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The Hopland Cemetery District

METHOD OF INVESTIGATION

Acting on a complaint, the Grand Jury has undertaken a review of the operations and activities of the Hopland Cemetery District. In doing so the Grand Jury has spoken with a dozen current and past directors, trustees, secretaries and employees of the cemetery district. In addition the Grand Jury interviewed County Counsel, the County Auditor-Controller and the County employee who for several years had done the cemetery districts annual audit. We have retrieved information from mortuaries in the area. We have examined past cemetery account activity and funds held and disbursed by the County Auditor-Controller. We have examined what records that exist and are held by the current Board of Trustees. We have looked at the records held by the Board of Supervisors office. We have gathered and reviewed California Government Code and California Health and Safety Code with regards to Special Districts and Special Public Cemetery Districts.

BACKGROUND INFORMATION

The Hopland Cemetery has been in use since the mid 1800's. The earliest gravestone is dated 1859. Others, it is reported, were buried before that date. Taking advantage of State Codes, in 1957 the cemetery was organized as a Special Public Cemetery District. This has provided some operational structure and allowed for the cemetery to receive modest annual revenue from assessed property taxes. The governing codes require a Board of three Trustees to be in place. Annual budgets are called for as well as regular financial statements and audits. Records and maps are required to be kept and maintained.

The chartering trustees served 20 to 25 years before retiring but since that time it has been increasingly difficult to seat trustees and keep them involved.

Findings

1. The Hopland Cemetery District has not had in place any written policy, operational procedures, or job descriptions for any officers or workers of the Cemetery District. One exception is a caretaker/secretary job description authorized in 1987 and never implemented.
2. The Grand Jury was unable to locate and obtain all of the original burial maps and most of the records for the period prior to late 1980s. This has created a situation at the cemetery where nobody is certain exactly where everyone is buried.
3. Interviews with past trustees of the District show a pattern of turmoil and conflict between factions of the Hopland community. This same situation has been evident within the Cemetery District itself.
4. With the exception of the Grand Jury, no local government agency has direct oversight responsibility of the Hopland Cemetery District.
5. Most past trustees of the Hopland Cemetery District were not aware of provisions in the California Government Codes and the California Health and Safety Codes that pertain to the District.
6. From the end of 1999 through the beginning of 2002 the Hopland Cemetery District operated with only one trustee. California Health and Safety Codes, section §8950, requires at least three trustees and, after a vacancy exists for 90 days, section 1779 of California Government Codes gives authority to the Board of Supervisors to fill such vacancies. In addition Health and Safety Codes, section §8950.3, gives procedures and authority to the BOS to act as cemetery district trustees. During that period the public was uninformed as to when district business was being conducted, in violation of the Brown Act.
7. For the years 1999,2000,2001 no yearly audit to the Auditor-Controller, no yearly financial report to the Board of Supervisors and no yearly budget to either entity was turned in. State Government Codes, sections §26909 and §53901, and State Health and Safety Codes, section §8970, §8990 and §8991 require such reporting. Pursuant to section §26909 of State Government Code the County Auditor-Controller has authority to compel annual audits.
8. Health and Safety Codes section §8982 requires all District money be deposited with the County Treasurer. In violation the Hopland Cemetery District maintains a separate account with the Savings Bank of Mendocino County. The Grand Jury has been advised that such an account might be acceptable and proper solely as a conduit to transfer money to the County and possibly for use as petty cash. Through 1998,

- the county auditor advised the Hopland Cemetery District to better record the activity of this account. From the end of the year 1999 through the beginning of 2002 no deposits other than tax revenue were placed in county accounts. During this period goods and services were paid out of both County and Savings Bank accounts.
9. No endowment care money was deposited from late 1999 through early 2002 in the County-held endowment care fund. California Health and Safety Codes, section §9005, provides that all endowment care revenues shall be deposited with the County Treasurer to be placed in this fund. The Grand Jury was unable to determine how much, if any, of the required endowment care money was collected during that time.
 10. County records show from the year 1995 through 1999 a growing positive year-end balance for the Hopland Cemetery District's County-held operating fund. At the end of 1999 this was \$4079. By the end of 2001 the balance dropped to a \$4000 deficit. This deficit still exists. The Endowment Care Interest fund also has a negative balance.
 11. Health and Safety Codes section §8963 requires districts to prepare and maintain an up-to-date map of the cemetery and to keep a record of all remains interred, stating name, age, place of death, date of internment, plot number, and name and address of funeral director. Maps and records are missing.
 12. State Government Code §56430 was added in the year 2000 giving LAFCO the responsibility of doing service reviews on Special Districts. Such reviews are to include, "Infrastructure needs and deficiencies", "Evaluation of management efficiencies" and "Local accountability and governance". Locally these reviews have not been implemented for lack of guidelines and funding.
 13. Hopland Cemetery District payroll and expenses have been paid for without proper documentation or time cards.

