

**ORANGE COUNTY CEMETERY DISTRICT  
Board of Trustees  
April 5, 2022**

**MINUTES**

The regular monthly meeting of the Orange County Cemetery District Board of Trustees was called to order via video conference by Chair Kelly River at 10:02 a.m., in the Board Room of the Orange County Cemetery District, 25751 Trabuco Rd., Lake Forest, CA 92630.

The Pledge of Allegiance was led by Douglass Davert, Chair of Orange County LAFCO. Roll Call by Board Secretary, Mary Funk.

PRESENT:	Kelly Rivers, Chair	Second District
	Cynthia Ward, Vice Chair	Fourth District
	Maribel Marroquin-Waldram	First District
	Noel Hatch	Fifth District

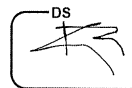
STAFF:	Tim Deutsch, General Manager
	Brenda Manriquez, Finance and Accounting Manager
	Mary Funk, Board Secretary

ALSO PRESENT: Steve Quintanilla, General Counsel  
 Douglass Davert, Chair, Orange County LAFCO  
 James Fisler, Orange County LAFCO, Special District Member  
 Oliver Yee, Legal Counsel with Liebert Cassidy Whitmore  
 Frank Kim, County of Orange CEO (Joined Meeting at 11:00 a.m.)  
 Larry Ryan, RJM Design Group (Joined Meeting at 11:10 a.m.)  
 Tamara McClory, RJM Design Group (Joined Meeting at 11:10 a.m.)  
 Bob Mutchnick, Engineer with GMU

**PUBLIC COMMENTS**

Douglass Davert, Chair of Orange County LAFCO and James Fisler, Special District Member of OCLAFCO gave an update on improvements made at OCLAFCO. Mr. Davert said that he was happy to hear from GM Deutsch that the MSR process is going smoothly for the Orange County Cemetery District. They stated that they promised to make OCLAFCO more user-friendly and to stand up for Special Districts. Mr. Davert and Mr. Fisler believe this has been accomplished. OCLAFCO is becoming more of a facilitator and they are increasing outreach efforts through a new newsletter and improvements to the OCLAFCO website with much more informational content. They encouraged the District to visit the improved website and make sure our District's profile is accurate and up-to-date.

GM Deutsch thanked them both for attending the meeting, stating that he appreciates the information and support from OCLAFCO.



Chair



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GM Deutsch also announced that the District and Trustees had received approximately 55 emails from residents voicing opposition to future cemetery development in Gypsum Canyon. Trustee Marroquin-Waldram asked how long the Trustees and the District need to store those emails. Legal Counsel Steve Quintanilla replied that the District should store all emails for a minimum retention of two years. In this case, since GM Deutsch received the same emails as the Trustees, they do not need to forward those emails, as they are already being stored at the District Office.

Counsel Quintanilla advised that if any Trustee receives communication requesting information, it should be treated as a Public Records Request and the request should be forwarded to the District Office so proper documents can be sent in response to the request.

### CONSENT CALENDAR

- A. Approval of Minutes — Regular Board Meeting, March 1, 2022.
- B. Approval of the April 2022 Check Registers (Claims) Nos. 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, and 160.
- C. Approval of Excused Absence for Trustee Rivers at March 1, 2022 Board Meeting.

**MOTION:** of Trustee Hatch, seconded by Chair Rivers and carried by a roll-call vote of 4-0, approved the Consent Calendar.

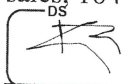
### MANAGER REPORTS

#### A. Interments and Interment Space Sales Reports – February 2022

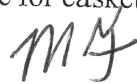
The following interment and interment space sales for February 2022 were reviewed:

			<u>2021-2022</u>	<u>2020-2021</u>
ANAHEIM	Interments	5 (3 Urn)	59 (44 Urn)	73 (47 Urn)
	Lot Sales	3	36	39
EL TORO	Interments	82 (21 Urn)	618 (189 Urn)	610 (181 Urn)
	Lot Sales	178	1,001	792
SANTA ANA	Interments	24 (9 Urn)	168 (72 Urn)	211 (65 Urn)
	Lot Sales	7	44	89
TOTAL	Interments	111 (33 Urn)	845 (305 Urn)	894 (293 Urn)
	Lot Sales	188	1,081	920

