

# Tulare Public Cemetery District

*This is an Endowment Care Interment*

## **REGULAR BOARD MEETING REVISED AGENDA**



Chairman- Stephen Presant (Steve)  
Vice Chairman- Carlos Ramos (Charlie)  
Secretary- Patricia Hitlin (Trish)  
Trustees- Xavier Avila & Michele Lima

**Tulare Public Cemetery – Conference Room**

**Thursday, January 23, 2025**

**900 E. Kern Avenue – Tulare, CA**

**5:30p.m. – Regular Board Meeting**

Public Information about Meetings:

Documents related to items on the agenda are accessible on District's website at [www.tularecemetery.net](http://www.tularecemetery.net) and available for viewing in a single binder at the entrance of the conference room.

Public Comments – Any member of the public wishing to address the Board shall first identify himself or herself and shall be limited to three(3) minutes (six (6) minutes if a language interpreter is used) unless extended by the chairperson. It is the Board's intent to accommodate all persons who wish to attend open public meetings.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. MOMENT OF SILENCE IN MEMORY OF THOSE WHO HAVE PASSED**
- 5. RECOGNITION OF VISITORS**
- 6. PUBLIC COMMENTS (three (3) minutes per person)**
- 7. TRUSTEE COMMENTS (three (3) minutes per person)**
- 8. OPEN SESSION - AUDIT REPORTS, ITEMS OF INTEREST & GENERAL BUSINESS:**  
*(All items are subject to discussion and possible action by the Board Members.)*
  - 8.1-** Election of Board Officers
  - 8.2-** Approval of minutes for Board Meeting on October 22, 2024 and Board Meeting on December 5, 2024 and Special Board Meeting for January 17, 2025.
  - 8.3-** Resolution 2024/2025- \_\_\_\_: A Resolution Of The Tulare Public Cemetery District Adopting Rosenberg's Rules Of Order As The Official Parliamentary Procedures For Board Meetings
  - 8.4-** Resolution 2024/2025- \_\_\_\_: A Resolution Of The Tulare Public Cemetery District Adopting A Code Of Conduct For Members Of The Board Of Trustees
  - 8.5-** District Manager's Contract

**8.6- Audit Meeting**

**8.6a- Review Audit Committee Report**

**8.6b- Audit minutes for November 26, 2024**

**8.7- November Financials**

**8.8- Calendar of 2025 Events**

**8.9- General Counsel Review of Statements of Economic Impact Form 700 Filing Requirements**

**8.10- Additional Office Position**

**8.11- Resolution 2024/2025-4 to Transfer \$50K from Fund 817 to Fund 772**

**8.12- Public Meeting to consider increase of fees for various burial services effective February 1, 2025**

**8.13- Discussion/possible Board action on maintenance responsibilities of cemetery headstone/cement foundations and potential for pre-poured rows with input from District Counsel**

**8.14- Proposed Out of District Policy**

**8.15- Hispanic Chamber of Commerce membership**

**8.16- Review/Change/Removal of Members on the Tulare Public Cemetery Standing and Ad-Hoc Committees**

**8.17- PUBLIC HEARING: Resolution 2024/2025-\_\_\_: A Resolution of Censure Adopted by the Board of Trustees of the Tulare Public Cemetery District Regarding the Conduct of Trustee Avila**

**9. DISTRICT MANAGER'S REPORT**

**10. FUTURE AGENDA ITEMS REQUEST**

**11. ADJOURNMENT**



# Tulare Public Cemetery District Regular Board Meeting Minutes Tuesday, October 22, 2024



A REGULAR BOARD MEETING WAS HELD ON TUESDAY, OCTOBER 22, 2024 AT 1:00 PM, IN THE CONFERENCE ROOM, LOCATED AT 900 EAST KERN AVENUE, TULARE, CA.

## **BOARD MEMBERS PRESENT:**

Chairman, Stephen Presant (Steve), Vice Chairman, Carlos Ramos (Charlie), Secretary, Patricia Hitlin (Trish) and Trustees Xavier Avila and Michele Lima

## **BOARD MEMBERS ABSENT:**

None

## **STAFF PRESENT:**

District Manager, Clara Bernardo

## **1. CALL TO ORDER:**

The Regular Board Meeting was called to order at 1:01 pm by Chairman Steve Presant

## **2. ROLL CALL:**

Steve Presant, Trish Hitlin, Charlie Ramos, Xavier Avila and Michele Lima

## **3. PLEDGE OF ALLEGIANCE:**

Vice Chairman, Charlie Ramos led the Pledge of Allegiance

## **4. MOMENT OF SILENCE IN MEMORY OF THOSE WHO HAVE PASSED**

## **5. RECONGNITION OF VISITORS:**

3 visitors

## **6. PUBLIC COMMENTS:**

3 public comments

## **7. TRUSTEE COMMENTS:**

5 Trustee comments

## **8. OPEN SESSION- AUDIT REPORTS, ITEMS OF INTEREST & GENERAL BUSINESS**

*(All items are subject for discussion and possible action by the Board.)*

### **8.1-Approve minutes of September 24, 2024 and October 3, 2024**

Charlie motions, Michele seconds to approve September 24, 2024. Vote 5/0 motion passes. Charlie motions, Michele seconds to approve October 3, 2034. Vote 5/0 motion passes.

### **8.2- Report on CAPC Annual Education Seminar and PlotBox training**

Charlie gave brief update on the seminar that Michele and himself attended. He spoke regarding the annual audit and the investment training they received. Overall it was a great training.

### **8.3- Audit Meeting:**

#### **8.3a- Review Audit Committee report:**

Steve announced the meeting was at 5:30 pm. He welcomed new committee member Michele Lima who replaced Xavier Avila. Carline Ringius resigned because the program was in the evening and he accepted the resignation. Linda Maloy was not reappointed.



# Tulare Public Cemetery District Regular Board Meeting Minutes Tuesday, October 22, 2024



## **8.3b- Audit minutes for September 18, 2024**

The audit committee reviewed and approved the minutes. There was a discussion on the June financials from Tulare County and Steve read a letter from Andy Hinojosa the CPA.

## **8.8- Approve updated Conflict of Interest Code:**

County Counsel added Committee members must require a form 700 in Exhibit A. Xavier motions, Charlie seconds to approve. Vote 5/0 motion passes

## **8.7- Approve CAL-Card Application:**

Steve suggest to add Clara and Michele as authorized signers on section D and F and Steve's name on section E. Xavier motions, Trish seconds to approve CAL-Card. Vote 5/0 motion passes

## **8.6- Approve Solar Lease Contract:**

Board discussed and reviewed contract. Xavier motion, Michele seconds to have a conditional approval on no negative by the Board members and prove of financials stability and the deletion of 12J. Vote 5/0 motion passes.

## **8.5- Security at North J Cemetery:**

Xavier motion, Michele second to have security weekends, holidays and special events. Vote 5/0 motion passed

## **8.4- Approve July 2024 Financials:**

Michele motion, Trish seconds to approve July 2024 Financials. Vote 4/0/1 Xavier abstain

## **8.9- District video recording of meeting:**

Steve announced the District has been having issues with livestreaming due to the Wi-Fi cutting off. So the meeting will only be recorded.

## **9.- DISTRICT MANGER'S REPORT:**

**9.a-** Clara announce there's a lot of new things coming to PlotBox, life insurance, paying online, mapping and ect.

**9.b-** The District will have to look into another account. Andy is resided he will get the financials up to September

**9.c-** The Auditor will be coming sometime in November

**9.d-** pipes underground have broken, those are being repaired.

## **12- FUTURE AGENDA ITEMS REQUEST:**

**12a- Adjusting the meeting time**

**12b- By-Laws changed for Board meeting time change**

**12c- Grounds are going into dormant**

## **13- ADJOURNMENT:**

Chairman Present adjourned the meeting at 4:33 pm.

