

EL DORADO COUNTY
GRAND JURY 2020-2021
REPORT



COUNTY CEMETERY MANAGEMENT

CASE 20-01

Public Release

JUNE 30, 2021

EL DORADO COUNTY 2020-2021 GRAND JURY

COUNTY CEMETERY MANAGEMENT

Case 20-01 • June 30, 2021

SUMMARY

County Cemetery Administration has had many homes over the years. It currently falls under the County Planning and Building Department. The County reports it maintains 17 cemeteries (Attachment H). These include eight inactive cemeteries and nine active, meaning they still offer plot sales. The County does not have title to four of the cemeteries it manages.

On June 4, 2002, the Board of Supervisors (BOS) established the El Dorado County Cemetery Advisory Committee to serve as an advisory group. The Committee has specific responsibilities outlined in the establishing resolution, however, those responsibilities are not routinely being accomplished.

On November 17, 2014, the Board adopted the El Dorado County Cemetery Ordinance. One of the primary purposes of the ordinance was to designate abandoned cemeteries as Pioneer Memorial Parks. Additionally, the ordinance provides general guidelines for the maintenance of County cemeteries. The Grand Jury found the ordinance outdated and in need of revision. The Grand Jury also found County-maintained cemeteries were unsatisfactorily maintained in accordance with the guidelines in the County Ordinance. The Grand Jury recommends the County take action to more efficiently utilize County funds to maintain its cemeteries.

BACKGROUND

No one knows the exact number of bodies buried in El Dorado County, nor does anyone know how many cemeteries, burial sites and Pioneer Memorial Parks exist in the County. There are Native-American burial sites, family cemeteries, public and private cemeteries and unknown numbers of marked and unmarked burial sites. This is largely a result of the County's pioneer history. By California State Health and Safety Code, a cemetery exists where six or more people are buried; an area where less than six are buried is considered a burial site. According to California Health and Safety Code 8825-8829, a Pioneer Memorial Park is an abandoned cemetery acquired by the County for reasons of health, safety, comfort or welfare of the public. It has been estimated there are well over 100 cemeteries and hundreds more burial sites in the County. County representatives advised the Grand Jury there are no Pioneer Memorial Parks in the County, contrary to what the Grand Jury found.

County Cemetery Administration has had many homes over the years. It now operates under the County Planning and Building Department. Prior to that it was located in the Chief Administrative Office, the County Community Development Services Agency and the County General Services Department.

Currently the County reports to maintain 17 cemeteries (Attachment H). Nine of these County-managed cemeteries currently offer plot sales and eight are inactive. St. Michael's, one of the 17, is maintained by the County by court order.

There were 48 burials that occurred in County-managed cemeteries in 2018, 46 in 2019 and 32 in 2020.

On June 4, 2002, the BOS, by Resolution, established the El Dorado County Cemetery Advisory Committee to serve in an advisory capacity to the Board on cemeteries located in the County.

Our review of past Grand Jury Reports from 2000 to the present, found only one report pertaining to cemeteries. The 2009-2010 Grand Jury investigated the Happy Homestead Cemetery District (a non-County cemetery district) regarding possible improper claims submitted to the Auditor/Controller for reimbursement. The only other reference found concerning County-owned cemeteries was an 1899 *Mountain Democrat* article detailing a recently-released Grand Jury report. The 1899 report recommended the graves in the County Hospital Cemetery be marked appropriately. Given 121 years have passed since the writing of that report, the Grand Jury determined it appropriate to again examine County cemetery management.

METHODOLOGY

DOCUMENTS REVIEWED

- Resolution NO. 215-73 (May 29, 1973) of the Board of Supervisors of the County of El Dorado
- Resolution NO. 90-92 (March 24, 1992) of the Board of Supervisors of the County of El Dorado
- Resolution NO. 128-2002 (June 4, 2002) of the Board of Supervisors of the County of El Dorado
- El Dorado County Ordinance Chapter 8-20-Cemeteries
- 2007 Local Area Formation Commission (LAFCO) Public Cemetery Municipal Review
- El Dorado County Board of Supervisors Meeting June 26, 2018 Cemetery Update with Attachment B, Cemeteries Report
- California Health and Safety Code 8115
- California Health and Safety Code 8131
- California Health and Safety Code 8825-8829
- Dario Mancio On-Call Gardening and Landscaping Maintenance Services Agreement for Services #4957
- List of County-maintained cemeteries
- Cemetery Administration staffing organization chart

- Mountain Democrat front page, December 2, 1899
- El Dorado County Civil Grand Jury reports from 2000 to present
- El Dorado County Board of Supervisors March 24, 1992 meeting agenda excerpt
- Report of County burial totals for 2018, 2019, 2020
- 33 deeds for cemeteries in the County