GM Deutsch reported that once again records for space sales were set both for a single cemetery and for the District overall. Anaheim Cemetery's activity for February was status quo with three interment space sales (all in-ground cremation) and five interment services conducted for the month. Santa Ana Cemetery had seven space sales and performed 24 interment services. Year-to-date, Santa Ana Cemetery has conducted 168 interments, which is 43 fewer than the previous year. El Toro Memorial Park set an all-time record with 178 space sales in February. Of those sales, 164 were for casket spaces, 9 niches were sold and 5 in-ground cremation spaces were



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sold. Pre-Need sales accounted for 73.6% of sales at El Toro Memorial park. The previous record for space sales was 127 in January 2022. Year-to-date El Toro memorial Park has sold 1,001 interment spaces. With 2,215 full casket spaces remaining at El Toro, it is imperative to move forward with the development of a fourth public cemetery in Orange County. Approximately 464 niches remain in the Maureen Rivers Memorial Niche Garden. For Interment Services, El Toro Memorial Park conducted 82 interments in February.

GM Deutsch reported that the sale of spaces to Eligible Non-Residents has been prohibited. Staff is allowing Orange County residents who own space to use their space to bury non-residents.

District-wide for February 188 interment spaces were sold and 111 interment services were conducted. Compared to the previous year, the District is ahead by 161 space sales, but behind on interments by 49 services.

**B. Financial Reports – February 2022**

Brenda Manriquez reported that revenues continue to trend higher than expected as indicated by the monthly activity report. Property tax revenues are also trending higher than expected. Interest rates are slowly improving. For space sales revenues, the District is already at 96% of budget and we still have four months left if the fiscal year.

Expenses do not have anything new of significance. As events transition from virtual to in-person, the District is seeing expenses go up accordingly for special events and conferences with travel and hotel expenses.

There were no new equipment expenses. In the 4200 Account – Buildings and Improvements, the first payment to Horizon Construction for the Cemetery improvement projects at Anaheim, Santa Ana and El Toro was received for \$130,185. There were \$177,719 in expenses for new cemetery development with invoices from Fuscoe, RJM Design Group, and LSA Associates.

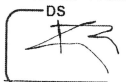
The Balance Sheet is now showing approximately \$2.1 million as assigned for Land Development. At the end of the fiscal year, funds will be moved to Committed.

**C. Investment Portfolio Changes – March 2022**

GM Deutsch said that only one investment matured in March in the Endowment Principal Fund. As we continue to fill in the 5-year ladder, rates are improving with the longer terms. GM Deutsch also mentioned that the Board Report shows investments that will be maturing in the next six months as well as interest rates for the pooled funds.

**D. Capital Projects Update**

Studies are continuing at Gypsum Canyon by LSA, RJM and Huitt-Zollars in collaboration with the County of Orange Public Works Department and the City of Anaheim. The development team is continuing to work on the Development Application for submittal to the City of Anaheim. He also met with CEO Frank Kim and Mat Miller regarding the request for a dedicated section in the public cemetery for Orange County Firefighters and Police Officers which will be discussed later in the meeting.



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The improvement projects at Anaheim Cemetery and Santa Ana Cemetery are complete and just need the final walk-through. Work is commencing at El Toro Memorial Park to remedy the drainage issues around the cemetery office building and to refurbish the exterior windows.

Of the \$770,000 approved in the budget for capital projects, \$303,771 has been paid to date.

Trustee Hatch asked if there is the ability to create an updated time table of what actions will be occurring for new cemetery development between now and the fall. GM Deutsch said that, due to some findings in our studies and the need for additional geotechnical assessment, the submittal to the City of Anaheim has been delayed by a couple of months. He is hoping to have an updated project schedule to the board within two months.

**GENERAL COUNSEL REPORT - None**

**NEW BUSINESS**

Since Oliver Yee from Liebert, Cassidy, Whitmore was not on the Zoom meeting yet, GM Deutsch moved to New Business, Item D at this time.

**D. Approval of Proposal – El Toro Memorial Park Tree Trimming Services**

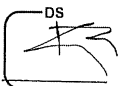
GM Deutsch explained that park-wide tree trimming services is badly needed at El Toro Memorial Park. Some of the smaller trees are diseased and will need to be removed. As we have done with tree trimming services in the past, we put out a bid requiring that all contractors be registered with the Department of Industrial Relations. Bud met with contractors and provided maps and walked the grounds with them. The District received three qualified bids. The apparent low bidder is Treesmith Enterprises, Inc. The company is based in Anaheim and submitted a bid for \$42,525.00

**MOTION**

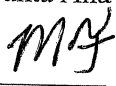
of Trustee Hatch, seconded by Trustee Marroquin-Waldram, and carried by a vote of 4-0, approved the proposal by Treesmith Enterprises, Inc. for the tree trimming services at the El Toro Memorial Park in the amount of \$42,525.00, and authorized the General Manager to execute the proposal.

