

## Orange County Cemetery District

### 1. Summary

The current grand jury was intrigued to discover the Orange County Cemetery District (OCCD). Originally, the district cemeteries were privately owned; however, they were threatened by neglect, vandalism, and development. The Orange County Cemetery District, formed in 1985, comprises Anaheim Cemetery, Santa Ana Cemetery, and El Toro Memorial Park. Because of each cemetery's age, distinctive headstones, and historically significant occupants, all are Orange County "treasures."

The jury found the Orange County cemeteries are operating well within their mission statement. The jury's overall assessment of the district is that the public is being well served. The grand jury was pleased to observe that the district's employees strive to ensure the cemeteries are well maintained and are an environment of respect to the memories of those interred.

However, the grand jury believes the Orange County Cemetery District should address the following issues:

- There is a lack of organizational continuity among the three cemeteries. El Toro and Anaheim cemeteries have cemetery managers, while Santa Ana, the largest, does not.
- Safety concerns for workers arose when the jury viewed the substandard eating facilities at El Toro Memorial Park.
- The trustees do not regularly visit the cemeteries and rotate board meetings among the locations.
- There is not enough training in employee management practices and communication.
- Santa Ana and Anaheim cemeteries are not linked to the gravesite location database.

### 2. Purpose of the Cemetery Study

The focus of this study was to understand the history, functions, and effectiveness of the Orange County Cemetery District.

#### Some Acronyms and Abbreviations in this Report

<b>OC</b>	Orange County
<b>OCCD</b>	Orange County Cemetery District
<b>LAFCO</b>	Local Agency Formation Commission

### 3. Introduction

In 1926, the State of California enacted legislation allowing the counties to form cemetery districts for the preservation and maintenance of these historical sites. That is why OCCD has the charter to care for three cemeteries: Anaheim, Santa Ana, and El Toro Memorial Park.

The grand jury encourages OC citizens to visit their beautiful and well-maintained cemeteries. They give us a marvelous glimpse into the county's past, especially during annual observances. Some of the OCCD ceremonies are the Pearl Harbor commemoration, the October Historical Reenactment, and the Civil War memorial tribute. Interested people may call the district office, (949) 951-9102, for dates and locations.

### 4. Method of Cemetery Study

The grand jury conducted a comprehensive study of the history, operation, and effectiveness of the cemetery district and of its direction for a financially sound future. Research included: 1) comparative study of pricing at privately held cemeteries and pricing in the OC Cemetery District (see chart in Section 5.6.2); 2) visits to the three district cemeteries; 3) interviews of OCCD trustees and staff, the county coroner's management and staff, members of historical societies, and LAFCO staff; attendance at OCCD board meetings and presentations; and 4) reviews of documents (see Section 10, Bibliography).



Looking toward El Toro Memorial Park cemetery from OCCD headquarters

### 5. Background

OCCD is a "special district," defined as an agency formed for the performance of specific and proprietary functions. Ground burial, mausoleum interment (Anaheim), urn niches, and ash remains are the only services provided by district cemeteries. Any Orange County resident, of any income level, may be buried in any OCCD cemetery.



Entrance to Santa Ana Cemetery

"Special districts are autonomous government entities, accountable only to the voters or landowners they serve. State government, however, oversees special districts in several ways. For example, special districts must submit annual financial reports to the state controller. Districts must also follow the state laws pertaining to public meetings, bonded debt, record keeping, and elections."<sup>(3)</sup>

Special districts must conform to democratic safeguards such as the Brown Act, the Public Records Act, and the Political Reform Act. Citizen reference books regarding these topics can be obtained from the California Senate Publications Office at (916) 327-2155.

Like all agencies of its kind, OCCD gets a portion of the 1% of Proposition 13 property tax revenue allotted to special districts. OCCD's share is around \$853,961 per year. However, OCCD, like all other special districts, was required to return two years' worth of revenues to the state. OCCD returned approximately \$84,511 in 2003, again, next year.

People can purchase grave sites and burial services before they, as individuals or families, need them. The money received for these advance purchases is called a "pre-need fund." The district invests the money and draws from it when a family member requires burial services. OCCD's pre-need fund is approximately \$996,127 and is held by the Orange County Treasurer. When the OCCD sold Magnolia Cemetery, OCCD kept its rights to Magnolia's pre-need fund.

The district's remaining income sources are: 1) the sale of grave sites, mausoleum spaces, urn niches, ash scattering, and related services; 2) interest on invested income; and 3) revenue from a land-use agreement with a cell phone communications company.



Some of the historical grave markers at Santa Ana Cemetery

## 5.1 Cemetery Descriptions

Anaheim Cemetery is on 16 acres and was founded in 1866. It is a peaceful and historic cemetery that offers traditional, mausoleum, urn, and niche interments and scatter gardens. The mausoleum—the first built on the West Coast—was erected in 1914. Anaheim has only 150 remaining grave sites and some mausoleum spaces. When these are sold, only urn niches will be available.

Santa Ana Cemetery is on 29 acres and was founded in 1870. It is the largest of the three district cemeteries. Santa Ana shares its borders with two privately-owned cemeteries—Fairhaven and Lutheran. A full range of services is available (niches, urn gardens, ash scattering, and traditional lawn interments).

