

BUTTE COUNTY GRAND JURY REPORT 2009-2010

OROVILLE CEMETERY DISTRICT

SUMMARY

The 2009/2010 Butte County Grand Jury (2009/2010 Grand Jury) elected to review the operations of the Oroville Cemetery District, specifically re-examining areas of concern identified in the 2008/2009 Butte County Grand Jury's (2008/2009 Grand Jury) final report.

The Oroville Cemetery District provides burial services to the residents of the district on an "at-need" or "pre-need" basis. These services are provided in accordance with the Oroville Cemetery District's policies and procedures, California State Regulatory Board, and the California Health and Safety Code.

Through our investigation we found that the Oroville Cemetery District is operating smoothly and efficiently while working with the local funeral homes. The Oroville Cemetery District's Board of Directors and management are active and progressive in their approach to current and future needs of the District and the areas of concern identified by the 2008/2009 Grand Jury either did not exist or have been rectified.

GLOSSARY

at-need – purchasing services and resting places at the time of need

2009/2010 Grand Jury – 2009/2010 Butte County Grand Jury

2008/2009 Grand Jury – 2008/2009 Butte County Grand Jury

OCD – Oroville Cemetery District

pre-need – purchasing services and resting places prior to the time of need

BACKGROUND

The 2008/2009 Grand Jury reviewed the operations of the three largest cemetery districts in the county. The three districts were the Gridley – Biggs Cemetery District, Paradise Cemetery District, and the Oroville Cemetery District. As a result of their review the 2008/2009 Grand Jury issued a Final Report noting several findings and recommendations specifically directed at the OCD.

The OCD filed its required response to the report and returned it to the current 2009/2010 Grand Jury. The OCD response identified several areas contained in the 2008/2009 Grand Jury Final Report that seemed to be either misstated or inaccurate.

The areas of concern identified in the 2008/2009 Grand Jury Final Report included the following:

1. Holidays and the closure of the OCD.
2. Additional fees.
3. Interment fee adjustment for burials done the day after a holiday.
4. Additional fees for a death occurring outside the district if services have been purchased pre-need.

APPROACH

The 2009/2010 Grand Jury conducted interviews with several funeral directors that work with the OCD, met with management of OCD, and reviewed documentation. The documentation included board policies and procedures, employee handbooks, board meeting minutes and agendas, and State of California statutes.

DISCUSSION

The 2008/2009 Grand Jury Final Report stated that the OCD closed for a half day before a holiday, the actual holiday, and the day after a holiday. During our investigation, the 2009/2010 Grand Jury found that the OCD has an established holiday schedule that was updated on April 28, 2008. It was noted that the half day before, and the day after holidays, were not listed as times the OCD is closed. In discussions with OCD management it was learned that the holiday schedule is consistently followed. In discussing the operations of the OCD with area funeral directors, when they were asked, there was no mention of a problem with operating hours of the district.

The 2008/2009 Grand Jury Final Report stated it is the policy of the OCD to require additional fees when they have undercharged a family for services. The OCD's response to the 2008/2009 Final Report stated they do not require additional fees. If an error has been made the OCD attempts to collect the correct fees. We discussed this matter at length with several area funeral directors and with management of OCD. In addition the 2009/2010 Grand Jury reviewed OCD fee schedules, policies, and state law. It appears that there may have been instances when an error occurred and OCD required the payment before services could be rendered, thusly seeming somewhat harsh. However, as a governmental agency, OCD is entrusted with the fiduciary responsibility of public funds. Therefore, they are required to collect the accurate fees for the services they provide; anything less could be a breach of public trust.

The 2008/2009 Grand Jury Final Report stated the OCD does not have an interment fee adjustment for burials conducted the day after a holiday. The OCD response was in agreement with this finding. OCD noted that they do not have an adjusted fee for the day after a holiday, as it is either a regular business day or a weekend. However, the OCD

does have a fee referred to as a “Non-Scheduled Day Fee.” This fee covers services performed on a holiday or weekend. It should be noted that the OCD policy allows for either interment or disinterment on holidays or weekends *only* when the service has been ordered by the Butte County Health Officer.

The 2008/2009 Grand Jury indicated that the OCD charged an “out of district” fee, or “non-resident” fee for deaths occurring out of the District. Additionally, they stated that a “charge for a death occurring outside of the District seems excessive and harsh, especially if all costs have been pre-paid.” The 2009/2010 Grand Jury found that it is not the policy of OCD to charge a “non-resident” fee if all other fees have been pre-paid. The OCD charges a “non-resident” fee to individuals that do not meet the District’s residency requirements set forth in the California Health and Safety Code.

The OCD Board and management are active in the operations of the District. Through our interviews with area funeral directors it appears that the OCD is easy to work with and serving their constituents well. The OCD is working closely with their insurance carrier to insure that best practices are being utilized and they are operating in accordance with relevant statutes. They are training their staff in safety procedures and continually look to improve their delivery of services.

FINDINGS

- F1. The OCD services are provided in accordance with OCD’s policies and procedures and California’s statutory requirements.
- F2. 2009/2010 Grand Jury’s review of the OCD has resolved the inconsistencies between the findings of the 2008/2009 Grand Jury Final Report and the OCD response.

RECOMMENDATIONS

None

REQUEST FOR RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the 2009/2010 Butte County Grand Jury requests responses from the following:

- None

BIBLIOGRAPHY

- 2008/2009 Grand Jury Final Report
- California Health and Safety Code
- Oroville Cemetery District Response to 2008/2009 Grand Jury Final Report

- Oroville Cemetery District Rules and Regulations

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.