Respectfully Submitted,

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Board Secretary



# Tulare Public Cemetery District Regular Board Meeting Minutes Thursday, December 5, 2024



A REGULAR BOARD MEETING WAS HELD ON THURSDAY, DECEMBER 5, 2024 AT 1:00 PM, IN THE CONFERENCE ROOM, LOCATED AT 900 EAST KERN AVENUE, TULARE, CA.

## **BOARD MEMBERS PRESENT:**

Chairman, Stephen Presant (Steve), Vice Chairman, Carlos Ramos (Charlie), Secretary, Patricia Hitlin (Trish) and Trustees Xavier Avila and Michele Lima

## **BOARD MEMBERS ABSENT:**

None

## **STAFF PRESENT:**

District Manager, Clara Bernardo and Legal Counsel Brian Hughes

## **1. CALL TO ORDER:**

The Regular Board Meeting was called to order at 1:03 pm by Chairman Steve Presant

## **2. ROLL CALL:**

Steve Presant, Trish Hitlin, Charlie Ramos, Xavier Avila and Michele Lima

## **3. PLEDGE OF ALLEGIANCE:**

Secretary Trish led the Pledge of Allegiance

## **4. MOMENT OF SILENCE IN MEMORY OF THOSE WHO HAVE PASSED**

## **5. RECONGNITION OF VISITORS:**

1 visitor

## **6. PUBLIC COMMENTS:**

1 public comment

## **7. TRUSTEE COMMENTS:**

4 Trustee comments

## **8. OPEN SESSION- AUDIT REPORTS, ITEMS OF INTEREST & GENERAL BUSINESS:**

*(All items are subject for discussion and possible action by the Board.)*

### **8.1-Approve minutes for Special board Meeting November 7, 2024, November 13, 2024, November 14, 2024 and November 15, 2024:**

Xavier motions Michele seconds to approve November 7<sup>th</sup> Special Meeting vote 5/0 motion passes. Michele motion Charlie seconds to approve November 13<sup>th</sup> Special Meeting vote 4/0 Xavier abstain motion passes. Trish motions Charlie seconds to approve November 13<sup>th</sup> Special Meeting vote 4/0 Xavier abstain vote passes. Xavier motions Charlie seconds to approve November 15<sup>th</sup> with corrections Vote 5/0 motion passes

### **8.2- Report on Golden State Risk Management Training:**

Steve and Clara talked about their conference training

### **8.3- Report on Barnes Memorial meeting:**

#### **8.3a- Revise to Location Kern- Grave Memorial Marker Rules & Regulations**

Charlie and Clara meet with Shelby, they talked about the backlog. They will update the handshake agreement with policy about grave repair.



**Tulare Public Cemetery District  
Regular Board Meeting Minutes  
Thursday, December 5, 2024**



**8.4-Audit Meeting:**

**8.4a- Review Audit Committee Report**

Steve reported on the Audit Committee meeting

**8.4b- Audit minutes for October 21, 2024**

**8.5- August, September and October financials:**

Charlie motion, Michele second to approve August financials. Vote 4/1 Xavier nay motion passes. Charlie motion, Michele second to approve September financials. Vote 4/1 Xavier nay motion passes. Charlie motion, Michele seconds to approve October financials. Vote 4/1 Xavier nay motion passes.

**8.6- Resolution to transfer 772 Fund to Bank of the Sierra and Appoint Board Treasure:**

Charlie motions Michele seconds to approve Resolution to transfer funds. Vote 4/1 Xavier nay motion passes Charlie motions and Steve seconds to nominate Michele as Treasure. Vote 4/0 Xavier abstain motion passes

**8.7- Proposed changes to Tulare Public Cemetery By-Laws Section C.1 Meeting Time:**

Xavier motion Michele seconds to change the meeting time to 5:30 pm. Vote 5/0 motion passes

**8.8- Approved update Agricultural Lease Agreement:**

Xavier motion Charlie seconds to approve Agricultural Lease Agreement Vote 5/0 motion passes

**8.9- Selection of Members on the Tulare Public Cemetery Standing and Ad- Hoc Committees:**

Steve created Evolution Summary + Negotiative Ad Hoc Committee

**9.- DISTRICT MANGER'S REPORT:**

**9a-** Grounds Supervisor Chris is leaving the cemetery as a full-time employee in mid-December

**9b-** There will be a meeting Monday Dec. 9<sup>th</sup> with Ad Hoc

**9c-** Equipment issues. Board will have a special meeting to discuss capital expenses

**9d-** Employees have been CPR certified

**9e-** Employees and Clara trained on shoring requirements for burials

**9f-** Kiwanis is donating hot chocolate for the Tree of Remembrance

**9g-** Christy Vaults will do a monetary donation to the Tree of Remembrance

**9h-** Clara asked for people wishing to volunteer for the Tree of Remembrance

**9i-** Clara will meet with the auditor this week

**10- FUTURE AGENDA ITEMS REQUEST:**

**10a-** Review security at the North

**10b-** Repair of headstones and planned of new concrete

**11- ADJOURNMENT:**

Chairman Presant adjourned the meeting at 3:27 pm.

Respectfully Submitted,

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Board Secretary



**Tulare Public Cemetery District  
Special Board Meeting Minutes  
Friday, January 17, 2025**



**A SPECIAL BOARD MEETING WAS HELD ON FRIDAY, JANUARY 17, 2025 AT 5:30 PM, IN THE CONFERENCE ROOM LOCATED AT 900 E. KERN AVENUE, TULARE, CA.**

**BOARD MEMBERS PRESENT:** Chairman Stephen Present (Steve), Vice Chairman Carlos Ramos (Charlie), Secretary Patricia Hitlin (Trish), Trustees Michele Lima and Xavier Avila

**BOARD MEMBERS ABSENT: None**

**STAFF PRESENT:** District Manager Clara Bernardo and Legal Counsel Brian Hughes

**1. CALL TO ORDER:**

The Special Board Meeting was called to order at 5:33pm by Chairman Stephen Present

**2. ROLL CALL:**

All Board Members present

**3. PUBLIC COMMENTS (three (3) minutes per person:**

None

**4. TRUSTEE COMMENTS (three (3) minutes per person:**

No Trustee comments

**5. PUBLIC ANNOUNCEMENT OF DISTRICT LABOR REPRESENTATIVE FOR THE PURPOSE OF EMPLOYMENT CONTRACT NEGOTIATIONS: PRESANT AND HITLIN**

Chairman adjourned to closed session at 5:34 pm

**6. CLOSED SESSION: District Manager Employment Labor Negotiations (Government Code Section 54957.6) for position of: District Manager (unrepresented).**

At 7:45 pm Board went to recess to remove Trustee Avila from meeting.  
Board went back to business at 8:10 pm.

Board returned to open session from closed session at 8:27 pm

**7. OPEN SESSION FROM CLOSED SESSION:**

**7.1- Announcement Out** (if any)

Board had nothing to report out

**ADJOURNMENT:**

Chairman, Stephen Present adjourned meeting at 8:28 pm

Respectfully Submitted,

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Board Secretary



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*





## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”


The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion**. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?  
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

### **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.





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4. **Closed Sessions**

Closed sessions may be held during a regular or special meeting. The general reason for a closed session must be made public as required by the Brown Act. Closed sessions not expressly authorized by the Brown Act are prohibited. Following a closed session, the Chairperson shall announce any action taken by the Board during such closed session to the extent such announcement is required by law.

5. **Quorum and Vote**

A majority of the Board (3 of 5) constitutes a quorum for the transaction of business and a majority of the total membership (3 of 5) is required to take action, regardless of whether there are any vacancies on the Board. The Board may take action by motion, resolution, or ordinance. (Health & Saf. Code, § 9030.)