El Toro Memorial Park is on 25 acres and was founded in 1896. This beautiful cemetery has gentle rolling hills and a serene park like setting. It offers lawn crypts, family estates, niches, urns, and scatter gardens. The El Toro cemetery also serves as the Orange County Cemetery District headquarters.

## 5.2 Comparison of the OCCD Cemeteries

Following is the grand jury's comparison table of OCCD's three cemeteries.

<b>Anaheim Cemetery</b>	<b>Santa Ana Cemetery</b>	<b>El Toro Memorial Park</b>
1400 East Sycamore Anaheim, CA 92805 (714) 535-4928	1919 E. Santa Clara Santa Ana, CA 92705 (714) 953-2959	25751 Trabuco Road Lake Forest, CA 92630 (949) 951-9102
<b>established 1866</b>	<b>established 1870</b>	<b>established 1896</b>
Size = 16 acres	Size = 29 acres	Size = 25 acres
Cemetery Manager – <b>1</b>	Cemetery Manager – <b>0</b>	Cemetery Manager – <b>1</b>
Lead Workers – <b>0</b>	Lead Workers – <b>2</b>	Lead Workers – <b>1</b>
Groundskeepers – <b>2.5</b>	Groundskeepers – <b>5</b>	Groundskeepers – <b>5</b>
Spaces available till 2006	Spaces available till 2020	Spaces available till 2025
Total gravesites = <b>13,611</b>	Total gravesites = <b>26,491</b>	Total gravesites = <b>20,672</b>
Remaining grave spaces = <b>150</b>	Remaining grave spaces = <b>5,137</b>	Remaining grave spaces = <b>9,734</b>
Urn spaces available = <b>593</b>	Urn spaces available = <b>309</b>	Urn spaces available = <b>269</b>
Ash scatter garden available	Ash scatter garden available	Ash scatter garden available
Mausoleum space available	-	-
<b>Unique burial sites:</b> <ul style="list-style-type: none"> <li>▪ 55 Civil War Veterans</li> <li>▪ Early Chinese immigrant laborers who contributed to Anaheim's development. Their graves are marked by Dawn Redwoods, thought at one time to be extinct until their rediscovery in China.</li> <li>▪ Daniel Kraemer, founder of Placentia</li> <li>▪ First OC police officer killed in action</li> </ul>	<b>Unique burial sites:</b> <ul style="list-style-type: none"> <li>▪ 340 Civil War Veterans</li> <li>▪ OC's first doctor</li> <li>▪ 1<sup>st</sup> county district attorney</li> <li>▪ 1911 - first soldiers' monument in OC</li> </ul>	<b>Unique burial sites:</b> <ul style="list-style-type: none"> <li>▪ 1 Civil War Veteran</li> <li>▪ Florence Griffith Joyner, Olympian</li> <li>▪ Pioneers of south Orange County</li> <li>▪ The inventor of Eskimo Pie</li> </ul>
<b>Ceremonies:</b> <ul style="list-style-type: none"> <li>▪ Memorial Day Program</li> </ul>	<b>Ceremonies:</b> <ul style="list-style-type: none"> <li>▪ Memorial Day Program</li> <li>▪ Historical Reenactment Walk (October)</li> </ul>	<b>Ceremonies:</b> <ul style="list-style-type: none"> <li>▪ Veterans' Day program</li> <li>▪ Memorial Day program</li> <li>▪ Angel of Hope (December 6)</li> <li>▪ Pearl Harbor Memorial Service (December 7)</li> </ul>
<b>Distinguished for:</b> <ul style="list-style-type: none"> <li>▪ Only known grove of rare Dawn Redwoods in California</li> <li>▪ Community mausoleum, the first built (1914) on the west coast.</li> <li>▪ Hartmann Archway (cemetery entrance/mausoleum used in the horse-and-buggy era but too narrow for automobiles)</li> </ul>	<b>Distinguished for:</b> <ul style="list-style-type: none"> <li>▪ Initially the Masonic Cemetery, founded by Jacob Ross in central Santa Ana. In 1874, graves were moved from 8<sup>th</sup> and Ross to present location (1919 E. Santa Clara)</li> </ul>	<b>Distinguished for:</b> <ul style="list-style-type: none"> <li>▪ Headquarters of OCCD</li> <li>▪ One of only two cemeteries in south Orange County.</li> <li>▪ Originally owned by the El Toro Land and Water Company. Sold to Orange County for \$10.</li> <li>▪ <i>Angel of Hope</i> monument to memorialize lost children</li> </ul>

Anaheim Cemetery	Santa Ana Cemetery	El Toro Memorial Park
<p><b>Hours of Operation:</b></p> <p>Grounds open to public 8 AM-5 PM, seven days a week.</p> <p>Business hours are 8 AM to 5 PM, Monday through Friday.</p>	<p><b>Hours of Operation:</b></p> <p>Grounds open to public 8 AM-5 PM, seven days a week.</p> <p>Business hours are 8 AM to 5 PM, Monday through Friday.</p>	<p><b>Hours of Operation:</b></p> <p>Grounds open to public 8 AM-5 PM, seven days a week.</p> <p>Business hours are 8 AM to 5 PM, Monday through Friday.</p>

### 5.3 History

While Roman Catholic missions provided the county’s first burial grounds, the district cemeteries were the first open to people of all faiths. They are the final resting places for most of the county’s founding families and laborers. Also in the cemeteries are the county’s first district attorney, first superior court judge, and first doctor; Olympic star Florence Griffith-Joyner; the inventor of Eskimo Pies; and more than 340 Civil War veterans whose special headstones are in the Santa Ana cemetery.

