Owen, Chairman First District  
Maureen Rivers Second District  
William E. Nelson, Vice-Chairman Third District  
Frank C. Brix, Sr. Fourth District  
Leslie Keane Fifth District

**ABSENT:** None

**Staff:** Tim Deutsch, General Manager  
Dianna Torrence, Assistant to General Manager  
Kathleen Mauzey, Secretary

Also Attending: Attorney Barbara Raileanu, Woodruff, Spradlin & Smart  
Todd Priest & Melinda Andrade, Curt Pringle & Assoc.


**MOTION** of Trustee Rivers seconded by Trustee Nelson and unanimously carried, approved the meeting minutes of April 7, 2009 and April 21, 2009, without correction.

**MOTION** of Trustee Brix, seconded by Trustee Rivers and unanimously carried, approved the payment of May 2009, Check Registers (Claims) Nos. 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177 and 178.

The following interment and lot sales for March 2009 were reviewed:

			<u>2008-09</u>	<u>2007-08</u>
ANAHEIM	Interment	11 (6 Urn)	110 (28 Urn)	112 (27 Urn)
	Lot Sales	10	84	91
EL TORO	Interments	41 (10 Urn)	319 (119 Urn)	324 (92 Urn)
	Lot Sales	29	266	424
SANTA ANA	Interments	24 (7 Urn)	196 (28 Urn)	233 (33 Urn)
	Lot Sales	19	182	206
TOTAL	Interments	77 (23 Urn)	625 (175 Urn)	669 (152 Urn)
	Lot Sales	58	532	721

  
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The interest rate on invested funds for the month of March 2009:

- Orange Co. Treasurer Pooled Funds – 1.34%
- AGE/Wachovia – 4.85% (Endowment Principal)
- AGE/Wachovia – 4.79% (Endowment Income)
- UBS Financial Services – 4.89% (Endowment Principal)
- UBS Financial Services – 4.58% (Endowment Income)

The Board reviewed the Financial Report and Cash and Reserves Balance for March 31, 2009.

The Board reviewed the Capital Projects status report. GM Deutsch reported that at the new development site at Santa Ana, the District was able to utilize dirt from Santa Ana and El Toro Memorial Park for this new area, saving on disposal fees. Irrigation changes were made. The Anaheim arch restoration and mausoleum repairs have been completed. Enhancement of the area around the mausoleum is continuing with development of a new scatter garden. At El Toro, the Upper Los Alisos development project continues with the concrete banding for the walkway, granite installed on two sections of niches, wrought iron repaired and back wall cleaned and prepared for painting.

GM Deutsch and Trustee Keane attended the ISDOC meeting on April 30, 2009. Pat Bates, Supervisor of the 5th District, spoke about county and budget concerns. She addressed issues regarding the drought and water restrictions.

Memorial Day Programs will be held on Monday, May 25, 2009, at all three cemeteries:

- Anaheim Cemetery – 11:00 a.m.
- El Toro Memorial Park – 11:00 a.m.
- Santa Ana Cemetery – 10:00 a.m.

The last day in the office for Thomas Martin, Assistant to the General Manager, is Tuesday, May 5<sup>th</sup>, and Friday, May 8<sup>th</sup> is his last official day.

Attorney Barbara Raileanu was asked to provide a legal opinion regarding the Brown Act and to what extent Board members can ask questions for clarification regarding items not on the agenda. Attorney Raileanu informed the board that the Brown Act does permit a Board member to ask a question for clarification purposes, it does not say that the response can be provided. As there is no guidance from the court or Attorney General on this issue, a reasonable interpretation is that a brief question can be asked for clarification purposes only, and an answer may be provided if known at the time, but discussion of that item cannot take place. It would be defensible to provide a brief response, but in the absence of any clear guidance, the most conservative approach is to ask the question and allow the answer to any question posed, be provided once the item has been placed on the agenda for discussion.

At the Board's request, Todd Priest and Melinda Andrade from Curt Pringle and Associates, made a presentation to the Board regarding the status of the land acquisition and public affairs

  
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project. Information was provided on meetings with Orange Co. Supervisors, CEO, Planning Dept, City Managers and land owners regarding available parcels that could be used for a cemetery. Property was viewed in Brea, Orange Park Acres, and San Juan Capistrano. Meetings will be held with Rancho Santa Margarita, Huntington Beach, Fullerton and Brea. Public outreach has increased awareness of the purpose of the Cemetery District and county support for the need of a new public cemetery. A newsletter article was prepared for the District to be included in the upcoming Western Cities Magazine, a publication of the League of California Cities. The Board reviewed the article and Trustee Owen, as Chairman, will be quoted in the article. A Memorial Day television/print special is being prepared for KOCE-TV and the Orange County Business Journal.

Todd Priest and Melinda Andrade left the meeting at 11:15 a.m.

Trustee Keane requested that the Board consider adding an urgency item to the agenda, as a closed session discussion, regarding the continuing negotiation of the General Manager's contract. This information was brought to the attention of Trustee Keane after the agenda was posted on Thursday, April 30th, at 3:00 p.m. and the information became available to Trustee Keane on Friday morning regarding implementation of the agreement and the health insurance component. This request is pursuant to Government Code Section 54954.2(b)(2).

**MOTION** of Trustee Keane, seconded by Trustee Nelson, and unanimously carried, to place urgency item on agenda, pursuant to CGC §54954.2(b)(2), for discussion in closed session regarding the implementation of the General Manager's contract.

At the request of Trustee Keane at the last meeting, information was provided to the Board regarding health insurance costs for District employees.

The Board requested information on an analysis of the endowment fund. GM Deutsch contacted the independent auditor, Macias, Gini & O'Connell, and was advised they have staff available to perform this analysis. Trustee Keane suggested that a fiscal analyst might be able to provide a more in-depth analysis.

The Board reviewed the Quarterly Investment Report.

**MOTION** of Trustee Keane, seconded by Trustee Nelson and unanimously carried, accepted the District Quarterly Investment Report and Certification for March 31, 2009, pursuant to CGC §53646(b)(1).

The Investment Committee reported that government bonds were replaced at a higher rate.


The Budget Committee will meet in late May or early June.

The Personnel Committee had no report.

The Public Relations Committee has the draft of the Santa Ana Historical Walk for review.



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Regarding the urgency item placed on the agenda for closed session, the Board adjourned at 11:55 a.m., pursuant to California Government Code §54957.6(a) for the purpose of further labor negotiations regarding the General Manager's employment agreement, with designated labor negotiator Barbara Raileanu.

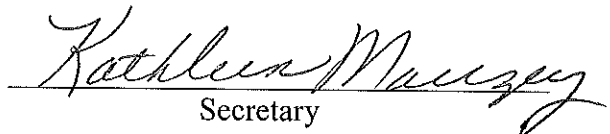
The meeting reconvened at 12:30 p.m., and Attorney Barbara Raileanu stated there was no reportable action.

Trustee Keane requested an agenda item for the June meeting asking legal counsel to request an opinion from the Attorney General on gift of public funds relating to the District's ability to provide gift baskets and sponsorships at conferences. She also requested an agenda item for discussion on review of the District's processes associated with the execution and administration of contracts that the District issues.

The next regular meeting will be held on **Tuesday, June 2, 2009**, at 10:00 a.m., at the Orange County Cemetery District.

There being no further business, the meeting was adjourned at 12:32 p.m.

  
Chairman

  
Secretary