6. **Meeting Procedures**

The Chairperson, when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every board meeting and shall immediately call the members to order and proceed with the business of the Board. The proceedings of the Board shall be conducted with the provisions of law applicable thereto and generally accepted rules of order and parliamentary procedure, except as otherwise expressly established from time to time by a majority of the Board. Except as they conflict with the Government Code, ~~Robert's Rules of Order (Newly Revised)~~ **Rosenberg's Rule of Order** shall govern all questions of procedures.

7. **Meeting Attendance**

Each member shall be in his or her respective seat at the hour set forth for each meeting and at the time set for any adjourned or special meeting. Any member not present when the Board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting commences, the Clerk shall note his or her arrival in the minutes.

8. **Agenda Organization**

The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the Chairperson of the Board. Generally, this shall be as follows:

- a) Call to Order
- b) Roll Call
- c) Public Comment
- d) Trustee Comments
- e) Approval of Board Minutes of previous meetings
- f) Future Agenda Items
- g) District Manager's Report
- h) Approval of Financial Report

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE TULARE PUBLIC CEMETERY DISTRICT ADOPTING ROSENBERG'S RULES OF ORDER AS THE OFFICIAL PARLIAMENTARY PROCEDURES FOR BOARD MEETINGS**

**WHEREAS**, it is the intent and desire of the Tulare Public Cemetery District (the "**District**") Board of Trustees (the "**Board**") to conduct District business in an orderly, fair, and efficient manner; and

**WHEREAS**, there are certain basic rights of due process and opportunity to address issues with equity, fairness, and equal protection of the law; and

**WHEREAS**, certain parliamentary procedures have been found to be useful to assure that the communication and process of government are fair, reasonable, and just; and

**WHEREAS**, the Board now desires to adopt parliamentary procedures for Board meetings and desires to adopt Rosenberg's Rules of Order as its parliamentary procedures.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT AS FOLLOWS:**

1. Adoption of Parliamentary Procedures The Recitals set forth above are incorporated herein and made an operative part of this Resolution. The Board does hereby adopt Rosenberg's Rules of Order as its parliamentary procedures for conducting meetings of the Board of Trustees and Board committee meetings.

2. Failure to Follow Rules Failure to follow or any violation of these Rules of Order shall not constitute grounds to invalidate any action of the District or be construed as a penal offense.

3. Current Version of Rosenberg's Rules of Order The current version of Rosenberg's Rules of Order is attached hereto as Exhibit "A" and incorporated herein by reference. The Board hereby adopts Rosenberg's Rules of Order as its parliamentary procedures as said document may be revised by its publisher from time to time. Any subsequent revisions and/or versions, which are published by the author and his publisher, shall be deemed to be the parliamentary procedures of the Board without the need for adoption of a subsequent Board resolution.

4. Controlling Effect All ordinances, resolutions, or minute orders, or parts thereof, that are inconsistent with any provision of this Resolution are hereby superseded only to the extent of such inconsistency.

5. Effective Date The Chairman of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

6. Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephen Presant, Board Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Hitlin, Board Secretary

\_\_\_\_\_  
Brian Hughes, District General Counsel

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE TULARE PUBLIC CEMETERY DISTRICT ADOPTING A CODE OF CONDUCT FOR MEMBERS OF THE BOARD OF TRUSTEES**

**WHEREAS**, it is the policy of the Tulare Public Cemetery District (the “**District**”) Board of Trustees (the “**Board**”) to: (a) promote the highest standards of behavior for District leaders; (b) maintain an environment that fosters the public’s trust and confidence in the District; and (c) ensures to its customers, residents, employees and those who conduct business with the District that the District is a public agency that emphasizes values in public service, leadership and decision-making; and

**WHEREAS**, the Board desires to adopt a Code of Conduct for its members in order to document the Board’s committed to ensuring that its members perform their duties with integrity and respect; and honorably represent District members, and the communities and public they serve; and

**WHEREAS**, the Board has determined that it is in the best interest of the District and its residents to adopt a Code of Conduct for the members of the Board of Trustees.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT AS FOLLOWS:**

1.     Incorporation of Recitals     The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

2.     Findings of the Board     The Board hereby finds the following:
- 2.1.   The Board desires to ensure that District Board members treat each other, District employees, residents and business-people with courtesy and respect in a manner that reflects well on the District; and
  - 2.2.   The District desires to describe the manner in which Board members should treat one another, District staff, constituents, and others they come into contact with while representing the District; and
  - 2.3.   The Code of Conduct consists of policies that reflect the minimum actions required by Board members to advance the goals, findings, and policies herein reflected.

3.     Adoption of Code     The District hereby adopts that certain Code of Conduct For Members Of The Board Of Trustees as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

4.     Status of Code     It is the intent of the District that the Code of Conduct be implemented in conjunction with, and pursuant to, any and all other District policies,

laws, and regulations which pertain to the rights and obligations of Trustees as members of the Board of Trustees and as appointed officials.

5. Effective Date The Chairman of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

6. Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephen Presant, Board Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Hitlin, Board Secretary

\_\_\_\_\_  
Brian Hughes, District General Counsel

# TULARE PUBLIC CEMETERY DISTRICT CODE OF CONDUCT FOR MEMBERS OF THE BOARD OF TRUSTEES

*Adopted pursuant to Resolution 2024/2025 - \_\_\_\_  
on this date: \_\_\_\_\_*

## **Introduction**

It is the policy of the Tulare Public Cemetery District (the “**District**”) Board of Trustees (the “**Board**”) to: (a) promote the highest standards of behavior for District leaders; (b) maintain an environment that fosters the public’s trust and confidence in the District; and (c) ensures to its customers, residents, employees and those who conduct business with the District that the District is a public agency that emphasizes values in public service, leadership and decision-making. The Board adopted this Code of Conduct for its members in order to document the Board’s committed to ensuring that its members perform their duties with integrity and respect; and honorably represent District members, and the communities and public they serve; and

## **ALL MEMBERS OF THE BOARD OF TRUSTEES AGREE TO BE BOUND BY THE RULES OF CONDUCT AND BEHAVIOR BELOW:**

### 1. GENERAL RULES OF DECORUM

- a. Meetings of the Tulare Cemetery District shall endeavor to follow the adopted Rosenberg’s Rules of Order for parliamentary procedures.
- b. Meetings of the Tulare Cemetery District shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Trustees is retained at all times.
- c. No Trustee at a District meeting shall engage in disorderly, boisterous conduct or other acts which disturb, disrupt or otherwise impede the orderly conduct of any District meeting.
- d. The Chair shall request that a Trustee who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the Chair, a Trustee persists in disturbing the meeting, the Chair shall order him or her, to leave the District meeting.
- e. If such Trustee does not remove himself or herself, the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor.

### 2. TRUSTEE CONDUCT

- a. The Tulare Public Cemetery Trustees agree to disagree.
- b. The Tulare Public Cemetery Trustees when desiring to speak shall address the Chair and confine their remarks to the questions under debate.
- c. The Tulare Public Cemetery Trustees will use respectful language, will not shout nor use aggressive or loud behavior when communicating ideas, beliefs or comments.
- d. The Tulare Public Cemetery Trustees will not allow personal attacks on staff, each other, or the public.

- e. The Tulare Public Cemetery Trustees will not condone issues brought before the Board that warrant public review without allowing the staff to review the situation and/or permission to add to the board agenda. Issues that warrant review, discussion and/or consideration of the legislative body shall be presented at an open and public meeting in a courteous and professional manner.
- f. The Tulare Public Cemetery Trustees will not condone grandstanding.
- g. The Tulare Public Cemetery Trustees will not belabor issues that have either been resolved or tabled to ensure continued productive discussions and decisions.
- h. The Tulare Public Cemetery Trustees will be proactive in addressing disagreements with fellow members or staff by directly addressing concerns with that member through meaningful and respectful dialogue.
- i. The Tulare Public Cemetery Trustees agree to abide by the decisions of the Chair and the motions of the Board and any other legally ordered or required action.