Website Review

- El Dorado County Cemetery Administration
- El Dorado County Pioneer Cemeteries Commission
- County Cemetery Advisory Committee
- 17 County-maintained cemeteries
- El Dorado County video of El Dorado County Board of Supervisors Meeting June 26, 2018 Cemetery Update
- El Dorado County video of El Dorado County Board of Supervisors Meeting November 5, 2019 Cemetery Update

Site Visits

- 17 County-maintained cemeteries
- The February 2021 Zoom Cemetery Advisory Committee Meeting

Interviews

- Representatives from the County Planning and Building Department
- Representative from the Office of County Counsel
- Representative from the County Cemetery Advisory Committee
- Representative from the El Dorado County Local Area Formation Commission
- Representative from the County Facilities Department
- Representative from the County Historical Museum
- Representative from the now dissolved El Dorado County Pioneer Cemetery Commission
- Representative from the County Office of Risk Management
- Elected County Officials
- Representative from the Chief Administrative Office
- Representatives from the El Dorado County Sheriff's Office and the Placerville Police Department

DISCUSSION

The individuals interviewed during this investigation included elected officials, County employees and County citizens. Many of these individuals conveyed to the Grand Jury that El Dorado County Cemeteries are County, State and National treasures which need to be preserved.

This investigation focused on;

- Cemetery Administration
- The Cemetery Advisory Committee
- County Cemetery Ordinance
- Cemetery Maintenance
- County Pioneer Memorial Parks

Cemetery Administration

County Cemetery Administration now operates under the County Planning and Building Department. Prior to that it was located in the Chief Administrative Office, the County Community Development Services Agency and the County General Services Department. According to members of the Cemetery Administration staff, this lack of continuity and frequent movement to various departments has impacted the County's ability to effectively manage the program.

As discussed by the Cemetery Director in the BOS meeting of June 26, 2018 on the subject of Cemetery Updates, the County maintained 19 cemeteries. In a 2019 BOS meeting presentation on the same subject, an additional cemetery was added, bringing the total to 20. Currently, the County reports it maintains 17 cemeteries. The Grand Jury learned three deleted cemeteries were not titled in the County's name and were part of a privately-owned parcel. The Grand Jury could not ascertain how or when Cemetery Administration received authorization to spend public dollars to maintain privately-owned cemeteries.

At the writing of this report an Administrative Services Officer had been recently hired to fill a vacant position. One of the responsibilities of this position is to act as the Cemetery Director. Prior to that hiring, one individual from the Office of County Counsel was designated to work in Cemetery Administration. According to interviews conducted by the Grand Jury, that person had devoted minimal time to that effort. One Administrative Analyst works on cemeteries in addition to other responsibilities. In 2019, a presentation to the Board by the Cemetery Director, reported one fulltime equivalent was dedicated to cemetery management. The Grand Jury found no evidence this had changed in any significant way.

Cemetery Administration occasionally receives volunteer office support.

In the course of its investigation, the Grand Jury was told that no member of the Cemetery Administration routinely visits or inspects County-maintained cemeteries.

Cemetery Administration maintains its own website and the Cemetery Advisory Committee Website. The Cemetery Administration website was recently updated to reflect the current number of cemeteries the County oversees. It includes links to County-maintained cemetery websites and information regarding cemetery fees. It does not provide information regarding the availability of plots, crypts or niches. It offers a link to both the Cemetery Advisory Committee website and the County Adopt-a-Cemetery Program website.

The Cemetery Advisory Committee website provides committee meeting agendas and information on meetings held. Due to the COVID-19 pandemic, the last 2020 committee meeting agenda posted was for a scheduled January 22, 2020 meeting, but no meeting minutes were posted. In 2019, five scheduled meetings also had no minutes posted. This website does provide links to County-maintained cemetery websites and to the County cemetery fee schedule.

The County has title to 13 of the 17 cemeteries the County oversees, and four without title, one being St. Michael's, which is owned by the Catholic Diocese of Sacramento. A Court order obligates El Dorado County to maintain St. Michael's. For years, Cemetery Administration has been working to obtain title for all County-maintained cemeteries. The BOS Resolution NO. 128-2002 (Attachment C) charges the Cemetery Advisory Committee to "Research legal titles of cemeteries . . ." but in practice, this function is performed by the Office of County Counsel.

Cemetery Advisory Committee

Resolution NO. 128-2002 (Attachment C) established the Cemetery Advisory Committee to serve as an advisory group to the BOS regarding cemeteries located partly or wholly within the County. The Resolution, which was put in place in 2002, is broad in scope, and includes requirements for not only County-maintained cemeteries, but all cemeteries in the County. It does not require the Committee to have County-managed cemeteries as a primary focus. In part, the Resolution requires the Committee to:

- Submit an annual report to the Board of Supervisors addressing the status of cemeteries within the County, tasks accomplished during the report year and recommendations regarding future activities and projects.
- Develop and recommend to the Board of Supervisors a County-wide, prioritized cemetery maintenance and restoration plan.