Recommendations

- A. The Hopland Cemetery District develop a set of written policy, operational procedures and job descriptions for the operations of their organization. Copies of these procedures be given to each new trustee along with instruction to assure compliance. These procedures include, but not be limited to, job descriptions, accounting practices, officer responsibility, burial record keeping, endowment fund handling, and work and service documentation, i.e. time cards.

All applicable State Gov. Codes and State Health and Safety Codes be made available to trustees along with these operating procedures. (Findings 1,5,8,9,11,13)

- B. With regards to the above, the Grand Jury further recommends that a process whereby all documents and records turned over by an outgoing trustee or employee be listed and signed for by the Director of the Cemetery District.
- C. The Board of Supervisors and the Auditor-Controller meet and set procedures to take action in the future when self-governing special districts like the Hopland Cemetery District fail to perform as required by State governing codes. (Findings 6,7,8,9)
- D. The Board of Supervisors immediately approve an emergency allocation to bring the District's accounts into balance. (Finding10)

Note

In the course of this investigation, the Grand Jury determined that there are indications of possible violations of law. For that reason, and under the authority of Penal Code Section §932, the Grand Jury has forwarded the relevant information to the District Attorney for further investigation and possible prosecution.

Comments

While recognizing that State governing codes do not impose requirements of oversight upon the County, they do give authorization to both the Board of Supervisors and the Auditor-Controller's office to take action when things are amiss. Because there were so many indications that things were going wrong, the County must take some of the responsibility for the problems and the loss of funds. This sentiment was verbalized by a number past trustees interviewed. In other words the County has let the Cemetery District down.

Responses Required

Mendocino County Board of Supervisors
Mendocino County Auditor-Controller
Hopland Cemetery District Board of Trustees

Report release date: June 13, 2003

The Mendocino County Public Library System

2002/2003 Grand Jury Report

The 2002-2003 Grand Jury of Mendocino County as a function of its oversight responsibilities has chosen to review the County Library System operations.

Review Procedures

In carrying out the review process, the Grand Jury has interviewed the County Library Director, two members of the Library Advisory Board, an assistant librarian and a “Friend” of the Library. We have also reviewed the Library Mission Statement, the Library Budget Report, and the County Library Statistics, 2002 report issued by the State Library Development Service Bureau as well as bulletins, newsletters and other documents relating to library function.

Library System Functional Overview

The Mendocino County Library Director prepares the budget and administers five library branches and the bookmobile. These branches are Ukiah Valley, Round Valley (Covelo), Coast Community (Point Arena), Fort Bragg, and Willits.

Mandated by California State law, the Mendocino County Library Advisory Board provides guidance to the Library Director. Nine members are appointed, one each by the five County Supervisors and the four incorporated cities in the County.

Each Branch has a Managing Librarian or Library Technician in charge. There are 18.25 employees staffing the five libraries and bookmobile. As approved by the Board of Supervisors, each branch is open 38 hours a week.

The Friends of the Library are separate and independent entities at each Branch as are Volunteers. Together they provide staffing support and various fundraising activities.

Findings

1. The **Mendocino County Library Director** is held in the highest regard for her leadership abilities from all that were interviewed.
2. As of March 1, 2002 there are 41,134 current registered library cardholders comprising about 50% of the total County population of 82,685. (Cards not used for three years are discarded.)
3. There are 18.25 employees, total, staffing the five branch libraries and the bookmobile. This lean staffing means there is no paid backup in the event of illness or for vacations. While volunteers do some of the backup, there seems to be a decreasing number of volunteer hours to do all of the backup necessary. The impact of a 19.2% increase in library patronage along with a County hiring freeze has highlighted the insufficient staffing problems.
4. According to the California Library Statistics, (2002), published by the California State Library Development Services Bureau, Mendocino has 4,850 residents for each full time paid staff compared to a statewide average of 2,976.
5. According to the California Library Statistics, (2002), published by the California State Library Development Services Bureau, Mendocino County

spends only \$15.03 per capita per year against a statewide average of \$23.05 for library services.