3. BOARD MEMBER COMMITMENTS

- a. We are committed to the highest ideals of honor, integrity and due diligence.
- b. We subscribe to the concepts of democratic, effective and efficient governance by responsible, knowledgeable members of the Board of Directors and Committees with the understanding that official decisions made and actions taken are always made in the best interest of the organization's membership.
- c. Accurate and timely communication is vital to our process. We will share information frequently, accurately, and succinctly.
- d. We recognize our obligation to comply with California State ethics requirements and shall file annual form 700 statements as required by the Fair Political Practices Commission. Failure to file any required form 700 is automatic grounds for censure by the Board of Trustees.
- e. We will complete all required training in a timely manner and supply the District with any necessary or useful evidence to show said completion.
- f. We recognize that we cannot participate in or attempt to influence a decision that could have a reasonably foreseeable impact on our personal or financial interests.
- g. We do not accept gifts, favors or promises of future benefits that might compromise our independent judgment or action, or create the appearance of being compromised.
- h. When participating in District activities, we will treat all individuals, issues, and organizations in a fair and respectful manner.
- i. We are sworn to act in accordance with all applicable laws of the United States and the State of California in the performance of our official duties. Not doing so may constitute serious misconduct.



- j. We treat each other with mutual respect and remain civil, even when in disagreement. We offer constructive criticism to others directly and in a positive manner that respects individual dignity. We welcome constructive feedback to ourselves as an opportunity for professional improvement.
- k. We abide by the processes and rules of order established by the District and this code of conduct.
- l. We accurately and honestly represent the official policies and positions of District, and make clear distinctions between such policy and our individual positions and opinions.
- m. We respect the collective authority of the Board, and shall not suggest anything is District policy unless previously approved by the Board.
- n. We are obligated to protect the confidential nature of information provided in Closed Session. We are committed to compliance with the Brown Act, Public Records Act and all other applicable laws.
- o. We shall consult with the Board Chair, the District Manager, or the District's General Counsel, as appropriate, when seeking advice on matters related to the District.
- p. We shall continually educate ourselves on any updates as related to this policy, District policies, District operations, Public Cemetery District Law, California special district law, or other relevant rule or regulation pertinent to the position of Trustee.

4. VIOLATIONS OF THIS CODE OF CONDUCT POLICY The Board may discipline or censure a member who commits a violation pursuant to this Code Of Conduct or violates other applicable laws of the District or jurisdictional body or acts in any way that is unbecoming of their position as a Trustee for the Tulare Public Cemetery District. By an affirmative vote of a majority of members of the Board in an open and public meeting, the violation may be addressed by the use of such remedies as are available by law to the District, including but not limited to: (1) adoption of a censure resolution against the Board member who has violated this policy, (2) injunctive relief, or (3) referral of the violation to the District Attorney and/or the Grand Jury.

**DISTRICT MANAGER**  
**EMPLOYMENT AGREEMENT**

This District Manager Employment Agreement (this “**Agreement**”) is between the Tulare Public Cemetery District (the “**District**”) and Clara Bernardo (the “**Employee**”). It is effective as of January 17, 2025.

This Agreement is entered into on the basis of the following facts, among others:

- A. The District is a Public Cemetery District organized under the laws of California, Health and Safety Code Section 9000;
- B. The District currently employs Employee as its District Manager;
- C. The District, through its Board of Trustees (the “**Board**”), desires to provide Employee with continued employment as a District Manager, and Employee desires to accept this appointment; and
- D. The District and Employee desire to establish specific terms and conditions relating to compensation and benefits, performance evaluations, and related matters.

BASED UPON THE FOREGOING RECITALS WHICH ARE TRUE AND CORRECT AND HEREBY INCORPORATED INTO THE TERMS OF THIS AGREEMENT, THE DISTRICT AND EMPLOYEE AGREE AS FOLLOWS:

- 1. **Employee Appointed.** The District appoints and employs Employee as District Manager, and Employee accepts the appointment and employment effective January 17, 2025.
- 2. **Duties of Employee.** Employee shall perform the duties established for the District Manager by applicable State and local law, the District Manager job description as it may be periodically amended, a current copy of which is attached hereto as **Exhibit “A”**, the directions of the Board, or as otherwise provided by law, ordinance, or regulation.
  - (a) **Full Energy and Skill.** Employee shall faithfully, diligently, and to the best of Employee's abilities, perform all duties that may be required under this Agreement. Employee agrees that Employee has a duty of loyalty and a general fiduciary duty to the District. Employee shall devote the whole of Employee's working time, skill, experience, knowledge, ability, labor, energy, attention, and best effort exclusively to the District's business and affairs.
  - (b) **No Conflict.** Employee shall not engage in any employment, activity, consulting service, or other enterprise, for compensation or otherwise, which is actually or potentially in conflict with, inimical to, or which interferes with the performance of Employee's duties.

- (c) Outside Activities. Employee shall not spend more than 8 hours per month in teaching, consulting, expert witness testimony, speaking, or other non-District connected business for which compensation is paid without express prior consent of the Board. Employee will take personal leave (i.e. PTO time) for all outside activities of this nature.
3. **Hours of Work.** Employee is an exempt employee but is expected to engage in those hours of work that are necessary to fulfill the obligations of the District Manager position. Employee is expected to be available at all times during the District's customary office hours. The expectation is that Employee maintain a regular presence in the District's office and attend appropriate functions and promote the services of the District.
4. **At Will.** This is an at-will position, subject to termination at any time by either party for any reason. This Agreement will continue until terminated by either party in accordance with Section 9.
5. **Performance Evaluation.** The Board will conduct regular periodic performance reviews of Employee's work performance. Employee's performance evaluation shall be conducted by the Board within sixty calendar days prior to the end of every fiscal year.
6. **Compensation.**
- (a) Salary. Employee shall receive the base annual salary of **NINETY THOUSAND DOLLARS and zero cents (\$90,000.00)**, which equates to a monthly salary of Six Thousand Two Hundred Fifty Dollars and zero cents per month (\$7,500.00/month), payable on a pro-rata basis in the same manner as all full time District employees, and subject to all applicable payroll taxes and withholdings and other District policies and procedures. The Employee is not entitled to overtime pay as the position is considered exempt.
- (b) Salary Adjustments. In connection with Employee's annual performance evaluations, the Board can decide, in its sole discretion, whether to award Employee increase in compensation. In addition, the Board has discretion to award Employee increases in compensation at other times deemed appropriate by the Board. Employee is not guaranteed any compensation increase, even with a positive evaluation or even if other District employees are provided an increase.
7. **Benefits.** Employee will be eligible for all regular health and welfare benefits provided by the District to its full-time staff as described in the District's employee handbook. The District may, in its sole discretion, increase any benefits offered to the Employee above and beyond those listed in the employee handbook but shall not offer less than what is listed or described in the employee handbook. Any benefits offered that differ to those benefits listed in the employee handbook shall be made part of the Agreement via an amendment approved by the Board at a regular or special session.
8. **Leave and Other Benefits.** In addition to the benefits specified in paragraph 7, Employee shall receive the following benefits.

- (a) Personal Time Off (PTO); Sick Leave; Holidays. Employee shall accrue PTO and sick leave in accordance with the District's employment policies on those leave benefits. Employee is eligible for four weeks PTO.
- (b) Other Benefits. Employee shall be reimbursed for all normal and reasonable work-related expenses (including for work-related travel outside of a normal commute) pursuant to existing District policy.

