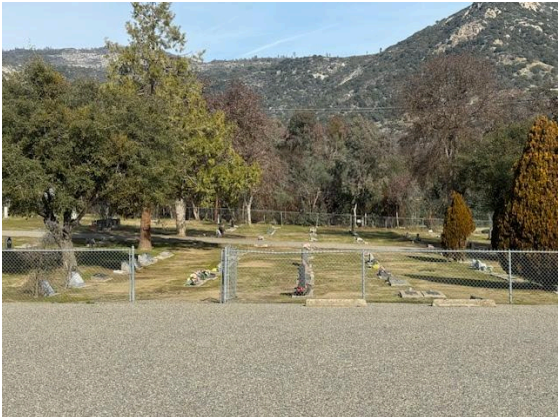
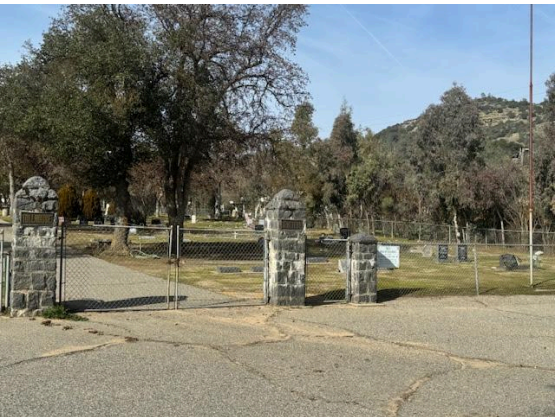
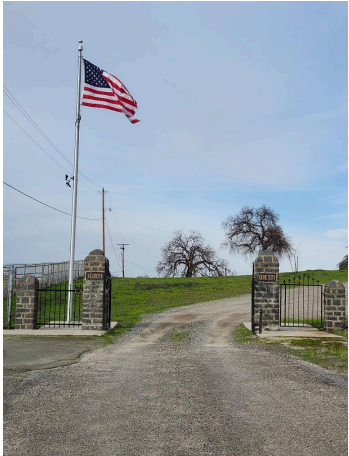


Is Something Missing in the Clovis Cemetery District?

Where are they on the web?
Where are their financial statements?
Why did their green grass disappear?



SUMMARY

The Grand Jury was presented with a complaint concerning the administration and operation of the Clovis Cemetery District (hereafter “the District”). Specifically, the complaint brought to our attention that, among other things, the District did not have a website and that the landscaping of the Clovis Cemetery was poorly maintained. The Grand Jury determined that this matter was of sufficient interest and concern to the community to conduct further investigation. Our investigation included the administration and operation of the District.

In the course of its investigation, the Grand Jury determined the District may be in violation of the Ralph M. Brown Act (hereafter “the Brown Act”), Government Code section 26909 regarding annual audits, and Government Code section 53087.8 regarding maintaining a District website. The Grand Jury also determined that there have been lapses in the landscaping maintenance of the cemeteries in the District, primarily the Clovis and Red Bank locations.

Despite these determinations, the Grand Jury found the District to be aware of most of these issues and was already working to rectify some of the reported apparent violations and to improve landscape maintenance. Some of the deficiencies were the result of matters outside of the control of the District, such as losing their previous accounting firm and old water wells on two properties failing.

The Grand Jury found the District to be credible in its responses to our inquiries. Although we found the District being managed at a basic level, it was noncompliant in some regulatory areas and has not been following basic accounting principles. We also found the District and its employees are compassionate toward their customers.

METHODOLOGY

In conducting its investigation the Grand Jury conducted interviews with persons who are knowledgeable about the District, reviewed rules and regulations for Special Districts published by the Local Agency Formation Commissions (LAFCO), reviewed various Government Code sections regarding Special Districts and open meeting forums. The Grand Jury also reviewed pertinent documents regarding the District's financial operations and did online research on Special Districts including but not limited to cemetery districts. The Grand Jury attended a Board of Trustees meeting for the District and toured the Clovis cemetery located at Herndon and Villa.

BACKGROUND

The District was established over 100 hundred years ago as a non-profit agency. Since 1925 it has operated under the California Code of Public Health and Safety as a Special District and is governed by a board of trustees appointed by the County Board of Supervisors. The District is subject to the policies and regulations of the Fresno LAFCo and the Brown Act, California's open meeting statute.