Highlights in the history of California’s progress to establish public cemeteries include:

- ***In 1854***, California enacted the first of a series of legislative acts concerning cemeteries. The act, in part, said that any place where six bodies had been buried was “declared to be a ‘public grave-yard.’”
- ***In 1859***, the legislature authorized the incorporation of associations known as “rural cemetery associations.”
- ***In 1909***, California enacted legislation that enabled “public cemetery districts” to be formed to provide for the burial needs of their communities.
- ***In 1926***, the State of California enacted legislation allowing counties to form cemetery districts for the preservation and maintenance of abandoned cemeteries. For Orange County, this resulted in four separate, independent districts: Two well-funded and two neglected. At that time, residents could be buried only in the district within which they resided.
- ***In June 1984***, the OC Board of Supervisors passed Resolution 84-1032 in favor of the consolidation recommended by LAFCO. (LAFCO—the state’s Local Agency Formation Commission—consolidated the four districts into a single Orange County Cemetery District, with a boundary contiguous with the county’s boundaries.)

The newly-formed OCCD included El Toro Memorial Park, Santa Ana Cemetery, Anaheim Cemetery, and Magnolia Memorial Park. The latter—only 6 acres and established in 1874—was the smallest. Its grounds were reaching capacity and were sold, in 1994, to the Omega Society, a cremation association. (Magnolia was subsequently sold to the Rose Drive Baptist Church in Yorba Linda.) The remaining cemeteries—Anaheim, Santa Ana, and El Toro—make up the current Orange County Cemetery District.

### **5.3.1 Anaheim Cemetery History**

Anaheim Cemetery, established in 1866, is the oldest of the OCCD cemeteries. The Protestant German founders (the Los Angeles Vineyard Society) used their own land for burials (while Roman Catholics were generally buried at the missions). As the Protestant population grew, there came a need for a public cemetery; the Anaheim Cemetery Association was formed. The graves had wooden markers, none of which remain, except for the few in Anaheim Library's archives. The wooden markers were lost to rot, to thoughtless removal, and to the clearing and burn-off of cemetery weeds.

Anaheim Cemetery, formally recognized as Orange County Historic Site No. 49, has the first mausoleum built (1914) on the West Coast. German, Spanish, and Chinese cultures are evident to the visitor. Although the large wooden markers of the Chinese graves are gone, the cemetery's southwest corner—the Chinese section—has a grove of Dawn Redwood trees, planted in 1989, to honor the Chinese laborers and immigrants who were instrumental in the building of Anaheim. According to the Anaheim Historical Society, Inc., "These trees were believed to be extinct, until 1948 when they were rediscovered in Szechwan, China. [We believe Anaheim Cemetery has the] only grove of this species in California."

A distinguished landmark, and the original entrance, of the Anaheim cemetery is the Pioneer Memorial Archway, donated by F.A. Hartman and erected in 1917. The archway, designed to accommodate carriages, cannot accommodate automobiles, so the entrance is now a wider gate on the opposite side (East Sycamore Street) of the grounds.

### **5.3.2 Santa Ana Cemetery History**

Santa Ana Cemetery was founded at Eighth and Ross Streets in 1870 by Jacob Ross, an early Santa Ana patriarch. Originally, it was known as the Masonic Cemetery wherein two of the Ross family's babies were buried. In 1898, all the graves were exhumed and moved to the present location (1919 East Santa Clara). On July 1, 1987, the Santa Ana Masonic Lodge deeded 2.7 acres to the cemetery, now a 29-acre site. The lodge also contributed to the cemetery's endowment fund.

Among Santa Ana's Civil War dead are the Confederate soldier who wrote the Orange County Bill of Secession from Los Angeles; the only woman Civil War veteran, Private Mary Lincelbach; and the last veteran, Willie Adams, who died at the age of 104.

### **5.3.3 El Toro Memorial Park History**

El Toro Memorial Park is on 25 acres and was founded in 1896. It was originally owned by El Toro Land and Water, a company that built wells and distributed water. To entice prospective buyers to purchase stock, cemetery plots were offered for \$1 each. In 1927, the company sold the cemetery to Orange County for \$10.

**5.4 Organization and Management**

The cemetery district is governed by a five-member board of trustees. A trustee is appointed to a four-year term by the Orange County Supervisor of his/her district and may serve multiple terms.

The board of trustees hires the general manager, who has the responsibility of managing all three district cemeteries. The offices of the general manager are maintained at the district office, El Toro Memorial Park. Members of the board of trustees are paid \$100 each, per meeting, not to exceed \$400 per month. They also receive expenses for conventions, seminars, etc. The board meets on the first Tuesday of each month at 10:00 A.M. at one of the three cemetery locations. Meetings are open to the public and must be conducted in accordance with the Brown Act.