9. **Termination of Employment - At-Will Employment / No Property Interest.** Employee understands and agrees that Employee has no constitutionally-protected property or other interest in Employee's employment as District Manager. Employee understands and agrees that Employee works at the will and pleasure of the Board, and that Employee may be terminated, or asked to resign, at any time, with or without cause, by a simple majority vote of its members. Termination can occur in the following ways:

- (a) By Employee: Employee may voluntarily resign her position with the District at any time. The District requests that Employee voluntarily provide thirty (30) days' written notice, unless the parties otherwise agree. In such event, the District shall pay Employee for accrued PTO listed in 9.(b)(i) and, if approved by the Board at the time of the voluntary resignation, all severance benefits listed in 9.(b)(ii).
- (b) By the District – Without Cause: The District may terminate the Employee without cause at any time. It is understood and agreed that the Employee serves at the pleasure of the Board of Trustees and that their employment may be terminated at any time, with or without *notice*, and with or without *cause*, and that no reason need be given for such termination. The following amounts will be due and payable upon a termination without cause.
  - (i) Accrued Annual Leave: The District shall pay the Employee for accrued PTO, payable no later than the first regularly scheduled payday following the Employee's separation date.
  - (ii) Severance Benefits: In the event the Employee is terminated or the Employee resigns, regardless of whether or not the termination by the District is with or without cause, the District agrees to pay the Employee a lump sum cash payment in an amount equal to **FOUR (4) MONTHS PAY AND FOUR (4) MONTHS COBRA PREMIUMS**. The intent is that this Agreement is construed in compliance with Government Code §53260. The severance benefits listed herein are an absolute right not subject to any type of claw back by the District or other entity for any reason. The District hereby waives any rights, claims, or entitlements to retain any of the severance benefits upon termination of the Employee without cause, or upon approval of severance benefits by the Board after the Employee voluntarily resigns. Any paid severance benefits are only subject to standard salary deductibles, i.e. taxes, regularly withheld from the Employee's gross pay in their paycheck.

(c) **By the District – With Cause:** If the District terminates the Employee for cause, the District shall pay Employee for any accrued PTO listed in 9.(b)(i) or any severance benefits listed in 9.(b)(ii).

(i) **Cause Defined:** For purposes of this Agreement, “cause” includes any willful breach of duty by Employee in the course of her employment, gross mismanagement, habitual neglect of duties, bribery, perjury, embezzlement, fraud, or conviction of a felony or a crime involving moral turpitude. In the event the Board determines that “cause” exists, it must provide the Employee with written notice explaining the “cause.”

(ii) **Challenge to Cause:** In the event Employee disagrees with the Board’s determination of cause, Employee’s sole remedy shall be a judicial action in declaratory relief to determine whether there was substantial evidence of “cause.” If the court determines there was not substantial evidence, Employee shall receive reasonable attorney’s fees.

10. **Payment of Expenses of Employment.** The District shall pay the following usual and customary employment expenses.

- (a) The cost of any fidelity or other bonds required by law for the District.
- (b) The cost to defend and indemnify Employee in accordance with the California Government Claims Act (Government Code §810 *et seq.*).
- (c) Costs associated with necessary or convenient training, licenses, industry related memberships, advanced education, conferences, or other industry related programs, as approved by the Board, of the Employee and having the Employee attend cemetery district or related conferences including all travel related costs.

11. **Miscellaneous.**

- (a) **Notices.** Notices given under this Agreement shall be in writing and shall be:
  - (i) served personally; or
  - (ii) delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or
  - (iii) Sent by Federal Express, or some equivalent private overnight delivery service.

Notices shall be deemed received at the earlier of actual receipt or three (3) days following deposit in the United States mail, postage prepaid. Notices shall be directed to the addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this subsection.

To the District:

Tulare Public Cemetery District  
Attn: Board President  
900 East Kern Avenue  
Tulare, CA 93274  
(559) 686 - 5544

To EMPLOYEE:

Clara Bernardo  
Address last on file

- (b) Compliance with Government Code §§53243, 53243.1, & 53243.2. If Employee is convicted of a crime involving an abuse of Employee's office or position, all of the following shall apply:
- (i) if Employee is provided with administrative leave pay pending an investigation, Employee shall be required to fully reimburse the District for such amounts paid;
  - (ii) if the District pays for the criminal legal defense of Employee (which would be in its sole discretion, as it is not generally required to pay for a criminal defense), Employee shall be required to fully reimburse the District such amounts paid; and
  - (iii) if this Agreement is terminated, any cash settlement related to the termination that Employee may receive from the District shall be fully reimbursed to the District or void if not yet paid to Employee.

For this subsection, "abuse of office or position" means either (1) an abuse of public authority, including waste, fraud, and violation of the law under color of authority, or (2) a crime against public justice, including but not limited to a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

- (c) Entire Agreement/Amendment. This Agreement constitutes the entire understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations and understandings of the parties. This Agreement may be amended at any time by mutual agreement of the parties, but any such amendment must be in writing, dated, and signed by the parties and attached hereto.
- (d) Attorney's Fees. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party, as determined by the court, shall be entitled to recover from the other party all reasonable costs and attorney's fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

Nothing in this subsection shall be read to prevent the parties from agreeing to some alternative method of dispute resolution. If such a method is agreed to, any final determination shall include an award of attorney's fees and costs by the presiding officer.

- (e) Severability. In the event any portion of this Agreement is declared void, such portion shall be severed from this Agreement and the remaining provisions shall remain in effect, unless the result of such severance would be to substantially alter this Agreement or the obligations of the parties, in which case this Agreement shall be immediately terminated.
- (f) Waiver. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.
- (g) Representation by Counsel. The parties acknowledge and agree that they were, or had the opportunity to be, represented individually by legal counsel with respect to the matters that are the subject of this Agreement and that they are fully advised with respect to their respective rights and obligations resulting from signing this Agreement.
- (h) Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Employee and the District agree that venue for any dispute shall be in Tulare County, California.
- (i) Section Headings. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.
- (j) No Assignment. Employee may not assign this Agreement in whole or in part.

**[SIGNATURES ON THE FOLLOWING PAGE]**

**SIGNATURE PAGE TO DISTRICT MANAGER EMPLOYMENT AGREEMENT**

Dated: January 17, 2025

Tulare Public Cemetery District

*Stephen Presant*

---

Stephen Presant, Board Chairman

Dated: \_\_\_\_\_

EMPLOYEE

---

Clara Bernardo



## Exhibit "A"

### Description of Job Duties

The District Manager position is the operations manager of the Tulare Public Cemetery District. This individual is in charge of managing the office, cemetery grounds and activities of the cemetery. The District Manager may also coordinate workflow, oversee and manage a harmonious interaction between cemetery personnel and is the representative of the District towards the public. The District Manager is under the direct supervision of the Board of Trustees and is responsible for the implementation of, and adherence to Board policies, rules, regulations and laws that govern public cemeteries. The District Manager oversees and either completes herself or via delegation all of the following essential functions.

### ESSENTIAL FUNCTIONS

- Plans, schedules, directs and supervises the personnel, grounds and office functions at a cemetery.
- Formulates, develops and implements short-range and long-range plans to improve the efficiency and effectiveness of cemetery operations.
- Be responsible for the overall program of maintenance, security and beautification of the district cemetery grounds and facilities.
- Selects, hires, fires, disciplines or dismisses, trains, supervises, and evaluates the performance of all staff, consultants, and contractors, except for the general counsel or other legal services provider.
- Prepares annual District budget, prepares Board meeting agenda packets, records Board meeting minutes, makes recommendations to trustees involving
- District policy and procedures, and investigates complaints and inquiries concerning the District.
- Assures compliance with legal and safety requirements, departmental policies related to cemetery operations.
- Initiates requests and recommendations concerning the purchase, repair or replacement of office and grounds equipment.
- Demonstrated customer service with sensitivity and empathy to the cemetery patrons caused by the loss of a loved one.
- Provides specialized information to personnel, patrons and others regarding cemetery rules, regulations and procedures.