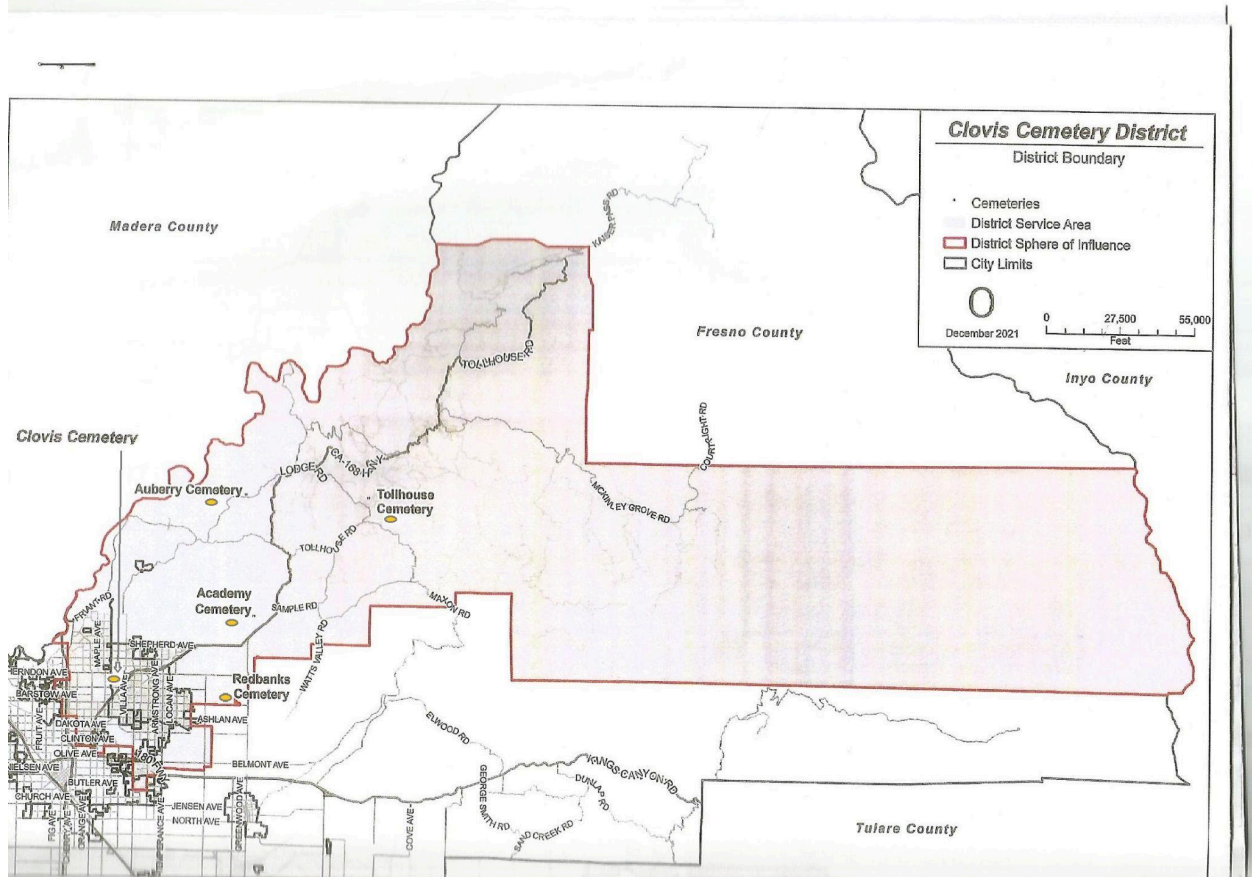
The District is governed by a Board of Trustees, which sets the policies and procedures, and is administered by a District Manager. The District currently employs 15 people; the district manager, an operations manager, two office staff, nine groundskeepers, and temporary employees (this number varies according to the season)..

The District does not have a formal budget prepared; however, a review of the financial documents provided indicates a positive cash flow. Its sources of income include a portion of property taxes paid by those living within the boundaries of the District; grave site purchases; and burial fees. Review of the 2023 Income and Expense report and the General Ledger provided by the District indicates it had expenditures of approximately \$3,000,000. The Grand Jury was unable to determine annual income based on the reports provided; however, the District was able to add to its reserve account during the 2023 calendar year.

The boundaries of the Clovis Cemetery District fall within parts of three of the County of Fresno Supervisorial Districts to include: District 2, District 3 and District 5. As shown on the map attached, the areas included within these districts are as follows:

- District 2, which includes the portion of the City of Fresno east of Blackstone Ave.
- District 3, which includes the southeast portion of the City of Fresno.
- District 5, which includes the City of Clovis and the eastern portion of Fresno County.