While the Committee presented an annual report to the BOS in 2019, it appears they lack consistency in submitting these reports. The Grand Jury discovered that, prior to the 2019 report, the Committee only submitted annual reports in 2005, 2008, 2011 and 2014.

The Grand Jury found no evidence of a prioritized County-wide cemetery maintenance and restoration plan provided to the BOS.

A meeting of the Cemetery Advisory Committee, the first since January 2020, was held on February 24, 2021. Specific items of interest to the Grand Jury reported at this meeting were:

- The three County-managed cemeteries deleted from the 2019 list were deleted on advice from the Office of County Counsel as the expenditure of County funds to maintain these cemeteries, located on private parcels, was considered to be an unlawful gift of government funds.
- Some funds budgeted for cemetery maintenance are not intended to be spent but rather held as contingency funds in the event of a major loss (i.e., downed tree, vandalism).
- The Cemetery Advisory Committee has not been conducting regular inspections of cemeteries, but intends to start inspections this year.
- Priority of cemetery inspections will not be given to County-managed cemeteries.

County Cemetery Ordinance

On November 17, 2014, the BOS adopted the El Dorado County Cemetery Ordinance (Attachment D). The ordinance, posted on the BOS website, shows no record of recent changes, pending amendments or previous versions of the law. Along with definitions, procedures which designate abandoned cemeteries as Pioneer Memorial Parks (described below) and cemetery management responsibilities, the ordinance provides general guidelines for the maintenance of County cemeteries. It also grants authority to the Cemetery Director to waive requirements or impose additional maintenance requirements in particular cases where the best interest of the public will be served.

A knowledgeable County employee, familiar with the County Cemetery Ordinance and County cemetery management, informed the Grand Jury the ordinance requires updating to provide more specific information on cemetery maintenance requirements. Additionally, a report released at the BOS Meeting of June 26, 2018, *Cemetery Update Attachment B, El Dorado County Government Operated Cemeteries Report*, discusses cemetery risks and liabilities of maintenance and protecting the public from hazardous conditions. Specifically, the report identified the need to “.... update the ordinance with respect to liability matters.”

Cemetery Maintenance

County-maintained cemeteries are maintained under the direction of the County Cemetery Director, who is appointed by the Chief Administrative Officer. The County Facilities Division, outside contractors and volunteer groups all assist in maintaining County cemeteries. Three County cemeteries are maintained under the Georgetown Cemetery Zone of Benefit, a geographic area authorized to levy a special tax for cemetery maintenance.

As stated above, the Cemetery Advisory Committee is required to develop and submit to the BOS a County-wide, prioritized cemetery maintenance and restoration plan. The Grand Jury found no evidence this has been accomplished. Additionally, representatives from the County Planning and Building Department advised the Grand Jury they do not routinely visit or inspect County-maintained cemeteries to determine maintenance needs.

The El Dorado County Cemetery Ordinance details the following guidelines for maintenance of public cemeteries:

1. All roads, streets, walkways, fences, gates and grounds on cemetery property shall be kept in good repair and maintained so as to provide safe, unobstructed access to the cemetery.
2. All graves, markers and monuments shall be maintained in a safe and orderly condition.
3. Vegetation and shrubbery shall be kept in a trimmed and orderly condition throughout the cemetery grounds.
4. All rubbish shall be routinely collected and removed from the cemetery grounds and containers shall be provided for use by visitors.

Grand Jury inspection of all County-maintained cemeteries revealed inconsistencies in adherence to these guidelines. Jurors found pathways that were not easily accessible, grave markers in various states of disrepair, and grounds overgrown with weeds. Trash bins were often overflowing and, in some cases, non-existent. While not true for all sites, in general, County cemeteries appear grossly neglected.





The Cemetery Administration budget includes \$6,000 designated for transfer to the County Facilities Division for minimal cemetery maintenance. Maintenance is normally performed twice a year, not based on when there is an actual need. For the last fiscal year, \$5,363 was actually transferred. As of the writing of this report, no funds have been transferred to Facilities for the current fiscal year. There are no specific written guidelines or standards provided to Facilities on maintenance to be performed at each cemetery beyond the broad guidelines in the County Cemetery Ordinance.

In July, 2020, the County entered into an agreement with Dario Mancio, a private contractor, to provide on-call gardening and landscaping services at County-maintained cemeteries (the agreement excluded those in the Georgetown Cemetery Zone of Benefit). The contract is not to exceed \$24,000, and pays the contractor \$70 an hour for a crew of three workers. In 6 months ending December 31, 2020, only \$1,680 had actually been expended.

