

OROVILLE CEMETERY DISTRICT POLICIES OF THE BOARD OF TRUSTEES

November 22, 2010

CHAPTER 1

A. PURPOSE OF BOARD POLICIES

1. It is the intent of the Board of Trustees to maintain a Manual of Board Policies. Contained in this manual shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board. This manual will serve as a resource for Trustees, District staff and the public in determining the manner in which matters of District business are to be conducted.
2. If any policy or portion of a policy contained within this Manual is in conflict with rules, regulations or legislation having authority over the Oroville Cemetery District, these rules, regulations or legislation shall prevail.

B. DEFINITIONS

As used in these regulations, shall have the following meanings:

1. "District" means the Oroville Cemetery District.
2. "Board" means the Board of Trustees of the District.
3. "Trustee(s)" means one or more of the Trustees of the District.
4. "Chair and Vice-Chair" means the Chair and Vice-Chair of the Board, duly elected and qualified as provided in these policies.
5. "Fiscal year" means a year of twelve consecutive months, beginning the first day of July of the year and ending on the last day of June of the following year.
6. "Plot", "Lot", or "Internment Plot" means a space in a cemetery, used or intended to be used for the internment of human remains. Such terms include and apply to one or more than one adjoining graves.
7. "Non-Resident", as defined in Section 9002(g) of the California Health and Safety Code.

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CHAPTER II

A. BOARD ORGANIZATIONS AND POLICIES

1. Trustees are appointed by the County Board of Supervisors from the electors residing within the District, for a four-year term, and until the appointment of their successors.

B. ATTENDANCE AT MEETINGS

1. Members of the Board of Trustees shall attend all regular, special or emergency meetings of the Board unless there is a good cause for absence.
2. A vacancy shall occur if any member ceases to discharge the duty of his/her office by being absent for the period of two (2) consecutive months or three (3) absences in a calendar year, unless excused by the Board of Trustees.

C. CONFLICT OF INTEREST

1. No member of the Board of Trustees, or Board officer, or District employee shall have an interest in any contract entered into by the District, unless such interest is specifically permitted by law.
2. "Interest" shall mean pecuniary or material benefit accruing to the Board Member, officer, or employee of their relatives resulting from a contractual relationship with the District.

D. ENUMERATION AND REIMBURSEMENT

1. Members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business other than a meeting of the Board. (California Health and Safety Code, Section 9031(c)). Upon submission of a detailed claim to the District Manager, reimbursement for the cost of the use of a Trustee's personal vehicle shall be on the basis of total miles driven at the rate allowed by the IRS.
2. The Board of Trustees may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100.00) for attending each meeting of the Board. A member of the Board of Trustees shall not receive compensation for more than four meetings of the Board in a month. (California Health and Safety Code, Section 9031(a)).

E. BOARD OFFICERS

1. The officers of the Board shall consist of the Chair and Vice-Chair, who shall be selected from the membership of the Board of Trustees at the December regular meeting. Officers shall hold office for the terms of one year or until their successors are elected. The District Manager shall be the Secretary to the Board.

F. BOARD CHAIR

1. The Chair of the Board of Trustees shall serve as Chair at all Board meetings. He/she shall have the same rights as other members of the Board in voting, introducing motions, resolutions and ordinances, an in any discussion of questions that follow.

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2. In the absence of the chair, the Vice-Chair of the Board of Trustees shall serve as Chair over all meetings of the Board. If the Chair and the Vice-Chair of the Board are both absent, the remaining members of the Board shall select of their group to act as Chair.
3. The Chair shall determine the agenda for meetings in consultation with the Manager, and shall determine the order in which agenda items shall be taken up. Agenda items may be requested by other Board members and placed on the agenda prior to the Wednesday before the regular meeting.
4. The Chair and the Manager shall insure that appropriate information is available for the audience, and that physical facilities for meetings are functional and appropriate.

G. BOARD SECRETARY

1. The Secretary shall notify members of all meetings, and call special or emergency meetings upon the request of the Chair or three members of the Board.
2. The Secretary shall have custody of all books, records, maps and papers of the District.
3. The Secretary shall keep an accurate written record of all business transacted as the regular, special or emergency meetings of the Board, provided however, the Secretary may delegate any or all of the foregoing duties to a person employed by the Board of Trustees for that purpose.

H. BOARD MEMBERS

1. Information may be requested from staff members at any time, but Board decisions shall occur during regular, special or emergency Board meetings.
2. Board members may request inclusion into the minutes, of brief comments pertinent to an agenda item, only at the meeting that items are discussed (including, if desired, a position on abstention or dissenting vote).
3. Board members shall abstain from participation in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Board members should not abstain from the Board's decision making responsibilities.
4. Requests by individual Board members for substantive information and/or research from the Staff will be channeled through the Manager.