Entrance detail, El Toro Memorial Park

**5.4.1 Trustee Appointments, OCCD**

<b>OCCD Trustees at-a-Glance</b>		
<b>Trustee</b>	<b>District for which Appointed</b>	<b>Remarks</b>
<b>Trustee A</b>	<b>1<sup>st</sup> District</b>	Appointed 02/07/1989; serving 4 <sup>th</sup> term
<b>Trustee B</b>	<b>2<sup>nd</sup> District</b>	Appointed 11/02/1993; serving 3 <sup>rd</sup> term
<b>Trustee C</b>	<b>3<sup>rd</sup> District</b>	Appointed 07/22/2003; serving 1 <sup>st</sup> term
<b>Trustee D</b>	<b>4<sup>th</sup> District</b>	Appointed 10/21/1986; serving 5 <sup>th</sup> term
<b>Trustee E</b>	<b>5<sup>th</sup> District</b>	Appointed 03/27/2001; serving 2 <sup>nd</sup> term

**5.4.2 Job Description—General Manager, OCCD**

Under policy direction from the board of trustees, the general manager has full authority and responsibility for the operation of the OCCD.

**5.4.3 Job Description—Assistant to the General Manager, OCCD**

The assistant to the general manager (GM), under direction of the GM, coordinates activities and projects of the district that may include maintenance, construction, and recording burials. The assistant to the GM also sells grave sites and assists the public in arranging services.

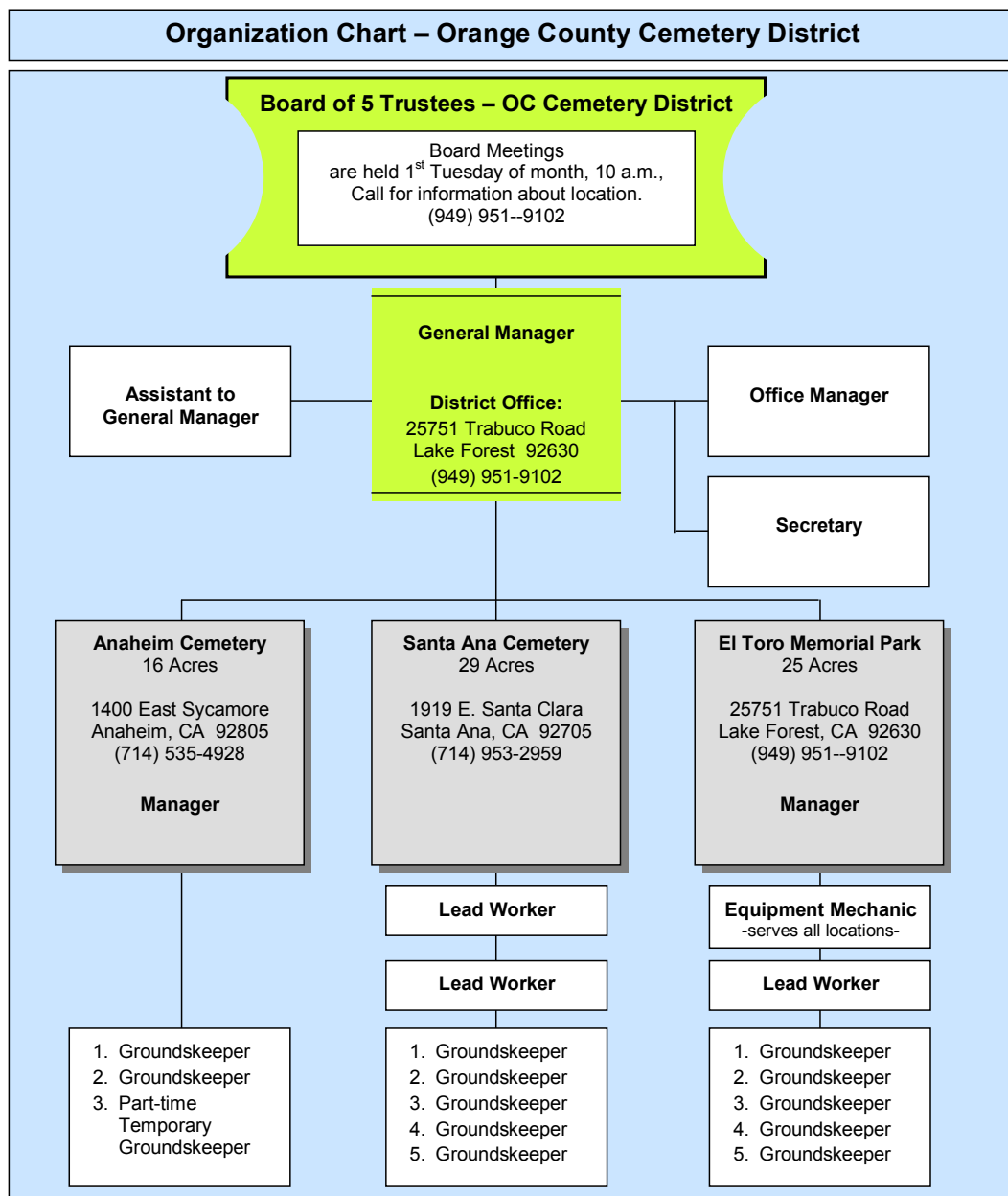
**5.4.4 Job Description—Cemetery Manager, OCCD**

Under general direction, to plan, schedule, direct, and supervise the operation and maintenance of a district cemetery and to perform other functions as required. Employees in this class perform a wide range of managerial duties related to the

operation of a cemetery. They supervise staff, participate in hiring and firing decisions, and evaluate the performance of subordinates.