Additionally, the BOS has approved an Adopt-A-Cemetery program, which provides for volunteers to help complete cemetery maintenance and improvement projects. The Grand Jury learned from its interviews that, in 2020, no work was completed under this program. The Grand Jury believes it is realistic, in small part, to expect volunteer efforts to assist with Cemetery maintenance. The County should continue to have principal responsibility for this maintenance.

Representatives of the Placerville Police Department and the El Dorado County Sheriff's Office told the Grand Jury several cemeteries in the County have had routine calls for service for vandalism, trespassing and other law enforcement issues. Interestingly, we were told there appeared to be a direct inverse correlation between how well a cemetery was maintained and the number of law enforcement calls for service.

Pioneer Memorial Parks

California Health and Safety Code 8825-8829 and the County Cemetery Ordinance, define a Pioneer Memorial Park as an abandoned cemetery acquired by the County by Board of Supervisor's Resolution, for reasons of health, safety, comfort or welfare of the public. Upon recordation of the Resolution with the County Recorder, fee title to the cemetery is vested to the County. According to several interviewees, no Pioneer Memorial Parks exist in El Dorado County.

Information obtained early in its investigation caused the Grand Jury to question the accuracy of that information.

Upon further research, we located two BOS Resolutions designating various County cemeteries as Pioneer Memorial Parks. The first (Attachment A) adopted in 1973, designated 19 cemeteries as Pioneer Memorial Parks. Three of these appear on the current listing of El Dorado County-maintained cemeteries. The second Resolution, (Attachment B) adopted in 1992, designated seven cemeteries as Pioneer Memorial Parks. Five of these also appear on the listing of El Dorado County-maintained cemeteries. According to the BOS March 24, 1992 meeting agenda (Attachment I), the 1992 Resolution superseded the 1973 Resolution.

While the 1973 Resolution indicates it was forwarded to the County Recorder, it appears action was not taken to document the title change to all of the Pioneer Memorial Parks. It is unclear to the Grand Jury if the County actually owns all 19 cemeteries in the 1973 Resolution. The Grand Jury could not ascertain if the 1992 Resolution was ever forwarded to the County Recorder. There is one cemetery on the 1992 Resolution for which the county does not have title and is not on the 1973 Resolution. Ownership of that cemetery is in question as well.

FINDINGS

- F1. Four County-maintained cemeteries remain without title; one being St. Michael's which is not owned by the County, but is maintained by court order.
- F2. The County could possibly own 16 additional cemeteries from the 1973 BOS Resolution and one from the 1992 BOS Resolution.
- F3. The Cemetery Advisory Committee often fails to provide the BOS with an annual report addressing the condition of cemeteries within the County, and a prioritized cemetery restoration and maintenance plan.
- F4. The County Cemetery Ordinance is outdated and in need of revision.
- F5. By incorporating a cemetery maintenance plan, routine inspections of County-maintained cemeteries and specific cemetery maintenance guidelines, County funds targeted for cemetery maintenance could be more fully and efficiently utilized.
- F6. County-maintained cemeteries are not being maintained in accordance with the guidelines presented in the County Cemetery Ordinance.

RECOMMENDATIONS

- R1. The County should make it a priority to research pertinent records in order to obtain the three missing County-maintained cemetery titles and clarify ownership of the 17 additional cemeteries from the 1973 and 1992 Resolutions.
- R2. The BOS should stress to the Cemetery Advisory Committee the importance of fulfilling their responsibilities in accordance with their establishing resolution.
- R3. The County should update the County Cemetery Ordinance.

R4. The County should more efficiently and fully utilize allocated funds to better maintain the cemeteries under its care in accordance with the County Cemetery Ordinance on an as needed basis and not on a prescribed schedule.

ATTACHMENTS

- A-Resolution NO. 215-73 of the Board of Supervisors of the County of El Dorado
- B-Resolution NO. 90-92 of the Board of Supervisors of the County of El Dorado
- C-Resolution NO. 128-2002 of the Board of Supervisors of the County of El Dorado
- D-El Dorado County Ordinance Chapter 8-20-Cemeteries
https://library.municode.com/ca/el_dorado_county/codes/codes_of_ordinances?nodeId+PTA_GECOOR_TIT8PUHESA_CH8.20ce_S8.20.063CEMA
- E-California Health and Safety Code 8115
- F-California Health and Safety Code 8131
- G-California Health and Safety Code 8825-8829
- H-List of County-maintained cemeteries
- I-El Dorado County Board of Supervisors March 24,1992 meeting agenda excerpt
- J-Report of El Dorado County burial totals for 2020

REQUEST FOR RESPONSES

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review *How to Respond to an El Dorado County Grand Jury Report*, a separate document included with this report.

Responses are requested in accordance with California Penal Code 9933 and 9933.05.