6. According to the California Library Statistics, (2002), published by the California State Library Development Services Bureau, for public libraries serving populations of 60,000 to 100,000, Mendocino County salaries for Library Director and all staff positions fall at the **very bottom of the scale**.
7. None of the County Library facilities comply with the requirements of the Americans with Disabilities Act (ADA). None of the facilities electrical systems adequately accommodate computer services and other electronics necessary to run the library system. Structural improvements and capital expenditures are needed at many of the library facilities.
8. **Friends of the Library** and **Volunteers** have played a significant role in support of individual county libraries. Friends of the Library raise funds in various ways to supplement the needs of their particular branch. Volunteers help relieve the pressures of staff shortages and also assist in fundraising activities. “**Friends**” and **volunteers** are truly making every effort to help.
9. The 2002-2003 County Library budget has been reduced a total of \$85,767 from both State and County sources.
10. Library services from the **Bookmobile** were initiated in 1965 and have been a popular way of accessing the library books for residents in outlying areas. The current Bookmobile, custom built in 1995, has logged 178,000 miles and because of it’s age, is increasingly undergoing expensive repairs. There are no funds allocated for replacement at this time. The Bookmobile stops within all supervisorial districts, and additionally serves the Parlin Fork and Chamberland Creek Conservation Camps.
11. The **Ukiah Library** average usage is over 500 patrons a day. A great deal of support is given by the **Friends of Ukiah Branch**. The facility has had no

major maintenance or upgrading in 30 years and the space is insufficient for current usage levels. Moisture is present on some of the walls during rainy conditions. Parking meters in the area make relaxed parking difficult.

12. The Fort Bragg Library services approximately 10,000 patrons per month.

The “**Friends**” have raised \$175,000 toward remodeling the facility. The **Managing Librarian** has initiated many special programs and is working toward making the library a focal point in the community.

13. The Point Arena Library facility is extremely inadequate in most regards.

The Coast Community Friends of the Library are to be commended for raising over \$200,000 for the construction of a new facility. This amount however may be insufficient. Additionally, while the Grand Jury understands the Point Arena residents natural desire to have a library facility in their own community, especially given their success in raising funds and establishing a location, there remains an unanswered question as to whether the demographics support a fixed facility in Point Arena. The County should be a partner in answering this question.

14. The Willits Library facility is in great condition and the local “**Friends**” very supportive.

15. The Round Valley Library, a rented facility, has had negligent maintenance, the electrical system is in poor condition and tiles have been known to hang from the ceiling. For these and other reasons this library is being given special attention by the County. Friends of the Library have been paying the monthly rent but the \$3,600 needed yearly for this has now been included in the revised budget for 2002-2003.

16. As related in the 2002-2003 Budget Report, the Mendocino County Library **website**, <http://www.mendolibrary.org>, allows patrons to access an online catalog from which they can order books and

have them delivered via bookmobile. The site now includes a database to search for and print magazine and newspaper articles. “Q&A Café” on the website is available for patrons to ask reference questions online from 2-9 pm daily. The website also provides current information on upcoming events at the libraries.

Recommendations

- A. Mendocino County Board of Supervisors must find a way to increase staff at the libraries, 18.25 employees are inadequate. 41,134 cardholders, out of a population of 82,685, and an increase in use of 19.2% in one year deserves this consideration. (Findings 2, 3 & 4)
- B. Given the increased mobility of County residents, The County Library Director, the Library Advisory Board and a representative of the Board of Supervisors should formally assess the continuing need for the Bookmobile. Areas of consideration should include: how Bookmobile expenses might better serve library users by way of fixed facilities, increased use of drop-off/pick-up sites, and the use of email orders linked with US mail deliveries. If continued Bookmobile services are determined to be in the best interests of County residents, the Board of Supervisors should properly fund this service to include a replacement vehicle in the near future. (Finding 10)
- C. The Board of Supervisors and The County Administrator along with the Library Director need to develop a capital-spending plan, outside of the operating budget, for necessary improvements and structural repair at all library facilities. These improvements shall include compliance with ADA regulations and installation of adequate

electrical systems. (Finding 7)

- D. The County Library Director, the Library Advisory Board, a representative from the Coast Community Friends of the Library and the Board of Supervisors should initiate a formal study to ascertain the library needs of Point Arena and the contiguous communities, and how best to meet those needs. (Finding 13)
- E. The Grand Jury encourages continued support be given to the Round Valley Library to upgrade facilities and improve services. (Finding 15)
- F. The Board of Supervisors should bring the County Library salary structure into line with other library systems of similar size and provide for this in the budget. (Finding 6)

Comments

The Grand Jury acknowledges and especially commends the County Library Director for her skills, energy and leadership in moving the Library and Library services to levels not supported by the County budget.

The Grand Jury also applauds the staff, the Friends of the Library and all volunteers for their extraordinary roll in providing such a diverse, high quality library system in spite of severe monetary constraints.

Over the last few years, many major accomplishments have been achieved through strong leadership, dedicated and competent staff, and momentous community support.

Response Required

Mendocino Board of Supervisors

Mendocino County Administrator

Response Requested

Mendocino County Library Director

Mendocino County Library Advisory Board

Dangerous Fire Hazards in Brooktrails?