**E. Full Casket Interment Space Sale Limitation – El Toro Memorial Park**

GM Deutsch explained that as the inventory of available casket spaces at El Toro Memorial park continues to dwindle, staff wants to take action to extend the available inventory as long as possible. However, families should not be completely prohibited from the opportunity to responsibly prepare for death. Currently Orange County residents are limited to purchasing no more than two double-depth casket spaces per Orange County address. GM Deutsch and staff are recommending that moving forward, the District reduce the limit to no more than 1 double-depth casket space per Orange County address. GM Deutsch said he used the same resolution language from 2021 when we limited sales to two per household, and just altered the language of the resolution to limit sales to one per residence. Trustee Hatch confirmed that two people from the same household could not each purchase a space. GM Deutsch confirmed that this would be correct. The limit is per household, not per person. He also added that this limit is only for full casket space. There is no limit on pre-need sales for cremation space. Trustee Marroquin-Waldram, asked if this was just for El Toro. GM Deutsch confirmed this was correct as neither Anaheim nor Santa Ana has full casket space available to sell.



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**MOTION** of Trustee Hatch, seconded by Chair Rivers, and carried by a vote of 4-0, adopted Orange County Cemetery District Resolution 2022-01, limiting the number of Pre-Need Casket Interment Spaces at the El Toro Memorial Park to one per household sharing the same street or mailing address.

At this time Oliver Yee of Liebert, Cassidy, Whitmore joined the meeting and GM Deutsch returned to Item A of New Business.

**A. Approval of Agreement for Special Services – Liebert, Cassidy, Whitmore**

GM Deutsch explained that the Union is a little behind in the process of starting negotiations for the next MOU. The current MOU expires on June 30, 2022. We have received a letter from SEIU 721 Chief Negotiator, Steve Koffroth and a kickoff meeting has been set for Thursday afternoon. Currently all negotiations will be completed remotely via Zoom and they will be updating the Board and/or the Personnel Committee in Closed Session on the outcome of Thursday’s meeting. GM Deutsch also suggested scheduling Special Meetings in between Regular Board Meetings to move the process along in a more efficient manner. GM Deutsch welcomed Oliver Yee of Liebert, Cassidy, Whitmore to the meeting stating that Oliver has been instrumental in assisting the District over the last three contract negotiations.

Mr. Yee said he is looking forward to working with the District during the next round of negotiations and would be happy to answer any questions that the Board may have. Trustee Hatch asked if Mr. Yee had any experience working with Mr. Koffroth in the past. Mr. Yee said that he had not met Mr. Koffroth before, but is very experienced working with SEIU. Trustee Hatch also mentioned that Laguna Woods is having a difficult time finding skilled landscaping workers and thought this shortage of qualified workers may be a factor in union negotiations.

Trustee Ward asked how does remote or virtual meetings impact negotiations. Mr. Yee stated that it can actually offer greater flexibility and they also utilize breakout rooms. He has not seen any change in the process of negotiations since moving to a remote framework.

**MOTION** of Chair Rivers, seconded by Vice Chair Ward, and carried by a vote of 4-0, authorized the General Manager to execute the Agreement for Special Services by Liebert, Cassidy, Whitmore.

Since Frank Kim, County Executive Officer for the County of Orange was not on the Zoom meeting yet, GM Deutsch moved to New Business, Item F at this time.

**F. Appointment Process for OCLAFCO Regular and Alternate Special District Member Seats**

GM Deutsch announced that elections are coming up for the Regular and Alternate Special District Member Seats at OCLAFCO. The Board can make nominations and also needs to complete the Declaration of Qualification to Vote. The Board did not suggest any nominations. GM Deutsch explained that typically the Board Chair is designated as the person to vote and the Vice Chair is designated as the alternate voting member. The Trustees agreed to this arrangement.



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**MOTION** of Trustee Hatch, seconded by Chair Rivers, and carried by a vote of 4-0, authorized staff to submit the 2022 Nomination Form and Declaration of Qualification to Vote with Kelly Rivers as the voting member and Cynthia Ward as the alternate voting member, to be submitted to OCLAFCO by the April 22, 2022 deadline.