- **Responses to all findings and recommendations are requested from the County Board of Supervisors**

ATTACHMENT A-1

NS:mak
5/22/73



*Supervised by
R- 40-92
-3-24-92*

RESOLUTION No. 214-73

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

BE IT RESOLVED by the Board of Supervisors of El Dorado County that the below-listed cemeteries are designated as "Pioneer Memorial Parks" as defined in Chapter 7, Section 8625, of the Health and Safety Code:

<u>NAME</u>	<u>LOCATION</u>
Blackwell-Nashville Indian Cemetery	Sand Ridge Road
Clarksville Cemetery	Clarksville
Cold Springs Cemetery	Cold Springs
Craig Cemetery	Marble Valley
Diamond Springs Cemetery	Diamond Springs
Greenstone Indian Cemetery	Greenstone
Grizzly Flat Cemetery	Grizzly Flat
Grizzly Flat Catholic Cemetery	Grizzly Flat
Indian Diggins Cemetery	Indian Diggins
Mosquito Cemetery	Mosquito
Newtown Cemetery	Newtown
Old Placerville Cemetery	Chamberlain Street, Placerville
Pilot Hill-Cool Cemetery	Highway 49 between Pilot Hill and Cool
Pony Express Cemetery	Volcanoville Road
Spanish Dry Diggs Cemetery	Spanish Dry Diggins
Starbuck Cemetery	Starbuck Road near Green Valley Road
Skinner Burying Ground	Green Valley Road near Starbuck Road
Uppertown Cemetery	Placerville
Volcanoville Cemetery	Volcanoville

ATTACHMENT A-2

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 20 day of May, 1921, by the following vote of said Board:

ATTEST:
 CARL A. MALLY, Deputy Clerk and ex-officio
 Clerk of the Board of Supervisors
[Signature]

AYES: Franklin K. Lewis, W. F. Walker,
 Raymond E. Lupton, Thomas L. Stewart
 NAYS: NONE
 ABSENT: William J. Yarbrough
[Signature]
 Chairman, Board of Supervisors

DATE	BOARD MEETING
5/20/21	Regular Meeting
5/21/21	Regular Meeting
5/22/21	Regular Meeting
5/23/21	Regular Meeting
5/24/21	Regular Meeting
5/25/21	Regular Meeting
5/26/21	Regular Meeting
5/27/21	Regular Meeting
5/28/21	Regular Meeting
5/29/21	Regular Meeting
5/30/21	Regular Meeting

ATTACHMENT B



RESOLUTION NO. 90-92

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

BE IT RESOLVED by the Board of Supervisors of El Dorado County that the below-listed cemeteries are designated as "Pioneer Memorial Parks" pursuant to Chapter 7, Section 8623 et seq of the Health and Safety Code.

<u>Name</u>	<u>Location</u>	<u>APN</u>
Darlington Cemetery	Fiscerville	81-45-28-23
Dimmond Springs Cemetery	Elwood Springs	84-372-01
Greenstone Indian Cemetery	Greenstone	319-280-10
Harrison Island Cemetery	El Dorado Hills	87-26-13
Shingle Springs Cemetery	Shingle Springs	80-04-24
Smith Flat Cemetery	Smith Flat	48-28-08
Spanish Dry Diggins Cemetery	Spanish Dry Diggins	74-36 18

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 24th day of November, 1992 by the following vote of said Board:

Ases: Deputy Clerk Robert L. Bernal
William N. Costen, Thomas D. Upton

ATTEST

DOXIE L. POOTE
 Clerk of the Board of Supervisors
 By: [Signature]
 Deputy Clerk

None
 Absent: [Signature]
[Signature]
 Chairman, Board of Supervisors

I CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____
 ATTEST: DOXIE L. POOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.
 By _____
 Deputy Clerk

ATTACHMENT C-1

YOC:lp
2015/02/03

*Cemetery Advisory
Commission*



RESOLUTION No. 128-2002

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, the numerous cemeteries located in El Dorado County contain important artifacts of the County's cultural history, provide solemn final resting places for the County's citizens, furnish a vital public service where appropriate gravesites remain active and available, and contribute to the County's rural cultural heritage and open spaces and

WHEREAS, the Board of Supervisors wishes to protect and promote the public health, safety, and general welfare by preserving and enhancing the County's cemeteries; providing clear, fair, appropriate, and effective regulations for their use; ensuring appropriate treatment of Native American burial sites; compiling and recording cemetery information, records, and historical data; and identifying and pursuing funding for all of these activities; and

WHEREAS, to accomplish these goals, the Board of Supervisors wishes to draw upon the advice and expertise of trained, knowledgeable, and interested individuals within the local community;

NOW, THEREFORE, the Board of Supervisors hereby resolves as follows:

- A. There is hereby established an El Dorado County Cemetery Advisory Committee, consisting of eleven members. The composition of the Committee shall be as follows:
 1. Five members comprised of one member who resides in each of the five Board of Supervisor districts, nominated by the Supervisor in their district and appointed by majority vote of the Board of Supervisors;
 2. One member of a recognized fraternal organization, nominated by said organizations and appointed by majority vote of the Board of Supervisors;
 3. One member of a recognized Native American organization, nominated by said organizations and appointed by majority vote of the Board of Supervisors;
 4. One member possessing academic training and professional experience as an archaeologist, nominated by the County Cemetery Director and appointed by majority vote of the Board of Supervisors;
 5. One member of the Board of Supervisors, nominated by the Board of Supervisors and appointed by majority vote of the Board of Supervisors;
 6. The County Coroner, or designee;
 7. The County Cemetery Director, or designee.

