

Artesia Cemetery District
Meeting Location: 11142 Artesia Blvd., Cerritos, CA 90703

Board of Trustees

Chair Michael Wada **Vice Chair** Allison Stewart

Trustee Linda Gonzalez **Trustee** Osvaldo Palhinha **Trustee** Mike Laughlin
General Manager Antonio Mendoza **District Counsel** Steven B. Quintanilla

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES

Thursday, August 12, 2021

4:00 P.M.

1. CALL TO ORDER

Chair Wada called the meeting to order at 4 p.m.

2. ROLL CALL

Present: Trustee Gonzalez, Trustee Palhinha, Trustee Laughlin and Chair Wada

Absent: Vice Chair Stewart

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Trustee Gonzalez.

4. AGENDA

Agenda was approved with adjustments. Chair Wada suggested to rearrange the agenda in the future by taking the contractors and reordering them in the agenda so that it is done permanently.

Trustee Laughlin motioned to approve the agenda with the General Manager's suggestions. Seconded by Trustee Palhinha. **Approved.**

5. PUBLIC COMMENT

No public comments.

6. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (1 case.)

Trustee Gonzalez motioned to move into Closed Session. Trustee Palhinha seconded. **Approved**

Board of Trustees entered Closed Session at 4:12 p.m.

Board of Trustee reconvened to Open Session at 4:36 p.m.

7. CLOSED SESSION ANNOUNCEMENTS

No reportable actions.

8. GENERAL MANAGER'S REPORT

A. FINANCE/TREASURER'S REPORT

Paul Kaymark, Finance Consultant, reviewed the July 2021 financial sheet; new budget has been inputted for the year. Cemetery is running well that if equipment is needed, it could be purchased. Cemetery is healthy financially.

Trustee Palhinha motioned to approve the Finance Report. Trustee Laughlin seconded. **Approved**

B. ACD UPDATE

General Manager Mendoza reviewed his ACD update and made recommendations on touring the cemetery; he shared the Operations Supervisor's probing idea and provided his suggested ideas for future pre-set projects

Trustee Palhinha believes that the cemetery needs more trees.

Ana Perez provided a summary of the August 10, 2021, Events Sub-Committee Meeting.

Chair Wada suggested that event(s) should attract potential clients.

General Manager Mendoza suggested that the Dia de Los Muertos Event could be bigger by adding an Open House. Suggested that the first 40 people that come in could receive a gift; Supervisor Hahn will be invited; will be purchasing shirts for all board members. He may be attending the SDRMA Conference.

C. COVID-19 PANDEMIC PROTECTIVE MEASURES

County is requiring employees to be vaccinated and if not, will need to show proof of a negative result.

Chair Wada stated that Supervisor Solis, President of the Board, has been given emergency power for Covid which is the same power that has been given to the General Manager. He recommends that the General Manager use his judgment, but it would be safer and wiser to come before the Board before implementing something. General Manager will keep informed on any changes with the County.

9. CONSENT ITEMS

A. MINUTES: July 15, 2021, Regular Board Meeting Minutes

Trustee Gonzalez motioned to approve the July 1, 2021, Regular Board Meeting Minutes. Trustee Laughlin seconded. **Approved**

10. ACTION ITEMS

A. APPOINTMENT OF LEGAL COUNSEL FOR PURPOSES OF PURSUING CIVIL LITIGATION ON BEHALF OF THE DISTRICT, AND APPROVAL OF FEE AGREEMENT

General Manager Mendoza introduced Attorney Karen O'Neil to the Board of Trustees. She addressed the Board of Trustees.

Trustee Palhinha motioned to approve the appointment of Legal Counsel, Karen O'Neil, for purposes of pursuing Civil Litigation on behalf of the district, and approval of fee agreement. Seconded by Trustee Laughlin. **Approved**

B. NEW AUDITOR SELECTION FOR FYE 2021

General Manager justified his recommendation to implement a yearly audit. Paul Kaymark, Finance Consultant, provided an overview of the suggested firm for hire.

Trustee Palhinha believes that \$5,000 is fair; was hoping that the \$5,000 would be negotiated for the next five 5 years to 10 years.

Chair Wada asked if the ACD was able to negotiate a longer-term fee structure for the Auditor? Asked about the number of times an Auditor could be used.

Paul Kaymark, Financial Consultant, recommended that the ACD try the firm for one year and if satisfied could extend to 4 to 5 more years.