**5.4.5 Job Description—Lead Worker/Groundskeeper, OCCD**

Under supervision, to perform tasks involved in the burial of human remains; to perform general unskilled and semi-skilled grounds maintenance, landscape, gardening and facility maintenance and repair work, and to do other work, as required. Employees in the class of “groundskeepers” are responsible for the opening and closing of graves and the performance of general maintenance duties. Employees in the class of “lead workers” perform all the duties of a groundskeeper and, in the absence of the supervisor, and as necessary, perform the duties of a supervisor.





**5.5 OCCD’s Mission Statement History**

On July 25, 1985, the OC Board of Supervisors’ document establishing the newly-consolidated cemetery district—Resolution 84-1150—was signed. It reads as follows:

To provide the long-term care and maintenance of district cemeteries, assure the availability of burial space through prudent land management and acquisitions, meet the future needs of the public, and maintain an environment of permanence and beauty respectful to the memories of those interred.

Since then, the OCCD mission statements have evolved as follow:

**5.5.1 February 7, 1990, a Former Mission Statement**

“To maintain, in perpetuity, the beauty, dignity and utility of Orange County’s public cemeteries for the continuing benefit of its citizens.”

**5.5.2 January 2, 2003, Current Mission Statement**

“To manage and maintain Orange County’s public cemeteries in a manner that preserves their beauty and dignity, and offers affordable interment services for county residents.”

**5.6 Finances**

**5.6.1 Operating Expenses**

Currently, as indicated by the following chart, OCCD is experiencing a stable financial position. OCCD representatives state they have always tried to provide affordable services; therefore, Proposition 13 tax revenue makes up for operating revenue deficits.

(1)	(2)	(3)	(4)	(5)
Operating Revenues 2004	2004 Revenue from Proposition 13 (Minus \$84,511 Returned to State of Calif.*)	(1) + (2) = (3) Total	Operating Expenses	Difference (3) minus (4) = (5) OCCD’s Undedicated Reserves
\$1,132,366	\$1,499,249	\$2,631,615	\$2,050,786	\$580,829

Numbers in the chart, above, were obtained from the OC Cemetery District, fiscal year 2003/2004.

\*To ease state revenue shortfalls, OCCD has been required to return \$84,511, each year for 2003 and 2004, to the State of California.

**5.6.2 Pricing Comparisons**

In order to understand how the cemetery district's price structures compare with private district cemeteries, the grand jury made a survey (December 2004). The results appear, below.

**December 2004 Comparison of Private Sector Cemeteries vs. District Cemeteries**

Cemeteries in Orange County	Grave Space Prices		Endowment Fee		Ash Scatter	Weekend Sur-charge	Setting of Marker	Lot Transfer	Contract Service Charge	Burial Vault	Urn Vault	Opening/Closing Grave
	Adult	800-2000	200	60								
District Cemeteries	Baby	150	60		75	300-400	125	50	75	195	60	700
	Urn	400-1500	100									
	Adult	800-2000	200									
Private Cemetery 1	Adult	1400-2000	150		150	300	220-240	150	-	325-995	90	1600
	Baby	445-700	150									250
	Urn											390
Private Cemetery 2	Adult	1600-6995	10% of grave	160-700	150	245-500	400-250	150	-	395-1895	100-1000	85-350
	Baby	225-325		23-32								
	Urn											
Private Cemetery 3	Adult	7000	200	for complete burial								
	Baby											
	Urn											
Private Cemetery 4	Adult	2270-2770	70			300-350	130-150	-	-	395-2395	295-495	1400
	Baby	325										
	Urn											
Private Cemetery 5	Adult	1200-2200	15% of grave	180-330	0-450	225-325	-	-	-	425-2860	-	52-620
	Baby											
	Urn											
Private Cemetery 6	Adult	300-3290	150			100-550	130-270	225	-	295-595	99-549	1400
	Baby											
	Urn											
Private Cemetery 7	Adult	3990-8500	75			-	from 650	-	95	from 1095	-	-
	Baby											
	Urn											
Private Cemetery 8	Adult	from 1750	-	-	-	-	-	-	-	350	150	-
	Baby											

**5.6.3 Available Burial Spaces**

Each of the three cemeteries has a different number of spaces remaining to be sold. The estimates are as follow:

Locations	Year Cemetery Full	Spaces Available & Average Sales
Anaheim Cemetery	2006	150 grave spaces and some mausoleum spaces remain; Only urn niches will be available
Santa Ana Cemetery	2020	5,700 spaces @ 350 per year
El Toro Memorial Park	2025	15,000 spaces @ 700 per year

In order to continue serving county citizens, OCCD has at times considered the acquisition of additional cemetery land. So far, there seem to be no acquisition plans.

#### **5.6.4 Endowment Study**

Endowment funds are a means to establish, in perpetuity, the care and maintenance of each cemetery. Part of the burial charges at all three cemeteries is an endowment fee invested for the long-term care of graves and grounds.

OCCD cemeteries will run out of space in years to come, with only niche and urn sales to generate revenue, subsidized by Proposition 13 revenue. When that happens, the endowment funds must be adequate to maintain the facilities in the manner set out in the district's mission statement. Under a current study by district management, the endowment funds appear to be adequate until 2025. Discussions are currently underway to determine what actions must be taken to insure proper maintenance after the year 2025.

The OCCD endowment study stated that fees for burial rights have been maintained at a level that is about 30-40% below those of private cemeteries. In order to generate sufficient revenues, district officials project that they will have to increase operating revenues by 8% per year. This would result in doubling of burial fees in nine years.