ATTACHMENT C-2

Resolution No. 129-2008

Page 3

The Board of Supervisors may accept or reject all or any nominees for any member, and the Board may require further nominations or, alternatively, make its own appointments in place of those nominated, provided that the identities of the appointed members meet the criteria of this section.

- B. Subject to the provisions of section 210 of the County Charter, members shall have a term of two years or until a successor is appointed.
- C. Staff to the Committee shall consist of the Museum Director, County Counsel, and the County Planning Director, or their respective designees.
- D. Members shall serve without compensation.
- E. The Committee shall appoint from among its members a Chair and a First and Second Vice-Chair to act in the Chair's absence. The Committee shall appoint from among its members and staff a secretary to prepare written minutes of all meetings of the Committee and any subcommittees. Approved minutes shall be distributed to the Board of Supervisors, the County Cemetery Director, and anyone who makes a written request for them.
- F. The Committee shall meet monthly or as otherwise determined by the Committee to be necessary or desirable. All Committee meetings shall be conducted according to Roberts Rules of Order. The Ralph G. Brown Open Meetings Act shall apply to all Committee meetings. Six members shall constitute a quorum. Actions shall be taken by majority vote of the members present.
- G. The Committee's authority shall be as follows:
 - 1. It shall serve only in an advisory capacity to the Board of Supervisors regarding cemeteries and located partly or wholly within El Dorado County.
 - 2. It shall have no authority to, and shall not, formulate County policy or exercise authority or direction over County staff, nor make decisions that would bind the County contractually, fiscally, or otherwise.
 - 3. It shall serve as a liaison among the Cultural Resources Preservation Commission, County Departments, and interested community groups and citizens.
 - 4. It shall submit an annual report to the Board of Supervisors addressing the status of cemeteries within the County, tasks accomplished during the report year, and recommendations regarding future activities and projects.
 - 5. In addition to its annual report, it shall make recommendations to the Board, and report on findings resulting from its research, relative to cemeteries within the County.
- H. The Committee's initial assignments, in priority order, are as follows:
 - 1. Review the proposed update to the County Cemetery Ordinance and:

ATTACHMENT C-3

Resolution No. 12B-2002
Page 3

- a. No later than July 16, 2002, recommend that the Board of Supervisors adopt specified provisions, if any, of the proposed ordinance update that are acceptable to the Committee;
 - b. No later than September 24, 2002, recommend any additional revisions to the County Cemeteries Ordinance.
2. Research and report to the Board of Supervisors on the status of Native American burial sites within the County, including recommendations as to their documentation and preservation.
 3. Develop and recommend to the Board of Supervisors a County-wide, prioritized cemetery maintenance and restoration plan.
 4. Research and identify potential funding sources for specific cemetery projects (e.g., grants, private endowments, legislative initiatives, fundraising drives, volunteer efforts, etc.).
 5. Coordinate the compilation and recording in written form of information, records, and historical data relating to County cemeteries.
 6. Develop recommendations regarding the designation of cemeteries, if any, as Pioneer Memorial Parks.
 7. Develop recommendations for a website and written materials providing information on historical cemeteries within the County.
 8. Research legal titles of cemeteries to determine their public or private status, and for possible legal recognition of privately owned cemeteries.
- I. This resolution shall be effective immediately upon its adoption by the Board of Supervisors. Initial Committee nominations shall be submitted without delay, with a goal of full Committee appointment and initial Committee meeting within 30 days.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 4th day of June, 2002, by the following vote of said Board:

Ayes: DUPRAY, BAUMANN, SOBELLE, HUMPHREYS, SOLARO

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

[Signature]
Dorothy Clark

Name: NONE
Absent: NONE
[Signature]
Chairman, Board of Supervisors

I CERTIFY THAT
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL, ON FILE IN THIS OFFICE

Date _____

ATTACHMENT E

11/3/2020

California Health and Safety Code - HSC Section 8115.

[Home](#)

[California Codes](#)

[California
Attorneys](#)

You are here: [California / Health and Safety Code - HSC / CHAPTER 4. Local Regulation of Cemeteries \[8115. - 8115.\] / Section 8115.](#)

Section 8115. (Added by Stats. 1976, Ch. 525.)
Cite as: Cal. Health & Safety Code §8115.