Tulare Public Cemetery District  
Audit Committee Meeting Minutes  
November 26, 2024

CALL TO ORDER:

The Tulare Public Cemetery Audit Committee meeting on November 26, 2024 was called to order at 5:35 pm at 900 E Kern Ave, Tulare, California by Committee Chair Steve Presant and Committee Member Michele Lima. District Manager Clara Bernardo was in attendance.

RECOGNITION OF VISITORS: There were no visitors

PUBLIC COMMENT: There were no comments

OPEN SESSION:

5.1 – Lima moved and Presant seconded approval of the minutes of October 21, 2024. Vote (2-0)

5.2 – Reviewed and recommended approval of August, September, and October 2024 financials- Vote (2-0). Reviewed September copies of returned checks and verified all had been properly signed.

5.3 – Reviewed random PVQ Requests and compared invoices to checks.

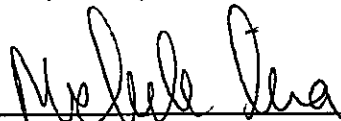
5.4 – The committee reviewed and recommends the CAL-Card credit card application to the board.

5.5 – The District Manager had nothing to report.

ADJOURNMENT:

Presant adjourned the meeting at 6:35 pm.

Respectfully Submitted,



Audit Committee Member

# 2025

## JANUARY

SU	MO	TU	WE	TH	FR	SA
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## FEBRUARY

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## MARCH

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30	31					

## APRIL

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## MAY

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## JUNE

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## JULY

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27	28	29	30	31		

## AUGUST

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24	25	26	27	28	29	30
31						

## SEPTEMBER

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28	29	30				

## OCTOBER

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19	20	21	22	23	24	25
26	27	28	29	30	31	

## NOVEMBER

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30						

## DECEMBER

SU	MO	TU	WE	TH	FR	SA
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28	29	30	31			

Tulare Public Cemetery District  
900 East Kern Avenue  
Tulare, CA 93274  
PHONE: 559-686-5544      FAX: 559-686-7484

RESOLUTION NO. 2024/25-4

FUND TRANSFER REQUEST

TO: TULARE COUNTY AUDITOR-CONTROLLER  
221 S. MOONEY BLVD., ROOM 101-E  
VISALIA, CA 93291

DATE:

Please transfer the following funds for the account of:

Tulare Public Cemetery District  
900 East Kern Avenue  
Tulare, CA 93274

Upon motion by \_\_\_\_\_, second by \_\_\_\_\_ the following resolution was adopted:

Resolve that the amount of **\$50,000** to be transferred from (Tulare PUB CEM DIST-Endowment Unreserved Fund 817) of the Tulare Public Cemetery District to be transferred to (Tulare Public Cemetery District-General Fund 772) for the purpose of concrete work at Kern and equipment purchase.

<u>TRANSFER FROM:</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
Tulare PCD Endowment Unreserved Fund	CR 817-1100	\$50,000
<u>TRANSFER TO:</u>	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
Tulare PCD Operating Fund	DR 772-1100	\$50,000

I, \_\_\_\_\_ Secretary of the Board of Trustees of the Tulare Public Cemetery District, do hereby certify that the foregoing is a true and correct copy of a resolution made and adopted by the Board of Trustees of the Tulare Public Cemetery District at a meeting duly and regularly called and held on the \_\_\_\_ day of \_\_\_\_\_.

---

Board Secretary

**TULARE CEMETERY WORKSHEET FOR CALCULATING LABOR COST OF SERVICES 2024-2025 FISCAL YEAR**

Assumptions:

- 1 Expense Annual Budget = **\$1,469,500** plus Five Year Plan of \$100,000 annual = **\$1,569,500**
- 2 Annual Income from Burial Rights (\$322,116) and Property Tax (\$250,000) = **\$582,116**
- 3 Expenses Used for Labor Costs are **\$1,569,500** minus **\$582,116** equals net **\$987,384**

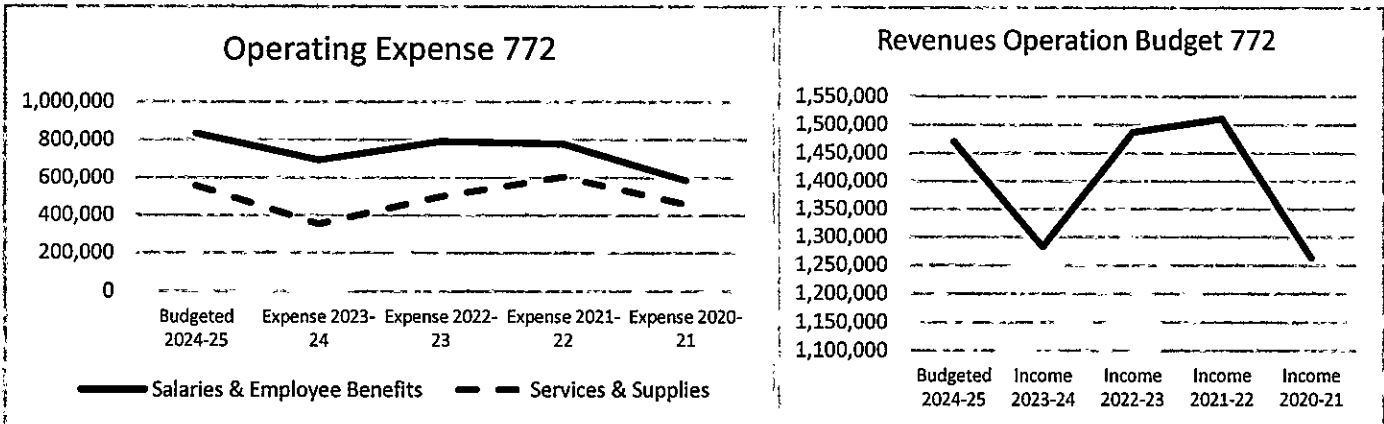
- 4
- 5 Total 11 Employees, 8 Grounds, 2 Office, 1 Manager.
- 6 Cost of Grounds and Office is 75% Grounds and 25% Office (Mgr cost is split between both)
- 7 Annual Total Exp Groundmen **\$987,384** X **0.73** equals **\$720,790**
- 8 Annual Exp Office **\$987,384** X **0.27** equals **\$266,594**

- 9
- 10 **324** Average Annual Interments the Last Three Years **82** Annual Pre Needs
- 11 Interments are 78% body and 22% cremation = 253 Body & 71 Cremation
- 12 Groundmen Cost of Interment: Body Burial 4 Hours X 2 Men (8 man-hours total).
- 13 Niche/Cremation is 2 Hour X 1 Man (2 man-hours total).

- 14
- 15 Using Net Expense of **\$987,384**
- 16 8 times 253 plus 2 times 71 =2166 interment hours. Cost interment/ Per Hr = **\$720,790 /2166 = \$333**
- 17 Cost Per Body Burial 8 Man-Hours Total **\$2,662**
- 18 Cost Per Niche/Cremation 2 Man-Hours Total **\$666**
- 19 Office Cost =324 + 82 = 406 Transactions. Cost Per Trans = **\$266,594 /406 = \$657**

22 Cost Improvement 1.6 Acre Square @\$500K an Acre over 5 Years = \$800K/5=\$160K/124 Burials Plots Annual = \$1290

	Budgeted	Expense	Expense	Expense	Expense	Increase from
	2024-25	2023-24	2022-23	2021-22	2020-21	2020 to 2025
23 Operating Expense 772						Budget
24 Salaries & Employee Benefits	831,836	692,607	789,275	776,079	585,094	42%
25 Services & Supplies	554,314	351,973	495,776	603,460	456,634	21%
26						
	Budgeted	Income	Income	Income	Income	Increase from
	2024-25	2023-24	2022-23	2021-22	2020-21	2020 to 2025
27						Budget
28 Revenues Operation Budget 772	1,469,500	1,281,867	1,486,422	1,509,982	1,262,526	16%