I. BOARD COMMITTEES

1. The Board Chair shall appoint such temporary and special committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the temporary or special committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.
2. The following shall be standing committees of the Board that shall be appointed on an as needed basis:
 - a. Planning Committee.
 - b. Personnel Committee.

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- c. Finance Committee.
- d. Public Information Committee.
- 3. Planning Committee shall be concerned with, and review for achieving the District's goals, both long and short term.
- 4. Personnel Committee shall be concerned with the functions, activities, operations, compensation, and welfare of the District staff.
- 5. Finance Committee shall be concerned with the financial management of the District, including the preparation of the annual budget and major expenditures.
- 6. Public Information Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to the public.

J. BASIS OF AUTHORITY

- 1. The Board of Trustees is the unit of authority within the District. Apart from the normal function as a part of this unit, Board members have no individual authority. As individuals, the Board Members may not commit the District to any policy, act or expenditure.
- 2. Board Members may not do business with the District, nor shall they have an interest in any contract with the District.
- 3. Board Members do not represent any factional segment of the community, or trustee area, but are, rather, a part of the body, which represents and acts for the community as a whole.

K. BOARD MEETINGS

- 1. Regular Meetings. Regular meetings of the Board shall be held on the fourth Monday of each calendar month at 5:30 p.m., in the District Office, 5646 Lincoln Boulevard, Oroville, California, provided, however, that if in any instance that day shall be a legal holiday under local, state, or federal law, that regular meeting date shall be held up on the next succeeding business day.
 - a. The date, time, and place of the regular meetings shall be reconsidered annually at the organizational meeting of the Board.
- 2. Special Meetings. The Chair or a majority of the Board members may call special meetings of the Board.
 - a. All Board Members, the Manager and District Counsel, if any, shall be notified of the special meeting and the purpose or purposes for which it is called. Notification shall be in writing, delivered to them at least twenty-four (24) hours in advance of the meeting.
 - b. Newspapers of general circulation in the District, radio stations and television stations, and residents who have requested notice of special meetings shall be notified by mail if requested.

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- c. An agenda shall be prepared as specified for regular board meetings and shall be delivered with the notice of the special meeting to those notified above. Notice shall be posted at the District Office twenty-four (24) hours prior to the special Board meeting.
 - d. Only those items of business listed in the call for the special meeting shall be considered at any special meeting.
- 3. Emergency Meetings. The Chair or a majority of the Board members may call an emergency meeting should they determine that an emergency situation exists. An emergency is defined as a crippling disaster, work stoppage or other activity, which severely impairs public health, safety or both.
 - a. At least one hour prior to the meeting, notice by telephone must be provided to all newspapers of general circulation in the District, radio stations and television stations, and residents who have requested notice of special meetings.
 - b. In the event that telephone services are not working, a report must be given to the media outlets as soon as possible after the meeting.
 - c. Except for the 24-hour requirement, the provisions of a special meeting apply to the conduct of emergency meetings. Emergency meetings may not be held in closed session.
- 4. Adjourned Meetings. A majority vote by the Board of Trustees may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no members are present at any regular or adjourned regular meeting, the Secretary may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in Paragraph Nos. 2 and 3 above.
- 5. Annual Organizational Meeting. The Board of Trustees shall hold an annual organizational meeting at its regular meeting in December. At this meeting, the Board will elect a Chair and a Vice-Chair from among its members to serve during the coming year.

L. AGENDA AND ORDER OF BUSINESS

- 1. Agenda.
 - a. The Manager, in cooperation with the Board Chair, shall prepare an agenda for each regular Board meeting. Any Board member may call the Manager and request any item be placed on the agenda no later than 2:00 p.m. on the Wednesday prior to the regular meeting date.
 - b. This policy does not prevent the Board from taking testimony at regular meetings on matters not on the agenda, which a member of the public may wish to bring before the Board, but the Brown Act does not allow consideration or decisions on such matters at that meeting.
 - c. At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes, but is not limited to, all matters on which action may be taken, shall be posted conspicuously within the District Office. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same location.

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2. Order of Business.

a. The order of business at all regular meetings of the Board shall be as follows:

- (1) Call to Order.
- (2) Roll Call.
- (3) Hearing of Individuals on Agenda Items.
- (4) Minutes.
- (5) Checks.
- (6) Manager's Report.
- (7) Superintendent's Report.
- (8) Closed Personnel Session, if needed or requested.
- (9) Hearing of Individuals on Non-Agenda Items.
- (10) Adjournment.

M. MEETING CONDUCT

1. Meetings of the Board of Trustees shall be conducted by the Chair in a manner consistent with the adopted Manual of Board Policies and the latest edition of Robert's Rules of Order. The Manual of Board Policies shall prevail whenever it is in conflict with Robert's Rules of Orders.
2. Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Trustees, as follows:
 - a. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.
 - b. No boisterous conduct will be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for ending that person's time of addressing the Board and/or adjournment of the meeting.
 - c. No oral presentation shall include charge or complaints against any District employees, regardless of whether or not the employee is identified in the presentation by name or by another reference, which tends to identify. All charges or complaints against employees shall be submitted to the Board of Trustees under the provisions of the Manual of Board Policies.