GM Deutsch announced that Orange County CEO was now on the Zoom meeting and moved to New Business, Item B at this time.

**B. Gypsum Canyon Cemetery Development – Request for Dedicated Section for Orange County Police & Fire Personnel.**

GM Deutsch welcomed Mr. Kim to the meeting. Mr. Kim stated that at the March 8, 2022 Orange County Board of Supervisors Meeting, the Board unanimously approved officially requesting the Orange County Cemetery District to set aside 10 acres of land in the proposed public cemetery at Gypsum Canyon to be “used for those men and women who spent more than 10 years...as a sworn police officer and/or firefighter that served the residents of Orange County for more than 50% of their careers.”

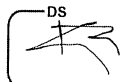
Mr. Kim further explained that these plots would be treated and maintained by the Cemetery District just like any other plot in the public cemetery. Any and all Orange County Cemetery District policies, procedures, and fees would apply to these plots as well. The spaces could be used for the Firefighter/Police Officer and their spouse. Mr. Kim said that he expects that the various police and firefighter associations would support the development by contributing to costs for signage and monuments that would differentiate this section from all other areas in the cemetery.

Vice Chair Ward asked if Emergency Medical Technicians and Paramedics would qualify for this section. Mr. Kim said that he did not think they would as it is required that eligible persons be sworn police officers or firefighters.

GM Deutsch voiced a concern that according to the regulations which govern the District, you have to be an Orange County resident in order to be interred in one of our cemeteries. How would that work if the sworn police officer or firefighter works for Orange County but resides outside of the County?

Mr. Kim recommended that the District draft a letter indicating what restrictions may need to be in place and what concerns or questions the District has. GM Deutsch also stated that this section is not included in the scope of work for our first phase of final grading. He is assuming that some kind of funding will be provided to pay for the grading and other development costs of such a section.

Trustee Hatch summarized that what the County needs from the District is a list of concerns or issues that would need to be discussed and addressed for the development and operation of such a reserved section of the new public cemetery. Mr. Kim confirmed that was correct. He said the Board needs to do two things: first, approve the designation of up to ten acres for a section



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reserved for Sworn Police Officers and Firefighters; and second, articulate and define any concerns or restrictions that need to be addressed.

Vice Chair Ward questioned whether we could legally restrict certain sections for a particular segment of the population. Counsel Quintanilla replied that he had investigated this and the District can accommodate this provided there is still sufficient space in the foreseeable future for all residents of Orange County. He added that the District is prohibited from specifying that a certain section is reserved for any group based on religion. Counsel Quintanilla recommended that we work with the county on an MOU regarding restrictions as it relates to eligible residents. Counsel Quintanilla said he could provide such a document within a few days.

**MOTION** of Trustee Hatch, seconded by Vice Chair Ward, and carried by a vote of 4-0, approved the establishment of a section up to ten acres in the new Gypsum Canyon public cemetery for the interment of Orange County Police and Fire Personnel, and authorized the General Manager to provide a response to the County of Orange CEO addressing any concerns or restrictions the District may have in regards to the development and administration of the reserved section.

GM Deutsch thanked Mr. Kim for his time in attending the Board Meeting. Since the representatives from RJM Design Group and the Engineer from GMU had not joined the meeting yet, GM Deutsch moved to Board Comments at this time.

**BOARD COMMENTS**

**A. CAPC Annual Conference, March 10-12, 2022 in Monterey Bay, CA**

Trustee Marroquin-Waldram reported that she attended the conference and said that it was really good and very informative. The association honored our late Trustee, William Nelson with a very lovely tribute. She also said she received many compliments regarding GM Deutsch and staff's willingness to always be of help. Trustee Marroquin-Waldram also said she always appreciates the seminars given by Karen O'Neil, adding that she always gives excellent presentations.

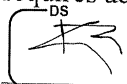
At this time, Larry Ryan and Tamara McClory from RJM Design Group and Bob Mutchnick from GMU joined the Zoom meeting. GM Deutsch returned to New Business, Item C.

**NEW BUSINESS - continued**

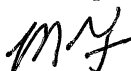
**C. Gypsum Canyon Cemetery Development Supplemental Geotechnical Site Investigation and Mass Grading Design Services Proposal**

GM Deutsch welcomed Larry Ryan, Tamara McClory and Bob Mutchnick.