#####



# **TULARE PUBLIC CEMETERY DISTRICT**

## **INTERMENT ELIGIBILITY AND NON-RESIDENT**

### **ELIGIBILITY POLICY**

*First Adopted:* \_\_\_\_\_

#### **Introduction:**

The Tulare Public Cemetery District (the “**District**”) is a California Special District. As such all services provided by the District are regulated by California Health & Safety Code §9000 (“**Public Cemetery Law**” or “**H&S Code**”). As such, all burial permits issued by the District are regulated by the Public Cemetery Law and the District does not have unlimited authority on who may use District services. For the purposes of selling burial plots and other District services, the public, pursuant to Public Cemetery Law, is separated into two principle groups, district residents and non-residents. Depending on whether or not an individual lives within the District’s official boundaries determines whether or not an individual is a “**Resident**”, i.e. someone living within the District’s boundary, or a “**Non-Resident**”, i.e. someone living outside the District’s boundary. Generally, only those Non-Residents that fully comply with one of the listed exceptions below may qualify for burial services at a District facility. Please review the guidelines below and Public Cemetery Law starting with §9060 for relevant State law.

#### **Residency Proof Requirement Policy:**

The District *requires* proof of residency to purchase burial rights and determine residency status of the purchaser or deceased, (P.O. Box does not qualify). All documentation used for verification must have the same legal names and addresses as the purchaser or decedent and must be within the last thirty days (30) and/or currently valid. Verification of residency is determined by one item from each category below and is required (all verification documents must be current or as of the date of passing). The District retains the sole and ultimate discretion to determine if the documents provided are adequate and whether additional documentation may be required for further verification. The District retains the right and sole determination to refuse service for any reason.

#### **Category 1: Legal Identification:**

1. Valid Driver's License
2. Valid CA State issued Identification
3. Military Identification
4. Other Valid Identification (Discretionary at the option of the District)

#### **Category 2: Legal Residency or Ownership/Tax Payment Proof:**

1. Residential lease [rental agreement] which includes the property address, the names of authorized occupants when occupants are specified on the rental/lease agreement.

2. Property tax bill, current
3. Banking statements or home utility bills (not wireless or mobile)
4. Other valid residential identification (Discretionary at the option of the District)
5. Death Certificate to verify address at time of passing.

**Interment Eligibility Policy:**

**For Residents of the District (pursuant to H&S Code §9060):**

The District shall limit interment to:

1. Persons who are Residents of the District.
2. Persons who are former Residents of the District and who acquired interment rights while they were Residents of the District.
3. Persons who pay property taxes on property located in the District.
4. Persons who formerly paid property taxes on property located in the District and who acquired interment rights while they paid those property taxes.
5. "Eligible Non-Residents" of the District, as provided below.

**For Non-Residents of the District (pursuant to H&S Code §9061):**

At the sole and complete discretion of the District, the District may inter a person who is not a Resident of the District or does not pay taxes on property in the District, but is not obligated to. Any Non-Resident must meet one of the following conditions to qualify for District services as an "Eligible Non-Resident":

1. **Family Exception:** A person is an Eligible Non-Resident if the person is a family member of a person who is already interred in a cemetery owned by the District or is a family member of a person who has acquired interment rights in a cemetery owned by the District.  
A "family member" is defined, pursuant to H&S Code §9002(f), as any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.
2. **Former Resident Exception:** A person is an Eligible Non-Resident if all of the following apply:
  - a. The person was a resident of the District or paid property taxes on property located in the District for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person's death.
  - b. The District receives a written request for the interment of the person from a person who is a resident of the District or who pays property taxes on property located within the District, and the person submitting the written request is not a trustee,

officer, or employee of the District and is not a funeral director or an employee of a funeral director.

- c. The Board of Trustees determines that the cemetery has adequate space for the foreseeable future.

**3. Rural Area Exception:** A person is an Eligible Non-Resident if all of the following apply:

- a. The person was a resident of this state at the time of death.
- b. There is no cemetery within a radius of 15 miles of the person's residence.
- c. There is no private cemetery nearer to the person's residence than the nearest cemetery owned by the District.
- d. The distances shall be measured in a straight line from the person's residence to the nearest private cemetery and the nearest cemetery owned by the district.

**4. Active Service Exception:** A person is an Eligible Non-Resident if the person died while either (i) serving in the Armed Forces or the active militia, or (ii) in the line of duty as a peace officer or firefighter, and (iii) the Board of Trustees determines that the cemetery has adequate space for the foreseeable future.

**General Interment Policy Provisions:**

1. Non-Residents purchasing District services are required to pay any Non-Resident fees adopted by the District. (*H&S Code §9068*)
2. No title or ownership to property is conveyed by any District contract, only a limited right to the use of District property pursuant to District policies. (*H&S Code §9069.20*)
3. If the owner of an interment right dies without making a valid and enforceable disposition of the interment right by a will or otherwise, the interment right shall pass according to the laws of intestate succession. (*H&S Code §9069.25*)





# Updated Membership Information

## Información De Membresía Actualizada

NAME OF BUSINESS/NOMBRE DE NEGOCIO

COMPANY REP / OWNER/ REPRESENTATE DE EMPRESA/PROPETARIO

STREET ADDRESS /DIRECIÓN CITY/CIUDAD STATE/ ESTADO ZIP/CÓDIGO POSTAL

MAILING ADDRESS/ Dirección de Envío CITY/ CIUDAD STATE/ ESTADO ZIP/ CÓDIGO POSTAL

BUSINESS PHONE#/ TELÉFONO DEL NEGOCIO CELL PHONE # / TELÉFONO CELULAR # FAX #

EMAIL/ CORREO ELECTRÓNICO WEBSITE/ SITIO WEB

AMBASSADOR REPRESENTATIVE/ REPRESENTANTE DE EMBAJADOR TITLE/ TÍTULO

EMAIL/ CORREO ELECTRÓNICO PHONE #/ TELÉFONO #

YEAR ESTABLISHED/ AÑO DE ESTABLECIMIENTO NUMBER OF EMPLOYEES / NÚMERO DE EMPLEADOS

REFERRED BY/ REFERIDO POR

I AM INTERESTED IN MORE INFORMATION ABOUT JOINING THE FOLLOWING COMMITTEE(S): (CHECK ALL THAT APPLY)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> ANNUAL AWARD/ PREMIOS ANUALES | <input type="checkbox"/> LEGISLATIVE/LEGISLATIVO | <input type="checkbox"/> AMBASSADOR LUNCHEONS/AMUERZOS DE EMBAJADORES |
| <input type="checkbox"/> CINCO DE MAYO                 | <input type="checkbox"/> MEMBERSHIP/ MEMBRESÍA   |   |
| <input type="checkbox"/> CHILE VERDE GOLF TOUR         | <input type="checkbox"/> DIA DE LOS MUERTOS      |   |

INDIVIDUAL	\$200	CORPORATE (100+ EMPLOYEES) CORPORATIVO (100+ EMPLEADOS)	\$950
SMALL BUSINESS (0-10 EMPLOYEES) NEGOCIO PEQUEÑO (0-10 EMPLEADOS)	\$300	SMALL NON-PROFIT AGENCIES (0-10 EMPLOYEES) AGENCIAS SIN FINES DE LUCRO (0-10 EMPLEADOS)	\$250
MEDIUM BUSINESS (11-50 EMPLOYEES) NEGOCIO MEDIANO (11-50 EMPLEADOS)	\$450	MEDIUM NON-PROFIT AGENCIES (11-50 EMPLOYEES) AGENCIAS SIN FINES DE LUCRO (11-50 EMPLEADOS)	\$450
LARGE BUSINESS (51-99 EMPLOYEES) NEGOCIO GRANDE (51-99 EMPLEADOS)	\$650	LARGE NON-PROFIT AGENCIES (51+ EMPLOYEES) AGENCIAS SIN FINES DE LUCRO (51+ EMPLEADOS)	\$750