Trustee Gonzalez requested to know how much the Auditor (current) was being paid every two years.

Trustee Laughlin motioned to approve the new Auditor selection for fiscal year ending in 2021. Trustee Palhinha seconded. **Approved**

C. RESOLUTION 2020-014 ADOPTING CERTAIN ADJUSTMENTS TO THE DISTRICT'S CURRENT FEES AND APPROVING NEW FEES CHARGED FOR THE SERVICE PROVIDED BY THE DISTRICT

General Manager Mendoza indicated that a few things were left out of the Fee Schedule that was adopted last month, July 2021. He provided an updated Fee Schedule for approval.

Trustee Gonzalez motioned to approve Resolution 2020-014 Adopting Certain Adjustments to the District's Current Fees and Approving New Fees Charged for the Service Provided by the District. Trustee Palhinha seconded. **Approved.**

Roll Call Vote:

Yes: 4 No: 0 Absent: 1 Abstention: 0

D. BRIGHTVIEW LANDSCAPE SERVICES AGREEMENT

Trustee Laughlin motioned to approve Brightview Landscape Service Agreement. Trustee Gonzalez seconded. **Approved**

Roll Call Vote:

Yes: 4 No: 0 Absent: 1 Abstention: 0

E. NEW DISTRICT COUNSEL APPLICANTS

General Manager Mendoza provided 4 proposals from four different applicants.

Chair Wada recommended that General Manager Mendoza write letters of regret to the other applicants.

Trustee Palhinha recommended that the Board meet the Attorney and Financial Consultant in person.

Trustee Laughlin recommended that Legal Counsel use Zoom if not able to come in person.

Chair Wada understood that the consensus of the Board is that it would like to select Kirk & Simas as the new Legal Counsel and forego the interviews with letters of regret to the other applicants.

Trustee Gonzalez requested clarification on the contract.

Trustee Laughlin motioned to approve (to move forward with) the firm of Kirk and Simas as the new Legal Counsel and forego the interviews with letters of regret to the other applicants. Trustee Gonzalez Seconded. **Approved**

Approval will be finalized at the next Regular Board of Trustee Meeting.,

F. REFUND POLICY SPECIAL REQUEST

General Manager Mendoza provided justification(s) for his recommendation to refund a family's requested amount for a Pre-Need plot in which they will not use. (Special Request)

Chair Wada recommended that as the General Manager works with the attorney on policy, to remember the 'Capilla' Policy, and the position that the Board took regarding that (case) because then a flood gate will be open where everyone will begin to appeal to the Board on their individual situation. He also stated that new policies brought forward need to leave the responsibility on the General Manager with clear definitions on how refunds are determined. There must be a definition of location , trees, etc. It must be a concrete judgement.

Trustee Palhinha motioned to approve the Refund Policy Special Request. Trustee Laughlin seconded.
Approved

Roll Call Vote:

Yes: 3 No: 1 Absent: 1 Abstention: 0

11. BOARD COMMENTS

Trustee Laughlin stated that it was a very productive meeting and that they are moving in the right direction. Is very happy.

Trustee Palhinha also stated that they are moving in the right direction and that it was a nice meeting. Congratulated Chair Wada, General Manager, staff, and everyone present. He is glad.

Trustee Gonzalez did not have any comments.

Chair Wada visited the ACD a 1 ½ weeks ago and stated the following: They (office staff) were quite busy in the office. Tony and Ana work seamlessly together. There was a customer at the counter whose question involved some level of research and (Tony) was there for a while. The phone rang and Tony & Ana had to interchange positions to meet the request of the person at the counter including the people on the phone. They did it just beautifully. It was like they were one person; the two minds were working as one. Congratulated both.

Chair Wada also thanked all Board Members for their significant contributions on some issue that were extremely important and that will impact the future of the district. He thinks that all their contributions were valuable in terms of continuing to support the General Manager, the staff and in terms of continuing to move the district light years into the future; particularly compared to what the place looked like a few years ago.

Requested a motion to adjourn the meeting.

Trustee Laughlin motioned to adjourn the meeting. Trustee Gonzalez Seconded

Chair Wada adjourned the meeting at 6:45 p.m. to the next Regular Meeting of the Board of Trustees will be held on Thursday, September 9, 2021, at 4:00 p.m., at the District Office, located at Artesia Cemetery District, 11142 Artesia Boulevard, Cerritos, CA 90703.