#### **5.6.5 Cemetery Improvements**

**Entrances:** Attractive wrought iron and red brick fences and iron entry gates have been built at all three cemeteries.

**Buildings:** El Toro has a new district office building. Santa Ana has a new office building. The Anaheim office and pump house are scheduled for replacement.

**Sprinkler Systems:** Anaheim and Santa Ana do not have underground lawn sprinklers. Watering is done by one full-time groundskeeper who moves hose sprinklers. OCCD management said it will cost about \$600,000 to install sprinklers throughout the Santa Ana Cemetery. Costs have not been analyzed for the Anaheim Cemetery.

**Rear Entrance at El Toro Memorial Park:** The district trustees approved expenditure of approximately \$300,000 for improvement of the rear entrance at El Toro Memorial Park. The improvements will be cosmetic and remedial, in that there is a drainage problem that will be fixed. The board, in approving the expenditure, also hopes to improve traffic flow through the cemetery when there are many autos for multiple burials.

**Improved Cell Phone Station:** El Toro cemetery has a cell phone relay station on its property. Up until January 2005, it was unsightly but now has been improved with landscaping.

*Santa Ana Curbs:* Santa Ana Cemetery wants to improve the curbs bordering the lawns and roads for easier, faster mowing.

*"Lake" in front of Santa Ana Cemetery:* Rainwater collects and sits for weeks in the area between the lawn and street in front of the Santa Ana Cemetery. There is no sidewalk in the area and no gutters for water drainage. The collected water could become a breeding pond for mosquitoes, and, when under water, the lawn is impossible to mow or maintain. For years, OCCD has asked the City of Santa Ana to improve the strip of land. To date, no improvements have been made.

*Grave Locations Database:* El Toro's secretary maintains a computerized list of grave locations for all three OCCD cemeteries. However, although the Santa Ana and Anaheim cemeteries have computers, they are not programmed to access this information. Santa Ana and Anaheim manually maintain a book with grave information that is updated monthly by the El Toro office. District management is currently trying to install the Santa Ana computer with compatible software; however, there are programming difficulties. Anaheim will be the next to have the software installed. The office workload will be lightened considerably when this project is completed.

#### **5.6.6 Employee Issues**

*Management Structure:* Discussions with all the groundskeepers at each of the three cemeteries revealed there is confusion as to responsibilities and chain of command. The grand jury believes there should be an agreement between job descriptions and actual work done; and further, that employees should clearly understand to whom they report. Each cemetery should be consistent in its management structure. Anaheim, the smallest cemetery has a manager, while Santa Ana, the largest cemetery, does not.

*Management Skills:* The grand jurors were told that all employees are encouraged to take classes to elevate their skills. Employees have taken classes in arboreal care, computers, water management, grounds maintenance, and bereavement counseling. The grand jury observed instances of personnel misunderstandings and conflicts 1) among employees and 2) between management and employees. The jurors, therefore, see a need for training in management practices and communication.

*Employee Safety:* Workers' bathroom and eating facilities vary. Santa Ana and Anaheim workers use the facilities in their main buildings. However, at the El Toro cemetery, groundskeepers eat and take breaks in an open garage/workshop. Fertilizers, other chemicals, and machinery are often in the building. Groundskeepers use an outside faucet to wash their hands. OCCD management told the grand jury that groundskeepers are free to use the main office lunchroom and amenities, but grand jury interviews revealed groundskeepers were reluctant to use, and uncomfortable in, the office lunchroom. The grand jury learned from a

Cal OSHA (Occupational Safety and Hazard Administration) representative, that an employer is responsible to prohibit an environment where employee food could be contaminated.

## 6. Observations

### 6.1 Management

**6.1.1** The grand jury believes that, generally, OCCD is effective in the discharge of its stated mission. Further, with some exceptions, the district is well managed.

**6.1.2** Job descriptions often do not reflect the actual work done by OCCD employees. At Santa Ana Cemetery, a worker is paid at lead worker rates, yet the scope of his work is 80% managerial.

**6.1.3** OCCD's General Manager will retire in September 2005. The board will recruit a replacement.

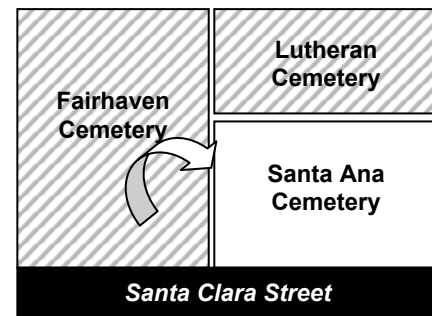
### 6.2 Employees

**6.2.1** OCCD lead workers and groundskeepers are union members and have been organized since June 25, 1992. Their union is SEIU (Service Employees International Union 660, Chapter 787). OCCD has two employee-elected union stewards.

**6.2.2** At one time, the OCCD's Board of Trustees had concerns there might be employee injuries and workmen's compensation claims if groundskeepers continued to set grave markers. Because of the concerns, OCCD put an outside company under contract to set grave markers. Even so, groundskeepers assist the contractor.