MAKE CHECKS PAYABLE TO/ HACER LOS CHEQUES A NOMBRE DE

TULARE KINGS HISPANIC CHAMBER OF COMMERCE  
1115 W. CENTER ST. VISALIA, CA 93291

SIGNATURE

TITLE

DATE

1115 W. Center St. Visalia, CA 93291

Office 559.734.6020

www.mytkhcc.org

**RESOLUTION NO. 2024/2025-\_\_**

**A RESOLUTION OF CENSURE ADOPTED BY THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT REGARDING THE CONDUCT OF TRUSTEE AVILA**

**WHEREAS**, it is the policy of the Tulare Public Cemetery District (the “**District**”) Board of Trustees (the “**Board**”) to: (a) promote the highest standards of behavior for District leaders; (b) maintain an environment that fosters the public’s trust and confidence in the District; and (c) ensure to its customers, residents, employees and those who conduct business with the District that the District is a public agency that emphasizes values in public service, leadership and decision-making; and

**WHEREAS**, it is the further policy of the Board to maintain the highest ethical standards and ensure that its Board members and employees maintain the highest standard of personal honesty and fairness in carrying out their respective duties; and

**WHEREAS**, the Board owes a duty to constituents of the District, the Board Trustees, and District personnel to ensure that the laws of the State of California and the rules, regulations and policies of the District are followed by all Trustees and that all Trustees demonstrate the highest level of professionalism and respect while acting in the course of their duties; and

**WHEREAS**, the Board publishes its Rules of Decorum / Addressing the Cemetery Board / Trustee Conduct Policy on the final page of each agenda for each regular meeting of the Board of Trustees to reinforce its commitment to the ethical execution of the District’s mission; and

**WHEREAS**, under the Policy, Board members are required to act in a matter that is independent, impartial, and responsible to the people whom they represent, and are obligated to conduct themselves in a manner that is above reproach; and

**WHEREAS**, under the Policy, Board members are responsible to adhere to, implement, and hold each other accountable for compliance with the Policy; and

**WHEREAS**, conduct need not arise to a violation of the law before the Board may take corrective action; unethical conduct, even if not rising to the level of a legal violation, has the purpose or effect of unreasonably interfering with the performance of the District or creating an intimidating, hostile, or offensive working environment; and

**WHEREAS**, the Board may address violations of the Policy by such methods as are available to the District by law, including, but not limited to, taking Board action to express disapproval of Board member conduct and imposing sanctions regarding the same; and

**WHEREAS**, Board members who fail to observe minimum behavior requirements may be reprimanded or formally censured, lose seniority or committee assignments, have official travel restricted, etc.; and

**WHEREAS**, the Board has become concerned with conduct and statements made by Trustee Avila that violate the word and the intent of the Policy; and

**WHEREAS**, the District recognizes its obligations to take prompt and appropriate action to avoid or minimize the adverse impacts of Board member misconduct; and

**WHEREAS**, the Brown Act requires that this matter be addressed in open session; and

**WHEREAS**, after publishing notice of the agenda and giving notice to Trustee Avila, the Board considered the information and comments presented in support of the allegations for censure, the comments and response by Trustee Avila, and comments by the public; and

**WHEREAS**, the Board finds it necessary and prudent to declare its distress, disapproval, and disavowal of Trustee Avila's conduct as a way to, among other things, protect the District's Board members, officials, and employees and prevent future conduct of this nature from Trustee Avila or any other Board member; and

**WHEREAS**, the Board further determines that adoption of this Resolution is necessary to affirm that such conduct will not be tolerated and to prevent such conduct from being repeated; and

**WHEREAS**, the Board further determines that it is necessary to demonstrate to the public that improper behavior and misconduct by public officials will be addressed in an open and transparent manner, while protecting the privacy of District employees, in order to preserve public trust in the community and investment in the District.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF TRUSTEES OF THE TULARE PUBLIC CEMETERY DISTRICT AS FOLLOWS:**

1. Incorporation of Recitals The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

2. Statement of Allegations The following is a summary of the allegations surrounding the Tulare Public Cemetery District Special Meeting on January 17, 2025.

2.1. The District held a Special Meeting on January 17, 2025 for the purposes of a closed session which began at 5:30pm at the District office.

2.2. All Trustees were present for the closed session special meeting.

2.3. During the closed session Trustee Avila with a raised voice and argumentative and highly aggressive tone declared his disagreement with the opinions and actions taken by Trustees Hitlin and Lima which were allowed under their positions as Trustees.

2.4. During the closed session Trustee Avila with a raised voice and argumentative and highly aggressive tone declared his unwillingness to

drop topics not present on the agenda or move forward on the agenda against the direction of the Board Chairman and Trustee Ramos.

- 2.5. During the closed session Trustee Avila with a raised voice and argumentative and highly aggressive tone declared his unwillingness to take advice from the District's general counsel to consider his aggressive tone when addressing the other Trustees on the Board and reiterated his determination to continue on his current path.
- 2.6. Chairman Presant advised Trustee Avila that his actions were a willful and actual disruption of the proceedings and that if they continued he would be asked to leave.
- 2.7. Trustee Avila summarily refused to comply with the request to abide by proper rules of procedure and decorum and continued to disrupt the meeting such that the proceedings were physical and completely halted.
- 2.8. Chairman Presant directed Trustee Avila that he must leave the meeting.
- 2.9. Trustee Avila summarily refused to comply.
- 2.10. Chairman Presant advised Trustee Avila that if he did not leave that the Police would be directed to come to remove him.
- 2.11. Trustee Avila verbally accepted having the police called as he was not inclined to abide by the order of the Chairman to leave the meeting.
- 2.12. Chairman Presant called the police. The police arrived and Trustee Avila was officially removed by the police from the meeting.

3. Findings of the Board           The Board hereby finds the following:

- 3.1. *Conduct of Trustee Avila.* The Board finds that Trustee Avila has engaged in unacceptable conduct in violation of the stated Policy, as described in the Recitals above, which has set a minimum standard of behavior for the District's appointed officials; and
- 3.2. *Public Interest.* The Board finds that Trustee Avila's conduct, as described above, is contrary to the public interest and falls below the minimum standards of a District's appointed official; and
- 3.3. *Censure.* The Board hereby finds that censure of Trustee Avila is the most appropriate form of recourse for the District and hereby censures Trustee Avila and expresses the strongest possible distress, disapproval, and disavowal of the conduct described above.

4. Orders of the Board           The Board hereby orders the following:

- 4.1. *Relieved of Assignments.* The Board hereby directs that Trustee Avila be relieved of his appointment on any District committee and of any other assignment that he might have for the District and that Trustee Avila is no longer eligible for the privilege of holding any District committee position or assignment through the duration of his current term; and
- 4.2. *Ineligible for Officer Position.* The Board hereby directs that Trustee Avila is no longer eligible for the privilege of holding any District Board officer position through the duration of his current term; and
- 4.3. *No District-paid Expenses.* The Board hereby directs that the District not pay for Trustee Avila to attend any District meeting or to attend any conference or other meeting or event or for any other expense, except as might still be required by law. The Board does not authorize Trustee Avila to incur any travel or other expense on District's behalf.

5. Cease and Desist. The Board admonishes Trustee Avila to exercise caution and to seek advice regarding the requirements of the code of conduct and his office. The Board directs Trustee Avila to cease and desist from further violations of the District's Code of Conduct Policy, rules of order, and any other pertinent District procedure, rule, or practice.

5. Effective Date The Chairman of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

6. Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Stephen Presant, Board Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Hitlin, Board Secretary

\_\_\_\_\_  
Brian Hughes, District General Counsel