

# GREENFIELD CEMETERY DISTRICT BYLAWS

## GENERAL PROVISIONS AND GOVERNMENT

1. **Formation:** The Greenfield Cemetery District is a public cemetery district located in Greenfield, California under the provisions of the law of the State of California. The district includes two cemeteries: The Greenfield Cemetery District and the Oak Park Cemetery, both located on Elm Ave., Greenfield CA.
2. **Purpose:** The provisions of these Bylaws (“Bylaws”) and Policies and Procedures (“Policies”) and Rules and Regulations (“Rules”) enacted by the Board of Trustees of the Greenfield Cemetery District (“District”) are to assist the Board of Trustees of the district as it sets policy and conducts the business and affairs of the district. It is the intent and purpose of these Policies to help clarify and define the responsibilities of the officials of the district. The purpose of these Bylaws is to supplement state law and to provide more specific guidelines for the actions of the Board of Trustees of the district by means which are fair, fiscally responsible, and protective of the interests of the people of the district. These Bylaws express the consensus of the Board as to policy matters covered but are not intended to be exhaustive nor are they intended to restrict the otherwise lawful authority of the board. Notwithstanding any other term, provision or condition of these Bylaws, no otherwise lawful act of the board or the officers of the district shall be invalidated by reason of any term, provision, or condition of these Bylaws.
3. **Roster of Public Agencies:** Pursuant to Government Code 53051, each time a change is made in the name of the district, the address of the district, or a change in the members of the governing board, a statement of facts will be filled with the Monterey County Clerk within ten (10) days of the change.
4. **Application Law:** That which is contained in the applicable provisions of the California Health and Safety Code and applicable provisions of the California Government Code governs the actions of the district and its Board of Trustees.

### ORGANIZATION:

1. **Board of Trustees:** The district is governed by a board of trustees consisting of five (5) members appointed by the County Supervisor for District 3 in Monterey County. The Trustees shall hold office for four (4) years and until their reappointment or appointment of their successors. All Trustees’ terms shall commence at the board’s first meeting in January following the appointment and end on December 31. To the extent possible, trustees’ terms shall be staggered so that no more than two expires in the same calendar year.
2. **Oath:** Each Trustee shall accomplish a notarized “Oath or Affirmation of Allegiance and Affidavit of Citizenship”. One copy of the executed Oath will be forwarded to the Monterey County Clerk and one copy will be kept on file in the District Office.
3. **Officers:** The officers of the Board of Trustees shall be Chairperson and Clerk. If the Board chooses, they may also appoint a Vice-Chair.

4. **Election of officers:** At the first meeting in January of each two years the board shall elect a Chairperson and a Clerk to serve terms of two years. Upon the occurrence of a vacancy in one or more of the officer positions, the board shall fill such vacancies in accordance with the law. The office of a member of the board of trustees shall become vacant upon:

- A. The death of an incumbent
- B. The resignation of an incumbent
- C. The disqualification of an incumbent
- D. The continued absence of an incumbent: The Trustee's ceasing to discharge the duties of his or her office for the period of three (3) consecutive monthly meetings, except by sickness or excused absence.
- E. The physical or mental incapacitation of the incumbent due to disease, illness, or accident for a period of six (6) months or more where the remaining board members have reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term,
- F. His or her conviction of a felony or of any offense involving a violation of his or her official duties; or
- G. His or her refusal or neglect to file his or her required **oath or required Statement of Financial Interests, Sexual Harassment training and Ethics Training** within the time prescribed.

5. **Duties of Trustees – General:** The trustees' duties shall be legislative in nature. They shall formulate and adopt policy, rules and regulations for the operation and management of the district.

**A. Open Meetings:** The trustees shall conduct their business for the public benefit, abiding by the California "Open meeting Law" (Govt. Code 54950 et seq.) as interpreted by court decisions and Attorney General Opinions, concerning the requirements for open meetings of governmental agencies in California.

**B. Sound Judgment:** They shall exercise sound and prudent judgment in conduction the business of the district and shall deal always in an ethical, honest, straight forward, open, and above-board manner with the community, the district manager, and the staff.

**C. Finances and Budgets:** They shall in all ways prudently manage, preserve and account for the district's financial resources. They shall review and approve a budget annually. They shall provide, within applicable budget limitations, adequate personnel, equipment and materials for the operation and maintenance of the Greenfield Cemetery District. Two trustees will

serve on the Investment Committee along with the board clerk, overseeing all investments for the district.