The Grand Jury received a complaint signed by seventeen residents of Brooktrails regarding their concern about cars parked on the roads. The complainants claimed that the parked vehicles would endanger their safety by interfering with fire emergency vehicles attempting to respond to a fire call.

The Grand Jury interviewed the main author of the complaint, the business manager, and a member of the Brooktrails board, a sheriff deputy of Mendocino County who lives in Brooktrails, a CHP officer who also lives in Brooktrails and the Fire Chief of Brooktrails. The Grand Jury also attended a public meeting for all residents of the district where the subject of cars that are illegally parked was on the agenda. The Grand Jury made a tour of Brooktrails roads to observe cars and other vehicles parked on roads and private property.

Findings

1. One board member and others in the community indicated Brooktrails is dangerously like the Oakland hills and that a similar fire would be equally devastating.
2. Building plans now require off-street parking before Brooktrails Architecture Committee approves the plans.
3. In observing the many parked cars and vehicles, The Grand Jury found that they may constitute a safety hazard and are in non-compliance with Brooktrails Township parking ordinance.
Mendocino County Codes Sec. §15.28.010 and Sec. §20.180.010
4. Brooktrails has a good fire abatement program.
5. None of the seventeen complainants took time to attend a Board meeting where the subject of their concern was on the agenda.
6. Uniform Fire Code Sec. §10.205 Obstruction states “The Required width of a fire apparatus access road shall not obstruct in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.”

Recommendation

1. If enough people want the vehicles cleared, they must participate in their political process by attending Board Meetings and pressure the Brooktrails Township Board of Directors to enforce the ordinances. One person or the Grand Jury cannot do this for them.
2. Congestion, caused by parking vehicles, which obstructs emergency vehicles, endangers all residents of Brooktrails. It appears that no responsible agency or body wants to tackle this critical issue. Our recommendation is that the Brooktrails Township Board of Directors takes a leadership role to meet with all other enforcement agencies to resolve this issue.

Conclusion

According to the professional judgment of the Fire Chief, Brooktrails manager, peace officers, and the majority of other political and safety officials, the parked and or abandoned cars, boats, and motor homes would not significantly interfere with fire fighting equipment and pose no danger to fire safety in Brooktrails.

Response Required

Board of Supervisors
Brooktrails Township Board of Directors
Brooktrails Fire Chief
Brooktrails Manager
County Sheriff

Response Requested

California Highway Patrol

CHAMBERLAIN CREEK AND PARLIN FORK CONSERVATION CAMPS

The Grand Jury is required by Penal Code Section §919 to oversee all prisons in Mendocino County.

Method of Investigation

The Grand Jury conducted a visit at both camps. The Grand Jury interviewed California Department of Corrections (CDC) and California Department of Forestry (CDF) Officers, on site instructors and several inmates.

Background

Chamberlain Creek and Parlin Forks are only two (2) of 38 conservation camps in California and are operated by both CDC and CDF and have a minimum of 212 inmates. Besides fighting fires, crews do volunteer work for flood control, forest and park maintenance, rescue work, and community service projects.

Getting assigned to a conservation camp is a hard-earned privilege for inmates. All inmates are screened carefully with emphasis on physical fitness and background for camp placement. After being selected, inmates are sent to a two-week training program in fitness, fire suppression and safety. The average sentence in a conservation camp is one year.

Each fire crew has 17 inmates, and is supervised by a CDF Captain and a CDC Officer. Each crew works a twelve-hour shift under some extreme conditions, often in steep areas and carrying 30 lbs. of equipment. Inmates earn \$1.00 per hour while on a fire.

Findings

1. Firefighting crews can mobilize quickly during emergencies.
2. Inmates contribute to communities by volunteer work, such as cooking for those in need and preparing Thanksgiving dinners in the community and by donating handmade wood items to charitable groups like The Greater Bay Area Make-A-Wish. Foundation. Inmates do guest speaking at high schools about Drinking and Driving.
3. To combat ethnic differences and tensions, all camps stress social harmony through work, recreation teams and living arrangements.
4. Firefighters are required to perform at capacity while enduring high heat and shortness of oxygen in rough environments. Fitness is a must to maintain physical conditioning when responding to all emergencies.
5. In adherence to Penal Code Section §5010 weight training equipment has been removed from all prisons.
6. In California, Parlin Forks is one of three Conservation Camps, which have a full working sawmill, and cuts wood for furniture and crafts.

Comment

Chamberlain Creek and Parlin Fork Conservation Camps are well-organized, functional units. They have proven to be a beneficial program in Mendocino County and the State of California.

Response Requested

California Department of Corrections
California Department of Forestry