### 6.3 Cemeteries

**6.3.1** As roughly illustrated to the right, Fairhaven and Santa Ana cemeteries have a common boundary. It is difficult to tell where one cemetery ends and the other begins. Fairhaven is a privately-owned cemetery, Santa Ana is a district cemetery, and both share a property line that is not marked with fences, hedges, flowers, or other kinds of demarcation.



**6.3.2** Facing a section of Santa Ana's burial spaces is an unattractive maintenance facility used and owned by a neighboring cemetery. It is difficult for Santa Ana to sell burial spaces in this area because of the unsightly view of the neighbor's shed, tractors, tools, and other equipment.

**6.3.3** Monuments are no longer allowed for new burials in the district's cemeteries; the reasons being the expense to care for monuments and the difficulty of getting mowing equipment between the monuments. Only flat markers are used to mark graves. Monuments, for the most part, are those placed before 1985.

**6.3.4** To help with mosquito abatement, OCCD works very hard to control pooling water. To that end, OCCD groundskeepers remove all plants from graves within the week they are placed because plant dishes collect sprinkler water and can nurture mosquitoes.

**6.3.5** Seventy percent of OCCD's business comes from referrals by independent mortuaries.

**6.3.6** El Toro Memorial Park is one of only two public cemeteries in south Orange County. There are, however, some religion-affiliated cemeteries in that area.

## 6.4 Tax Revenues

**6.4.1** "California's Proposition 13 (1978) limited property taxes to one percent of property value. Many special districts get a share of these revenues. If a special district wants additional taxes, Proposition 13 and state law require 2/3 voter approval for 'special taxes.' A general obligation bond that raises property taxes also requires 2/3 voter approval."<sup>(3)</sup>

## 6.5 Miscellaneous

**6.5.1** Orange County's soon-to-be-developed Great Park (the former El Toro Marine Air Station) has a parcel of land earmarked for a cemetery. This could change as the land development becomes more specific. OCCD officials said they are not pursuing development of a cemetery in the Great Park.

**6.5.2** There is one other cemetery owned by Orange County; it is the historical and non-operational Yorba Cemetery, cared for by the



Great Park Corporation's Great Park aerial view and parcel diagram. Arrow points to possible cemetery location.

county's Harbors, Beaches, and Parks Division [(714) 834-6667] of the OC Resource and Development Management Department (RDMD).

**6.5.3** In Orange County, deceased persons for whom no next of kin can be found or no identification can be made are handled by the Sheriff-Coroner's office. In such cases, burials are carried out by contract to mortuaries and cemeteries willing to discharge their duties for the price set by the Sheriff-Coroner. Some of these mortuaries cremate the decedents and scatter the ashes in the district cemeteries.

**6.5.4 *Green Burial:*** Green burials require biodegradable caskets (cardboard, wood) and do not require embalming or grave liners. Green burial is finding favor with people who desire funerals that:

- are low cost,
- are environmentally mindful,
- are emotionally nurturing, and
- are natural in a natural setting.

The OCCD Board of Trustees was given a green burial presentation and explanation by two experts. As they defined it, "green burial" is a low cost interment that has the added advantages of environmental responsibility and dual-use land—cemetery and park areas. At present, California's only green burial cemetery is in Mill Valley (Marin County), California, and was founded in 2004.

## 7. FINDINGS

Under California Penal Code Sections 933 and 933.05, responses are required to all findings. The 2004-2005 Orange County Grand Jury has arrived at the following findings:

- 7.1 *Sprinklers vs. Hand Watering:*** The Santa Ana and Anaheim Cemeteries do not have sprinkler systems. El Toro Memorial Park has a partial sprinkler system. The grand jury questions whether hand-watering is cost effective and an efficient use of labor.
- 7.2 *Endowment Study:*** According to OCCD's preliminary endowment study, endowment funds are adequate until the year 2025. The grand jury has reservations about the adequacy of a one-time and preliminary study.
- 7.3 *Management Structure:*** El Toro and Anaheim cemeteries have cemetery managers; Santa Ana, the largest of the cemeteries, does not. Inconsistencies in work assignments and management structure contribute to personnel tension.

- 7.4** *Safe and Adequate Employee Facilities*: El Toro Memorial Park groundskeepers are eating in a area where 1) food could be affected by toxins, and where 2) there are no facilities for personal hygiene. According to Cal OSHA, it is the responsibility of an employer to prohibit eating in an environment where food could be contaminated.
- 7.5** *Gravesite Location Database*: 1) Anaheim and Santa Ana cemeteries are not linked to OCCD's electronic database for gravesite locations and 2) the OCCD website, unlike some cemeteries, does not post a list of deceased persons' graves. Even with an on-site burial book at each location, it is impossible for relatives and genealogists to get real-time information about the people and locations of OCCD burial spaces.
- 7.6** *Training Employees*: OCCD does not require managers and lead workers to get training in employee management skills or employee communication. This lack of training contributes to the personnel misunderstandings and conflicts observed by the grand jury.
- 7.7** *Ceremony Schedules on Website*: OCCD does not use its website to post information about public ceremonies held at the three cemeteries; therefore, Orange County residents cannot inform themselves.
- 7.8** *Groundskeepers Setting Grave Markers*: OCCD groundskeepers are still required to assist the outside contractor who sets grave markers, even though the contractor was hired to safeguard OCCD from workers' compensation claims related to employee injuries from setting grave markers.
- 7.9** *Unattractive Maintenance Facility at Neighboring Cemetery*: It is difficult for Santa Ana Cemetery to sell burial spaces that overlook a neighboring cemetery's unsightly maintenance area (shed, tractors, tools, and other equipment).
- 7.10** *Board of Trustees Meetings*: Most board meetings are held at El Toro Memorial Park, OCCD headquarters, and only occasionally at the two other cemeteries. The practice limits trustee awareness of the unique issues, needs, and employees of each of the OCCD cemeteries.