The District is responsible for five cemeteries located throughout the eastern part of Fresno County: 1) Clovis Cemetery, located at Herndon and Villa in Clovis, 2) Red Bank Cemetery, located on Shaw between McCall and Academy, 3) Auberry Cemetery, located close to Marshall Station near Prather, 4) Tollhouse Cemetery, located on the grounds of Church of Tollhouse on Tollhouse Road, and (5) Academy Cemetery, located on Mendocino Road near Highway 168. See the map below of the District boundaries.



The Clovis Cemetery is currently the largest cemetery in the District at 40 acres.

Academy Cemetery is about four acres, Tollhouse Cemetery is three acres, and Auberry Cemetery is half an acre. Red Bank Cemetery is estimated to be seven acres. At this

time, it is undergoing an expansion of an additional 40 acres with burials in the new section to begin in spring 2024, which will make it the District's largest cemetery. See the attached photographs below of the five cemeteries.



Clovis



Redbank



Academy



Auberry



Tollhouse

DISCUSSION

Audits

The last audit conducted at the request of the District for the County of Fresno was in 2019. California Government Code section 26909 requires, with limited exceptions, special districts to conduct annual independent audits. The District does not have an exception. The District has not had an audit prepared since 2019. A number of issues have caused this failure. First, the former accounting firm was disqualified from practicing which kept the District's financial records from being prepared according to general accounting practices and prompted a request from the County for a re-audit of

2019. Second, personnel changes resulted in a complete set of financial records no longer being prepared.

The District is in the process of having financial records prepared from 2018 through 2023 by a qualified accounting firm. It is also computerizing its record keeping operations, which include a nightly back-up, to facilitate the filing of future reports.

The District participates in California Public Employees' Retirement System and, therefore, is required to make its pay schedule publicly available. The District made the annual compensation available to the public in August 2023 through the County of Fresno.

Website

Government Code section 53087.8 states that as of January 1, 2020, every special district "shall maintain an internet website..."

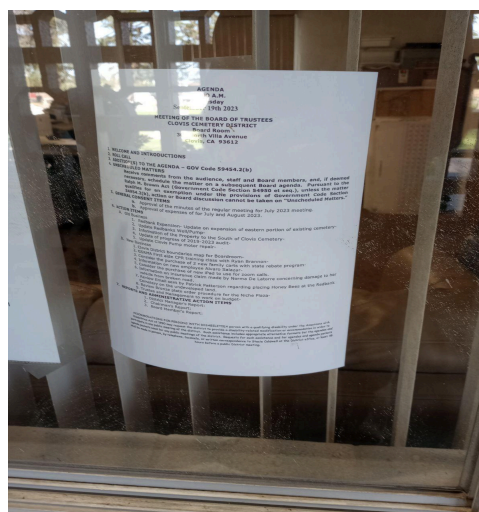
The district does not currently have a website. A website designer had been engaged to develop a website but due to administrative and personnel issues within the District, that work was never completed. A new website designer was subsequently engaged and is currently working on developing a website.

The Brown Act

As a local government body, the District is subject to the Brown Act.

The Brown Act (California Government Code section 54950, *et seq.*) was passed in order to ensure the public that government actions and deliberations are conducted openly and that the public may retain some control over government actions. Under the Brown Act, meetings of local government bodies must be opened to the public and public comments, and the public be given 72 hours advance notice (special meetings have a 24 hours advance notice requirement). The notice must include the time and place of the meeting and the agenda. In 2019, the Brown Act was amended to require local agencies with a website to include a prominent and direct link on its home page to the governing board's meeting agendas and notice of meetings (Government Code section 54954.2).

The Board of Trustees has their monthly meetings, which are open to the public, on the third Tuesday of each month. Discussion of planned actions and deliberations take place. Therefore, a notice of the meeting or the agenda of that meeting must be posted 72 hours prior to the meeting, which is the prior Saturday. The district posts the agenda in the front office window. See picture below showing where the notice gets posted.



The Grand Jury visited the Clovis Cemetery on Saturday September 17, 2023, which was less than 72 hours prior to the September 19, 2023, meeting of the Board of Trustees. We also visited the cemetery on February 9, 2024, which was 72 hours prior to the February 13, 2024, meeting of the Board of Trustees. No notice of the upcoming meeting was posted in the office window or on the conference room door at the time of either visit.