- D. Personnel:** The board shall establish personnel policies which shall provide for the recruitment, selection, retention, evaluation, discipline, and termination of district employees.
- E. District Manager:** They shall employ a qualified, competent person as district manager who will manage, administer, and supervise the district under the direction of the board. The manager shall serve at the will and pleasure of the board. The board shall conduct at least an annual formal job appraisal review of the district manager pursuant to a formal review process which will be developed and documented. Manager CANNOT hire employees or fire.
- F. Board studies:** They shall study ways of improving the district and the services the district provides.
- G. Collective Action:** They shall act collectively, and they will not individually involve themselves in the day-to-day operation of the district. They shall function as a board rather than as individuals to adopt public policies and board procedures for guidance of the board and staff.
- H. Community Relations:** They shall keep the district manager informed of community reaction to the district's services and assist in building positive community relations.
- I. Official Functions:** They shall represent the district at official functions that pertain to the district as required.
- J. Litigation:** The cemetery board of trustees shall initiate legal action when appropriate, and vigorously defend the district against unwarranted claims or demand.
- K. Workshop Meetings:** It is the duty of the Chairperson to call a workshop meeting upon the appointment of any new board member. This is to benefit the newly appointed trustee and acquaint them with the new law governing public cemetery districts, district bylaws, policies and procedures, Rules and Regulations, the Brown Act (Open Meeting Laws), the district's annual budget, and current issues under study by the board of trustees.

- L. Clerk of the Board:** The Clerk of the board shall be the district's office manager or other person selected by the board and shall attend each regular meeting of the board and maintain a record of all proceedings thereof as required by law. If the clerk of the board cannot attend a meeting, the Chairperson shall make arrangements to have someone in attendance to properly record the board's proceedings. It shall be the duty of the clerk of the board to attest to all district Resolutions. The clerk of the board shall attend all closed sessions of the board

as provided for in Government Code 54957.2(a). The clerk of the board shall also keep a record of the board agendas and board action synopsis. The chair is responsible for signing all legal documents and our clerk may sign in case the chair is not able to appropriate action and certification and filing of documents, e.g., audits, resolutions, other legal documents. The clerk is responsible for receiving and answering all official board correspondence, after appropriate consideration is given to the correspondence by the board acting collectively.

**C. Meetings:**

- 1. Regular Meetings:** The regular meetings of the board of trustees shall normally be held on the third Monday of each month and shall normally commence at the hour of 6:00p.m. at the Greenfield Public Library. Notwithstanding the forgoing, the starting time of the meeting may be adjusted by order of the Chairperson to accommodate expected business.
- 2. Special Meetings:** Special meetings may be called at any time by the board's Chairperson, or by a majority of the trustees, by delivering personally or by mail, written notice of such meeting to each trustee and by posting notice and agenda of the meeting at least 24 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered.
- 3. Emergency Meetings:** Emergency meetings may be called without compliance with the 24-hour notice requirement in the case of any emergency involving matters upon which prompt action is necessary as set forth in Government Code 54956.5.
- 4. Closed Sessions:** Closed sessions may be called during a regular or special meeting. The general reason for a closed session must be made public either before or after the closed session of a regular meeting and in advance of a special meeting. Closed sessions not expressly authorized by the Brown Act are prohibited.
- 5. Quorums:** A quorum is established as a majority of the total membership of the district board. The district board, which has a total membership of five (5) members, requires three (3) members to conduct a meeting and requires three (3) votes in agreement to pass a motion resolution or ordinance.
- 6. Meeting Procedures:** The Chairperson, when present, shall preside at all meetings of the board, shall take the chair at the hour appointed for every board meeting and immediately call the members to order and proceed with the business of the board. The proceedings of the board shall be conducted in accordance with the provisions of law and the rules contained in the Rosenberg's "Rules of Order" and parliamentary procedure, except as otherwise expressly established from time to time by a majority of the total membership of the board.
- 7. Meeting Attendance:** Each board member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any adjourned or special meeting.
- 8. Agenda Organization:** The business of each regular meeting of the board shall be in order as printed on the agenda or directed by the Chairperson of the board. Generally, this shall be as follows.

- I Call to order and roll call.

- II. Review of agenda
- III. Public Comment
- IV. Minutes, Expenses, Financial Report
- V. Manager's report
- VI. Administrative action and information
- VII. New Business, Questions, Suggestions
- VIII. Adjournment

**9. Materials for Non-Agenda Items:** Any member intending to introduce a special item not contained in the agenda shall first be approved through the Chairperson and copies of such items shall be delivered, if possible, to each board member and to the public before the opening of the meeting.

**10. Board Discussions:** When any board member wishes to speak, the board member shall address the Chairperson. The Chairperson shall name the member who is first to speak, and speakers shall confine their remarks to the questions under debate and avoid disparaging personal attacks or comments.

**11. Motions and Seconds:** Each motion made by any member of the board shall require a second. Motions and seconds may be made by any member of the board, including the Chairperson.

**12. Roll Call Procedure:** Roll call will be called in voting upon all resolutions and ordinances which govern the district, while a voice vote may be had on routine motions not affecting the policies & procedures, Rules & Regulations, or finances of the district.

**13. Required Staff Attendance:** The district manager or a representative designated by such the district manager, shall attend all regular and special meetings of the board unless otherwise specified by the board. Only those staff members specifically introduced to attend by the district manager shall be deemed to be "required to attend" within the meaning of this section.

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**14. Agenda Preparation:** The Chairperson of the board shall direct the preparation of the agenda by the clerk of the board for the regular monthly meetings for delivery and posting no later than three calendar days (3) days prior to the date of the meeting (Government Code 54954.2) or as required by the board.