N. BOARD ACTIONS AND DECISIONS

1. Actions by the Board of Trustees include but are not limited to the following:
 - a. Adoption or rejection of regulations or policies;
 - b. Adoption or rejection of resolutions or minute orders;
 - c. Approval or rejection of any contract or expenditure;
 - d. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel;
 - e. Approval or disapproval of matters which require, or may require the District or its employees to take action, or to provide services.

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2. The Board may give directions, which are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the Manager.
3. The Chair shall determine by consensus, a Board direction and shall state it for clarification. Should any two Board members challenge the statement of the Chair, a voice vote may be requested.
4. A formal motion may be made to place a disputed direction on a future agenda, or to take some other action as appropriate (such as refer to the Manager, etc.).

O. MINUTES

1. The Secretary of the Board of Trustees shall keep minutes of all regular, special and emergency meetings. Copies of the minutes shall be made for distribution to Board members with the agenda for the next regular meeting. The official minutes of regular, special and emergency meetings and the master copy of the Board Policies and Rules and Regulations shall be kept in the vault at the District Office. Approved copies of the minutes will be posted in the District office for public use.
2. Motions and resolutions shall be recorded as having passed or failed, or tied, and individual votes will be recorded unless the vote was unanimous. All resolutions adopted by the Board shall be numbered consecutively starting new, at the beginning of each fiscal year.
3. The Board minutes shall be maintained as outlined below:
 - a. Content – Board Procedure
 - (1) The date, place and type of each meeting.
 - (2) Members present and members absent by name.
 - (3) Call to Order.
 - (4) Departure of members by name before adjournment or if absence takes place when any Board agenda items are acted upon.
 - (5) Adjournment of the meeting.
 - (6) Record of written notice of special or emergency meeting.
 - (7) Record of items to be considered at special or emergency meeting.
 - b. Content – Board Action
 - (1) Approval or amended approval of the minutes of preceding meetings.
 - (2) Complete information as to each subject of the Board's deliberation.
 - (3) Complete motions including the roll call record of the vote on a motion, if it is not unanimous.
 - (4) All Board resolutions, complete, and numbered for each fiscal year.
 - (5) A record of all contracts entered into.
 - (6) All employment's and resignations or terminations of employment.
 - (7) A record of all bid procedures including calls for bids authorized, bids received, and other action taken.
 - (8) A record, by number, of all checks approved for payment.
 - (9) Adoption of the annual budget.
 - (10) All financial reports, including collections received and deposited and sales of District property shall be presented to the Board.
 - (11) A record of all important correspondence.
 - (12) A record of the Manager's reports to the Board.

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- (13) Approval of all policies and Board-adopted regulations.
- (14) A record of all visitors and delegations appearing before the Board.

P. PUBLIC COMPLAINTS

1. The Board of Trustees desires that public complaints be resolved at the lowest administrative level, and that resolution be prompt, logical and if possible, fair to both parties involved.
2. A public complaint is an allegation by a citizen of a violation or misinterpretation of a District policy, State or Federal statute of which the citizen has been, or feels they have been, adversely affected.
3. The first level supervisor, the Superintendent, or the Manager will endeavor to resolve the dispute or complaint with the citizen. If the complainant is not satisfied with the explanation or resolution, they are to be advised (politely) that the next level of supervision up to an including the Board of Trustees, is the next level available to them, and advised of when and where the Board of Trustees is conducting their next meeting.

Q. RECORD RETENTION AND DESTRUCTION

1. The purpose of this Policy is to ensure that necessary records and documents are adequately protected, maintained and that records no longer needed by the Oroville Cemetery District or are of no value are discarded at the proper time. This Policy is also for the purpose of aiding employees of the District in their obligations in retaining documents.
2. This Policy represents the Oroville Cemetery District's policy regarding the retention and disposal of records.
3. Attached as Appendix A is a Record Retention Schedule that is approved as the initial maintenance, retention and disposal schedule for physical records of Oroville Cemetery District. The District Manager ("Administrator") is the officer in charge of the administration of this Policy and the implementation of processes and procedures to ensure the Record Retention Schedule is followed. The Administrator is also authorized to: make modifications to the Record Retention Schedule from time to time to ensure it is in compliance with local, state and federal laws and includes the appropriate document and record categories for the District; monitor local, state and federal laws affecting record retention; annually review the record retention and disposal program; and monitor compliance with this Policy.

APPENDIX A – RECORD RETENTION SCHEDULE

Revision Dates

November 22, 2010, January 8, 2007, December 12, 2005, July 12, 2004, November 12, 2002, March 11, 1996, August 12, 1985, September 1902