Operations

Landscape and Interments

At one time the District employed 18 people in the Landscape and Operations Department (the Department), which included a full time dedicated mechanic and three full time dedicated certified sprayers. The Department currently employs nine people, including the manager and assistant manager. There is no dedicated full time mechanic or dedicated full time certified sprayer. Only one employee is certified to spray. In addition, the Department hires temporary employees as groundskeepers on a regular basis in the spring and summer months.

The Department is responsible for maintaining the burial grounds of all five cemeteries within the District, preparing sites for burials, and any other maintenance required outside of the office doors. The main priorities of the Department are the opening and closing of gravesites and the setting up for burial services. Maintenance of the grounds and setting of the headstones are secondary. All of the Department employees can handle all of the varied assignments and tasks, except for the mechanical and spraying tasks.

The opening and closing of gravesites and setting up the burial site for services takes two of the Department's employees. There are an average of 12 burials a week which is one or two a day. Since at least two to four employees spend about half their day on burials, they are not available during that time to do landscape and maintenance work. This effectively leaves five employees to do maintenance work on the five cemeteries.

The Department maintains a log of work that has been completed and work needing to be done. There is no maintenance schedule. Each cemetery receives landscaping services each week. The cemeteries with grass are seeded and fertilized twice each year, in February and at the end of the September, and are watered daily during the growing season. All landscaping work is done around burial services. The Department does some road repairs on occasion.

Water Well Failures

Within the past year and a half, the water wells in Clovis and Red Bank cemeteries broke down. The landscaping of both cemeteries suffered the results with dried and dying grass. The Clovis Cemetery well was 22 years old when the motor burned out (the average lifespan of a well is 20-25 years) and broke the pump. The pump was submersible so they did not know what caused the failure until after the pump was retrieved. A new motor was purchased and installed. The Red Bank well, which was 35 years old and 80 feet deep, went dry. A new well has been drilled to 300 feet.

CONCLUSION

The District was already aware of most issues of concern addressed in this report regarding administration and operation of the District. The County of Fresno had already contacted the District regarding the audits that had not been submitted, and a CPA firm had already been hired by the District to prepare the financial records needed so that the audits can be prepared. Prior to our investigation the District had contracted with a website developer to create a website for the District which is under development. In addition the well pumps that failed resulting in two of the cemeteries' grass to dry out, have already been fixed and the grass is starting to turn green.

FINDINGS

The Fresno County Grand Jury finds the following:

1. The District may have violated Government Code Section 26909 in that no annual audit has been submitted since 2019.
2. The District has neglected to prepare an annual budget.
3. The District appears to not have followed generally accepted accounting practices in maintaining a complete set of financial records.
4. The District has made its annual compensation available for review as required by CalPERS through August 2023.
5. The District may have violated Government Code section 53087.8 in that it does not have a website.

6. The District appears to have violated the Brown Act in that notice of Board of Director meetings and agendas are not posted 72 hours prior to the Board of Trustees meetings.
7. The landscaping and maintenance of the cemeteries have been negatively affected by the decrease in the number of employees.
8. The recent non-functional wells at Clovis and Red Bank cemeteries contributed significantly to the landscaping problems at those cemeteries.

RECOMMENDATIONS

The Fresno County Grand Jury recommends that the District by and through its Board of Directors direct the district manager to:

1. Complete the financial records necessary to submit to a qualified auditor for the audits required by the County of Fresno for the fiscal years of 2019 through 2023 within one hundred eighty days of the release date of this report. (F1)
2. Ensure a website is up and running within one hundred twenty days of the release date of this report. (F5)
3. Post notices for Board of Trustees meetings, such as the agenda, 72 hours prior to regular meetings of the Board commencing with the first meeting after the release date of this report. (F6)
4. Provide appropriate District personnel training on how to prepare a budget and on how to read and interpret the financial statements that were prepared for the county audit within sixty days of the receipt of those statements from their CPA.(F2, F3)

5. Prepare and maintain an annual budget. (F2)
6. Conduct a cost benefit analysis to determine if employing more landscaping and maintenance staff would significantly improve the appearance and usability of the cemeteries within one hundred twenty days of the release date of this report. (F7)
7. Take action towards hiring additional landscaping and maintenance staff, if appropriate, within one hundred eighty days of the release date of this report.
(F7)

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following response is required :

The Clovis Cemetery District Board of Trustees shall respond to each of the eight Findings and each of the seven Recommendations within 90 days of the date of this report.

Responses are to be submitted to the Presiding Judge of the Fresno County Superior Court and must contain the information required by Penal Code section 933.05.