

## **HEADSTONE DAMAGE AT FAIR OAKS CEMETERY DISTRICT**

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### **Issue**

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Are headstones and gravesites appropriately maintained by the Fair Oaks Cemetery District (FOCD)?

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### **Reason for the Investigation**

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A complaint was received describing repeated damage to two family headstones over the course of several years at FOCD.

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### **Method of Investigation**

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The Grand Jury interviewed:

- Complainant
- FOCD manager
- Attorney for FOCD

The Grand Jury conducted multiple visitations to the cemetery grounds reviewing:

- Plot maps
- Budget and financial records
- Existing complaint files

FOCD provided information on:

- Organization of FOCD
- Staffing
- Planned expansion
- Cemetery board policies, rules and regulations

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### **Background and Facts**

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The FOCD was investigated by the 1992-1993 Grand Jury. The investigation concerned different issues than the current investigation. The materials, interviews and physical inspections provided to the 2005-2006 Grand Jury demonstrate that the FOCD has implemented the recommendations made by the 1992-1993 Grand Jury.

The cemetery appears to generally be well maintained. However, the mix of headstones and flat markers throughout the cemetery creates a challenge for moving equipment to dig new graves, mow the grass and maintain the area. The cemetery is land-locked, and there are no funds to purchase additional land; the cemetery must make maximum use of its available area.

The area about which this Grand Jury received a complaint is located adjacent to a former road (see attached map). In 2003, FOCD closed the road, removed the pavement, planted grass and converted the area to gravesites. As the gravesites in the former roadbed have been used and new headstones and markers installed, access throughout the area has become more difficult. Equipment must be driven around headstones and over flat mounted markers, including markers in areas that previously had not been disturbed. Materials used in flat markers are usually not strong enough to support equipment; so unless covers are placed over them for protection to spread the weight of the equipment over a wider area, they are subject to damage, especially in wet weather.

FOCD confirms the flat markers on the gravesites in question were damaged several times. The FOCD has repaired these markers each time. At the time of the Grand Jury's first visit to the cemetery, the markers were out for repair. They were reinstalled by the time of a second visit, about a month later. FOCD does not maintain a record of damages and repairs to markers and headstones, but stated damage does occur and the district makes necessary repairs.

FOCD stated that within the last year they have started to utilize plywood sheeting, artificial turf, sandbags and fine earth to cover and protect flat mounted markers that must be traversed. These measures, while lessening the chances of damage to the flat markers, may not fully protect them from damage, especially in wet weather when the ground is soft and subject to rutting.

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## Findings and Recommendations

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**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, accessible 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 equipment for access to congested areas.

**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.

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

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### **Response Requirements**

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**Penal Code sections 933 and 933.05 require that specific responses to both the finding and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2006 from:**

- **FOCD Board of Directors**