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# FAIR OAKS CEMETERY DISTRICT

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ESTABLISHED 1902

September 8, 2006

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Hon. Roland L. Candee  
Presiding Judge  
Sacramento Superior Court  
720 9<sup>th</sup> Street  
Sacramento, CA 95814

**Re: 2006 Grand Jury Report**

Dear Judge Candee:

Penal Code sections 933 and 933.05 require written responses, directed to the Presiding Judge of the Superior Court, to the findings and recommendations contained in the Grand Jury's 2006 Report. Accordingly, following are the responses to the Grand Jury's findings and recommendations pertaining to the Fair Oaks Cemetery District.

**Finding 1:** The Grand Jury finds repeated damage has occurred to the markers at the sites referred to in the original complaint. No evidence was found that this type of damage is widespread or common. Damage to the specific plots resulted from the following:

- Nature of the materials used for the grave markers in question
- Cemetery need for access to newly created gravesites, accessibly only across areas of established graves
- Equipment may scrape monuments and/or run over markers as maneuvered through narrow areas

**Recommendation 1:** The Grand Jury recommends FOCD evaluate additional materials and strategies to prevent damage to markers, and to avoid the appearance of neglect while markers are being repaired. These strategies might include use of artificial turf or other soft materials to shield and protect the flat markers under plywood sheeting; prompt grading of ruts and trampled areas and installation of turf instead of waiting for new grass to grow; and rental (or purchase) of lightweight excavation for access to congested areas.

**Fair Oaks' Response:**

The Fair Oaks Cemetery District takes exception to the Grand Jury's Finding No. 1. The Grand Jury's finding that "repeated damage has occurred to the markers" is simply incorrect and, in fact, the Finding itself states that "no evidence was found that this type of damage is widespread or common." It is true that two markers were inadvertently damaged while making interments at nearby plots, but this was an isolated incident. When the damage was called to the District's attention, the District paid to have the scratches on the markers buffed out. This effort, however, did not satisfy the family representative, so the District replaced the markers at its expense.

Even this didn't satisfy the son of those interred in those plots. Although perhaps not reported to the Grand Jury, the gentleman was heard complaining that he would not be satisfied until his parents were moved to another cemetery, closer to where he resides—at Fair Oaks' expense. The District accepted full responsibility for the damage, and provided new markers at District expense. However, his complaints about the markers were seen as a ploy to get his parents moved and the District, as a public agency, cannot and will not expend public funds for the gentleman's convenience.

The Grand Jury's Report notes that the mix of upright monuments and flat markers "creates a [maintenance] challenge," and that there are "no funds to purchase additional land." These are but a few of the challenges Fair Oaks faces in its cemetery operations. The District staff cares for thousands of burials, and makes about 150 interments a year, all with virtually no noticeable lasting interference or damage.

Although regrettable that such an incident should merit the time and attention of the Grand Jury, it does highlight the severity of the District's financial condition resulting from the ill-advised action of the Sacramento County Board of Supervisors in 1981.

The Grand Jury recommends several actions to prevent damaging markers, such as purchasing artificial turf, prompt grading of ruts, purchasing and installing sod instead of waiting for grass to grow and so forth. Fair Oaks Cemetery District is rapidly becoming a financially marginal operation. In 1981, the District's size was nearly tripled by the Board of Supervisors, but the Board did so without giving the District any tax revenue from the new areas. Thus, Fair Oaks Cemetery District currently receives only about \$85,000 per year in tax revenues, while other Sacramento County cemetery districts receive many hundreds of thousands of dollars, and districts in other neighboring counties receive in excess of \$1 million per year in tax revenues.

The District has raised prices several times over the past ten years in an attempt to generate sufficient operating income, and has kept operating costs to a minimum. Unfortunately, the Grand Jury's suggestions are simply beyond the District's financial wherewithal.

Fair Oaks has neither the staff time nor resources to act on the changes suggested by the Grand Jury. The Fair Oaks Board of Trustees regrets the damage caused to the two markers investigated by the Grand Jury, but emphasizes its pride in and support for the fine job the staff does in operating and maintaining the Fair Oaks Cemetery under the circumstances.

**Finding 2:** Certain marker materials are only suitable for placement flush to the ground. They are susceptible to cracking or chipping when weight is placed upon them. These materials may be too thin to be converted to vertical monuments.

**Recommendation 2:** When markers are damaged in the course of maintenance, FOCD should, with the permission of the families involved, explore replacing them with markers more suited to the maintenance issues faced in the area where they are placed. All future sales contracts should specify the use of suitable marker materials.

**Fair Oaks' Response:**

Certain materials are indeed unsuitable as upright monuments, or even "pillow" markers.<sup>1</sup> In years past, however, such materials were occasionally used for unsuitable grave markers, and damage sometimes occurs, but rarely.

Nonetheless, Fair Oaks fails to understand this particular finding by the Grand Jury, or its corresponding recommendation. Fair Oaks Cemetery several years ago adopted a set of rules governing markers and monuments, their permitted sizes and styles, and acceptable materials. Moreover, when markers are damaged, the District does work with families regarding its replacement or repair, and has followed this practice for a number of years. Therefore, Fair Oaks is at a loss to understand what more it can do in this regard.

**Finding 3:** FOCD does not maintain a documented complaint file. FOCD deals with families under emotional stress and when problems arise, misunderstanding can occur.

**Recommendation 3:** Rather than relying solely upon oral agreements to resolve problems, FOCD should continue its practice of personally resolving issues, while

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<sup>1</sup> Fair Oaks Cemetery District has no knowledge of the basis of this Finding, nor whether a specific complaint generated the Finding, so the District is unable to respond to any specific concern.

confirming and documenting such agreements. Copies of all correspondence should be retained.

**Fair Oaks' Response:**

Again, Fair Oaks fails to understand either the basis of the Grand Jury's finding or its recommendation. First, the families who bury their loved ones in our cemetery ask hundreds of questions every month, raising concerns which are routinely handled by the District staff, and regularly make "special" requests of the Cemetery. These are important matters to every family. However, these are not "problems," but an everyday occurrence handled professionally and sensitively by the Fair Oaks staff.

Written records of these interactions are not maintained—it would be impossible to do so. Nonetheless, every interaction—whether written or oral—that the Staff believes rises to the level of an "incident" is reported on a monthly basis to the Board of Trustees. All such "incidents" that are received in writing are responded to in writing, and this correspondence is maintained in the District's files. Therefore, the District simply doesn't understand the Grand Jury's apparent belief that such files are not maintained.

The Board of Trustees of the Fair Oaks Cemetery District appreciates this opportunity to address the 2006 Grand Jury's concerns. However, despite significant financial information provided to the Grand Jury, the District sincerely regrets that the Grand Jury failed to use this opportunity to address the tenuous financial condition of the Fair Oaks Cemetery District.

Please do not hesitate to contact the Fair Oaks Cemetery District should you have any questions or require further information.

Very truly yours,

**FAIR OAKS CEMETERY DISTRICT**



Robert Clouse, Chairman  
Board of Trustees

RC:rwh