The governing body of any city or county, in the exercise of its police power, may by ordinance prescribe such standards governing burial, inurnment, and entombment and such standards of maintenance for cemeteries, including mausoleums and columbariums, as it shall determine to be reasonably necessary to protect the public health or safety, assure decent and respectful treatment of human remains, or prevent offensive deterioration of cemetery grounds, structures, and places of interment. Such standards may be made applicable to every public and private cemetery within the city or county.

Nothing in this section supersedes any provision of this division or Division 7 (commencing with Section 7000) or authorizes the adoption of local standards in conflict with such provisions, except that city or county ordinances adopted pursuant to this section shall prevail over the rules and regulations of any private or public cemetery to the extent of any conflict.

SEARCH-CALIFORNIA-LAW.COM - California Legal Information
Copyright 2004-2013. No claim made to original governmental works.

ATTACHMENT F

11/3/2020

California Health and Safety Code - HSC Section 8131.

[Home](#)

[California Codes](#)

[California
Attorneys](#)

You are here: [California](#) / [Health and Safety Code - HSC](#) / [CHAPTER 1. General Provisions \(8125. - 8137.\)](#) / [Section 8131.](#)

Section 8131. (Enacted by Stats. 1939, Ch. 60.)

Cite as: Cal. Health & Safety Code §8131.

If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated.

www.californiaattorneys.com - California Legal Reference
Copyright 2005-2015. No rights reserved in original jurisdiction, voids

ATTACHMENT G



California LEGISLATIVE INFORMATION

[Home](#) [Bill Information](#) [California Law](#) [Publications](#) [Other Resources](#) [My Subscriptions](#) [My Favorites](#)

Code: Select Code Section: 1 or 2 of 1005

[Up](#) [Add To My Favorites](#)

HEALTH AND SAFETY CODE - HSC

DIVISION 8. CEMETERIES [8100 - 9703] (*Division 8 enacted by Stats. 1939, Ch. 60.*)

PART 3. PRIVATE CEMETERIES [8250 - 8820] (*Part 3 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 7. Abandonment [8825 - 8828] (*Chapter 7 added by Stats. 1957, Ch. 862.*)

8825. A city or county having a noninterment care cemetery within its boundaries which threatens or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if not more than 10 human dead bodies have been interred therein for a period of five years immediately preceding the date of the resolution, declare the abandonment of the cemetery as a place of future interment, but shall permit interment therein of any person who is an owner of a plot in the cemetery on the date of adoption of the resolution or who otherwise has a right of interment in the cemetery which is vested on such date. The resolution may provide for the removal of such copings, improvements, and embellishments which the governing board finds to be a threat or danger to the health, safety, comfort, or welfare of the public.

(Amended by Stats. 1977, Ch. 282.)

8826. The resolution for abandonment adopted under the provisions of this chapter shall specify and declare that at any time after the expiration of 60 days after the first publication of notice of declaration of intended abandonment, the city or county in which the cemetery is located will remove such copings, improvements, and embellishments which are found to be a threat or danger to the health, safety, comfort, or welfare of the public. Notice shall be given to all persons interested therein by publication in a newspaper of general circulation published in the county or city. Publication shall be pursuant to Section 5064 of the Government Code.

(Amended by Stats. 1959, Ch. 1241.)

8827. After the publication mentioned in Section 8826 of this code and after the expiration of the 60 days specified in the notice, the city or county shall remove such copings, improvements, and embellishments which have been found to be a threat or danger to the health, safety, comfort, or welfare of the public.

(Amended by Stats. 1979, Ch. 1741.)

8828. After the work which the governing body, in its discretion, finds necessary and practicable has been completed, the governing body shall immediately thereafter, by resolution, which shall contain a legal description of the cemetery, dedicate such abandoned cemetery as a pioneer memorial park and may cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

Upon recordation of the resolution with the county recorder of the county in which the cemetery is located, fee title to the cemetery shall vest in the city or county as the case may be. The governing body may bring an action to quiet title to the cemetery, and in the absence of fraud the resolution and the fact of recordation shall be conclusive evidence of fee title to the cemetery.

Any county or city acquiring fee title to a cemetery under this section shall only use the property for the purpose of establishing and maintaining a pioneer memorial park.

(Amended by Stats. 1970, Ch. 543.)

8829. Thereafter the city or county shall maintain said pioneer memorial park so that it will not endanger the health, safety, comfort, or welfare of the public.

(Added by Stats. 1957, Ch. 862.)