**Responses to Findings 7.1 through 7.10 are required from the Orange County Cemetery District Board of Trustees.**



## 8. RECOMMENDATIONS

In accordance with California Penal Code sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Officer of the Superior Court. Based on the findings, the 2004-2005 Orange County Grand Jury makes the following recommendations:

- 8.1** *Sprinklers vs. Hand Watering*: Recommend the district make a cost/benefits analysis of sprinklers versus hand-watered cemetery lawns and gardens. (See Finding 7.1.)
- 8.2** *Endowment Study*: Recommend OCCD do an annual endowment study to ensure adequate funds to maintain all three cemeteries in perpetuity. (See Finding 7.2.)
- 8.3** *Management Structure*: Recommend OCCD establish the same management structure at all three cemeteries. (See Finding 7.3.)
- 8.4** *Safe and Adequate Employee Facilities*: Recommend OCCD require El Toro Memorial Park groundskeepers to eat in a safe area that has adequate facilities for personal hygiene. (See Finding 7.4.)
- 8.5** *Gravesite Location Database*: Recommend OCCD 1) accelerate the process of linking Santa Ana and Anaheim cemeteries to the gravesite location database, and 2) establish a modified version of the database on the OCCD website for the use of genealogists and relatives of the deceased. (See Finding 7.5.)
- 8.6** *Training Employees*: Recommend OCCD require training of all managers and lead workers in employee management skills and employee communications. (See Finding 7.6.)
- 8.7** *Ceremony Schedules on Website*: Recommend OCCD communicate with Orange County residents by providing website information and schedules related to OCCD's public ceremonies, dates, and times. (See Finding 7.7.)
- 8.8** *Groundskeepers Setting Grave Markers*: Recommend OCCD review if the weight-lifting limitations for OCCD groundskeepers are being exceeded when they help the contractor to install grave markers. (See Finding 7.8.)
- 8.9** *Unattractive Maintenance Facility at Neighboring Cemetery*: Recommend OCCD initiate discussions with Santa Ana's neighboring cemetery with the goal of improving the look of neighbor's unsightly maintenance area. (See Finding 7.9.)

- 8.10 *Board of Trustees Meetings:*** Recommend the OCCD Board of Trustees—in order to heighten their awareness of the unique issues, needs, and employees of each OCCD cemetery—hold their monthly meetings, throughout the year, on a continuously rotating basis among the three cemetery locations. (See Finding 7.10.)

**Responses to Recommendations 8.1 through 8.10 are required from the Orange County Cemetery District Board of Trustees.**

## 9. Acronyms, Abbreviations, Glossary for in this Report

AARP	Association of American Retired Persons
Brown Act	Ralph M. Brown Act, one of several laws that make up the <i>open meeting laws</i> . The purpose of the Brown Act, "...is to require that all aspects of the decision-making process by multi-member state bodies and local legislative bodies be conducted in public."
LAFCO	Local Agency Formation Commission
OC	Orange County
OCCD	Orange County Cemetery District
OSHA	Occupational Safety and Hazard Administration
SEIU	Service Employees International Union 660, Chapter 787

## 10. Bibliography

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2. California Health Code, Section 9000 (governs public cemeteries in California)
3. Regarding Special Districts: *What's So Special about Special Districts?—a Citizen's Guide to Special Districts in California*, third edition, California Senate Local Government Committee, 10/06/2004, <http://www.sen.ca.gov/locgov/ESSASDREPORT.htm>
4. California Special Districts Association (CSDA), "*Frequently Asked Questions*"
5. Regarding Green Burial:
  - AARP Magazine, July-August 2004, *Green Graveyards—A Natural Way to Go, Back-to-Nature*, Barbara Basler, author.
  - <http://www.ForeverFerwood.com>, the website for California's green burial cemetery in Mill Valley, California.
  - MSNBC website: <http://www.msnbc.msn.com/id/3076642>, *Green Graves Give Back to Nature—Eco Friendlier Funerals Give Back to Nature*, by Francesca Lyman

- AARP website: [http://www.aarp.org/bulletin/ourlife/Articles/a2004-06-30-green\\_graveyards.html](http://www.aarp.org/bulletin/ourlife/Articles/a2004-06-30-green_graveyards.html)
  - Los Angeles Times Magazine, February 6, 2005, page 10, *Crying and Digging, Reclaiming the Realities and Rituals of Death*, by Nancy Rommelmann
6. Many periodicals discuss the changing attitudes regarding funerals and burial. Among them are:
- The American Legion Magazine, February 2005, *Death Be Not Expensive—How To Beat the High Cost of Dying*, by Robert Bryce.
  - Consumer Reports, May 2001, *Final Arrangements*, by Vicki Duffy (online at <http://www.consumerreports.org>)
7. “Welcome to the Anaheim Cemetery,” The Anaheim Historical Society, Inc.; P.O. Box 927, Anaheim, CA 92815
8. Orange County’s Great Park maps for proposed land use