**15. Agenda Contents:** The agenda shall include those matters designated by the Chairperson complete with all appropriate papers and reports relating to each matter, addressed to the board for action. The agenda shall list the items for the board's consideration by number with a brief statement of the subject matter sufficiently defined to apprise the public of the matter

to be considered for each of the items. The agenda may include suggested actions or recommendations. All persons having agenda items need to have the items approved through the chairperson and shall use their best efforts to have all necessary materials to the clerk of the board on or before 12:00 Noon on the sixth (6th) business day before the day of the regular meeting.

**16. Agenda Distribution:** Any written materials given to a majority of the board must be made available to the general public so long as those writings are public records. If these writings are distributed to members of the board before the meeting, such writings must be made available to the public before the meeting. By the same token, any writings distributed to the board during the meeting must also be made available to the public at the time and will comply with section 54957.5 of the Government Code. The major exceptions to the obligation to provide the public with access to any writings distributed to members of the board are those that deal with matters properly discussed in closed sessions or protected under Government Code Section 6250 et. Seq., which are to remain confidential.

**17. Audience Comment and Seating:** Any member of the public wishing to address the board shall first identify himself or herself. Unless addressing the board or entering or leaving the boardroom, all people in the audience shall remain seated in the seats provided. It is the board's intent to accommodate all people who wish to attend open public meetings.

**18. Demonstrations Prohibited:** All demonstrations during meetings, including cheering, yelling, whistling, hand clapping, and foot stomping are prohibited.

**19. Meeting Disruption:** The exception to the right of the public to attend all meetings of the board applies to those who attempt to disrupt the conduct of the meeting. If any meeting is willfully disrupted, by a group or groups of persons, to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willingly interrupting the meeting, the board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this exception. (Government Code 54957.9.)

#### **D. POWERS, DUTIES AND COMPENSATION:**

**1. Chairperson:** The Chairperson shall possess the powers and perform the duties prescribed as follows: General direction. Have general directions over the boardroom and assign seats for the use of the board members and members of the staff, if required.

**Management and Supervision:** The Chairperson shall be responsible for responding to and taking or directing others to take appropriate action necessary as a result of, events or occurrences which do not require action by the board, but which are beyond the authority of the staff, or for which staff seeks or requires assistance.

## **ORDER AND DECORUM:**

**Decorum:** Preserve order and decorum; prevent demonstrations; and, in accordance with law, order removal from the boardroom any person whose conduct is deemed objectionable; and order the boardroom cleared whenever deemed necessary. (Government Code 54957.9.)

**Length of Time for Public Discussion:** Allocate the length of time for public discussion of any matter in advance of such discussion with the concurrence of the board. (Government Code).

**Other Powers:** Other Powers as may be prescribed by the board.

**Official Spokesperson:** Shall be the official spokesperson for the board, and the principal contact with other governmental agencies, legal counsel, and the press, unless the board delegates this authority to another.

2. **Trustees:** Each trustee shall be entitled to request information, assistance, and financial or legal advice regarding matters involving the affairs of the district through the direction of the Chairperson.
3. **Board Committees:** It shall be the responsibility of each member of a committee appointed by the board to be fully informed concerning the business assigned to it by the board. Each committee shall promptly perform tasks assigned to it and report to the board such information and recommendations as shall be necessary or proper, it shall be the responsibility of each committee to meet as needed to keep the minutes of each meeting, and the minutes be available to all board members upon their request. Each committee chairperson or designee shall report on the committee's activities at least once a month at a regular board meeting with a brief oral summary. Each committee will define and submit in writing to the full board, for approval, the scope and definition of the committee's responsibilities and a statement of priorities for each committee.
4. **Board Compensation:** The trustees of the board shall receive a \$25.00 stipend for the monthly meeting.

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5. **Notification of Impending Absence:** If any member of the board is unable to attend a meeting, the board member shall, if possible, notify the board Chairperson, the district manager, or clerk of the board or designated representative prior to the meeting.

**E. PUBLIC HEARING PROCEDURE:** Procedures at public hearings shall be as follows:

1. Staff Presentation/recommendations,
2. Questions about the staff,

3. Individuals speaking,
4. Board Comments,
5. Action or non-Action,

**F. DISTRICT EXPENDITURE POLICY:** Expenditures of the district shall be made only in accordance with the district's expenditure policy as adopted by the board. Such expenditure policy shall include, at a minimum, a contracting, purchasing and disposition of property policy.

**G. POLICY AMENDMENTS:** Except as otherwise provided by law, any policy guideline contained herein may be suspended or amended at any time, without notice, by action of the board.

**ADOPTION BYLAWS.**

The signatures herein Certify these bylaws, dated \_\_\_\_\_ 2024, have been approved by the Greenfield Public Recreation District Board of Trustees and are deemed both fair and necessary for maintenance and proper order in conducting Greenfield Cemetery District.

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David Kong

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Beatriz Diaz

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Raul Rodriguez

\_\_\_\_\_  
Clara Valdivia

\_\_\_\_\_  
Jim Thorp