Larry Ryan explained that the development team has made a lot of progress. Now that the Veterans Cemetery has gained traction for the Gypsum Canyon site and also has the support of the County, the development team needed to create a master grading plan not just for the lower pad, but for the whole property, including the slope and upper pad that the slope must support. Mr. Ryan explained that this master grading plan, currently being developed by Huitt-Zollars, requires additional exploration of the existing soil conditions.



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Bob Mutchnick, an Engineering Geologist with GMU presented some diagrams of the slope between the lower and upper pads and explained that the additional geotechnical investigation will gather and assess data on the keyway and then they will put together a report for the submittal to the City of Anaheim in support of the overall grading plan for both pads.

Vice Chair Ward asked for an explanation of what a “keyway” is. Mr. Mutchnick explained that a keyway intercepts adverse geology and puts in engineered fill that meets code requirements. Trustee Ward said in essence, it is removing bad soils and replacing it with more stable material. Mr. Mutchnick said that was the correct idea. In our development the keyway separates the two pads.

Larry Ryan stated that it is a true blessing to have GMU on our development team as they have done all of the geotechnical work for the development of communities like Rancho Santa Margarita and Rancho Mission Viejo.

GM Deutsch asked Larry Ryan to touch on the flagpole foundation and bridge moorings.

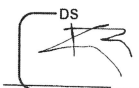
Larry Ryan stated that nothing is easy on this project. With the County requesting a 100 foot flagpole to be installed on the public cemetery parcel, he and Mr. Mutchnick recommended that while the rig is out on site to do the keyway borings, it would make sense to also drill for the flag pole foundation.

In addition, the development team has known from the beginning that the existing road we use to access the Gypsum Canyon property actually runs outside of the property lines that belong to the District. Environmental studies show that this land which we were hoping to incorporate into the District property where the road currently runs, is a conservation easement. Mr. Ryan stated it would be onerous and complicated to attempt to incorporate this land that is protected by the conservation easement. He recommended that it is best to leave that area completely alone and draw up a new plan for access that is entirely within the District’s current boundaries. This necessitates relocating the bridges, the access road and adjusting the location of the maintenance building.

GMU will need to do a liquefaction assessment at the bridge site which should add about two more days of investigation. He estimates the additional work for the bridge moorings and flag pole foundation will be about \$20,000.00 GM Deutsch recommended that if the Board takes action to approve the GMU proposal that they change the action to read that the work should not exceed \$125,000.

Counsel Quintanilla stated that the District is allowed to do this since this is a professional service agreement and not a public works contract. Mr. Mutchnick said he would work to amend the proposal accordingly.

**MOTION** of Trustee Marroquin-Waldram, seconded by Vice Chair Ward, and carried by a vote of 4-0, approved the proposal and authorized the General Manager to execute the requisite professional service agreement with GMU in an amount not to exceed \$125,000.

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**ITEMS FOR FUTURE AGENDAS - NONE**

**ANNOUNCEMENTS**

**A. ISDOC Quarterly Meeting, April 28, 2022 – 11:30 a.m. (Virtual)**

GM Deutsch asked the Trustees to let Mary Funk know if they want to attend this meeting.

**B. CSDA Special District Legislative Days, Sacramento, CA – May 17-18, 2022**

GM Deutsch might attend this event. None of the Trustees stated that they would be attending.

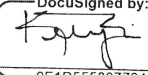
GM Deutsch said that he has heard from Supervisor Wagner’s office that the April 12 Board of Supervisor’s Meeting has an agenda item for the appointment of a new Trustee for the Orange County Cemetery District. His name is Vladimir Anderson and he is a resident of Lake Forest. Mr. Anderson served in the Marines and has over thirty years of experience in law enforcement. We will be reaching out to Mr. Anderson once the appointment is approved and help him become oriented with the District. Hopefully he will be able to attend the May Board Meeting.


Brenda Manriquez said that staff have not forgotten about training opportunities for the Trustees. They are working on getting together a list of educational opportunities that the Trustees might be interested in.

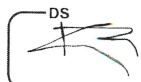
Trustee Marroquin-Waldram also announced that she is expecting her first child and is due in September. Everyone offered her their enthusiastic congratulations!

The next regular meeting will be held on **Tuesday, May 3, 2022**, at 10:00 a.m., at the Orange County Cemetery District, 25751 Trabuco Rd., Lake Forest, CA 92630.

There being no further business, the meeting was adjourned at 11:50 a.m.

DocuSigned by:  
  
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