ATTACHMENT H

El Dorado County-managed Cemeteries

Cemetery	Address	City/Town	Approx. # Burials	Acreage	Title	Status	Mainten- tenance
Diamond Springs Public	461 Pleasant Valley Road	Diamond Springs	683-	0.66	Cem	Inactive	Facilities
El Dorado	3747 Church Street	El Dorado	2040-	2.00	County	Active	Cem Div
El Dorado County Hospital	Spring Street	Placerville	1,000+	3.19	County	Inactive	Facilities
Palinlay*	Perry Creek Road	Palinlay	393+	1.08	Cem	Active	Cem Div
Georgetown Pioneer	6264 Hwy 193	Georgetown	2121+	4.21	County	Active	Cem Div
Georgetown Renke Annex	6264 Hwy 193	Georgetown	168	0.77	County	Active	Cem Div
Georgia Slides	2463 Georgia Slide Road	Georgetown	69	30.00	County	Active	Cem Div
Greenwood	Highway 193/Old Georgetown Road	Greenwood	472+	1.22	Cem	Inactive	Cem Div
Lathrop	Lathrop Road	Lathrop	160+	2.00	County	Inactive	Facilities
Middleton	2780 Cold Springs Road	Placerville	677-	1.80	County	Inactive	Facilities
Morrison Island	Shadowfax Esch/Grass Valley Road	Hill Country Hills	474-	3.49	County	Active	Facilities
Old Hill	4781 Pedro Hill Road	Old Hill	206-	5.00	County	Active	Facilities
Placerville Union	650 Dees Street	Placerville	6531**	6.62	County	Active	Cem Div
Shingle Springs #1	McNair Lane Drive**	Shingle Springs	94	0.58	County	Inactive	Facilities
Smith Flat	1980 Cemetery Road	Smith Flat	160	1.09	County	Active	Facilities
Spanish Dry Diggins	Spanish Dry Diggins Rd. Silver Mine Rd.	Greenwood	68	0.23	County	Inactive	Facilities
St. Michael's*	Lathrop Drive	Rescue	29	1.40	N/A	Inactive	Facilities

*County transfer involved hardware assistance only

**Revised Shingle Springs Place

**Specified acreage and burial capacity

**Title held by Sacramento Archdiocese

ATTACHMENT I

15. Auditor/Controller requesting authorization to pay excess proceeds to the following:
- a. Peter B. Henderson, from Tax Sale No. 02, in the amount of \$1,097.69 for APN 035-152-0210;
 - b. H.D.H. Company, from Tax Sale No. 03, in the amount of \$3,989.05 for APN 035-171-0810;
 - c. David E. Farrow, from Tax Sale No. 12, in the amount of \$1,021.31 for APN 015-302-2710; 9486
 - d. Julie Shular, from Tax Sale No. 13, in the amount of \$1,889.98 for APN 016-531-1210;
 - e. Tahoe Keys Property Owners Association, from Tax Sale No. 14, in the amount of \$854.49 for APN 022-162-0310; and
 - f. Diane P. McNulty-Calloway, from Tax Sale No. 23, in the amount of \$4,489.09 for APN 034-542-2010.
RECOMMENDED ACTION: Approve
16. County Counsel recommending Chairman be authorized to sign Quit Claim Deeds to be held and recorded simultaneously with the Record of Survey for certain portions of land in the Latrobe Townsite. (Referred 10/8/91, Item 33) 9070
RECOMMENDED ACTION: Approve DUGSC
17. General Services Department recommending Resolutions (2) be adopted superseding Resolution No. 215-73 pertaining to cemeteries designated as "Pioneer Memorial Parks" and Resolution No. 216-73 pertaining to "Active Cemeteries". 9358
RECOMMENDED ACTION: Adopt Resolution Nos. 89-92 and 90-92 DUGSC
18. Building Division recommending Resolution be adopted amending the Authorized Personnel Allocation Resolution No. 322-91 deleting one Chief Code Compliance Officer position and adding one Senior Environmental Health Specialist position for the Local Enforcement Agency. 9487
RECOMMENDED ACTION: Adopt Resolution No. 91-92
19. Planning Division recommending Resolution be adopted authorizing the Chairman to sign Grant Deeds transferring the Open Space Easement for Assessor's Parcel Nos. 33-492-13, 34-154-12, and 34-665-12 to the United States Forest Service. 9488
RECOMMENDED ACTION: Adopt Resolution No. 92-92

ATTACHMENT J

Burial totals for 2020 in County-managed cemeteries

Cemetery	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Diamond Springs Public													0
El Dorado		1			2		1				1	1	6
Fairplay													0
GT Pioneer	2												3
GT Renke Annex						2			1				4
Georgia Slide					1			2	2		1	1	7
Greenwood													0
Latrobe												1	1
Middletown													0
Morrison Island									1				1
Pilot Hill											1		1
Placerville Union	4	1				1	1		1			1	9
Smith Flat													0
Spanish Dry Diggings													0
Totals	6	2	0	0	3	3	2	2	5	0	4	5	32

El Dorado County Hospital, Shingle Springs, and St. Michael's cemeteries are not listed because burials are closed in these cemeteries

ATTACHMENT J