

BOARD OF SUPERVISORS

Linda J. Seifert (Dist. 2), Chair
(707) 784-3031
James P. Spering (Dist. 3), Vice-Chair
(707) 784-6136
Barbara Kondylis (Dist. 1)
(707) 553-5363
John M. Vasquez (Dist. 4)
(707) 784-6129
Michael J. Reagan (Dist. 5)
707) 784-6130



County Administrator
BIRGITTA E. CORSELLO
(707) 784-6100
Fax (707) 784-7975

675 Texas Street, Suite 6500
Fairfield, California 94533-6342
www.solanocounty.com

September 11, 2012

To: The Honorable Paul L. Beeman
Presiding Judge

From: Supervisor Linda J. Seifert
Chair, Board of Supervisors

Re: Response to FY2011/12 Grand Jury Report titled, "County Public Cemetery Districts"

The Honorable Judge Beeman:

Pursuant to Penal Code sections 933(c) and 933.05, the Solano County Board of Supervisors responds to the findings and recommendations contained in the FY2011/12 Grand Jury Report released on July 12, 2012 concerning County Public Cemetery Districts which pertain to matters under the control of the Board of Supervisors.

Finding 1

No cemetery district board of trustee term began in compliance with State Code. California Health and Safety Code §9024(a) stipulates that terms of office commence at noon on the first Monday in January. (County Board of Supervisors)

Response to Finding 1

The Board of Supervisors agrees with this finding; however, it should be noted that appointments occur throughout the year when the need arises.

Recommendation 1.

Board of Supervisors modify cemetery district trustee terms to bring them into compliance with Health and Safety Code §9024(a).

Response to Recommendation 1

The recommendation has not yet been implemented, but will be implemented by staggering the terms of district board members as required by Health & Safety Code section 9024 when the existing terms expire and appointments are made. The law does not authorize the disruption or reduction of existing terms.

Finding 2

Cemetery district board of trustee reappointments and vacancies were not filled promptly and in compliance with Health and Safety Code §9024 and Government Code §1779. Specifically, between 2005 and 2011:

- *14 of 16 reappointments were 22 to 457 days following expiration of the term*

- *4 of 10 vacancies were not filled within 90 days*

(County Board of Supervisors)

Response to Finding 2

The Board of Supervisors disagrees wholly with this finding because it confuses a vacancy in an office with an expired term until a successor is appointed. An expired term until a qualified successor is appointed is not a vacancy.

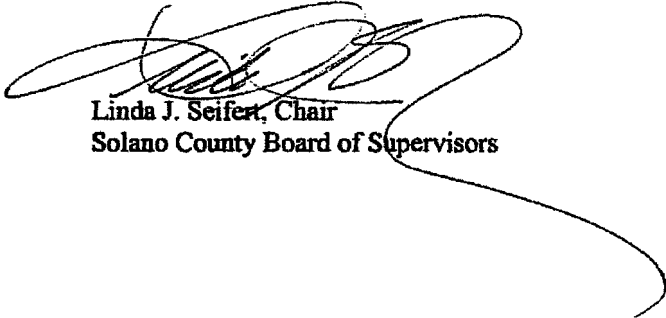
Recommendation 2

Board of Supervisors ensure that cemetery district trustee reappointments and vacancies are filled promptly and in compliance with Health and Safety Code §9024 and Government Code §1779.

Response to Recommendation 2

The recommendation will not be implemented, because it is not warranted. The appointment process depends wholly upon attracting interested and qualified candidates willing to serve. The Board encourages citizens to take an active role in civic affairs by letting their respective supervisor know their willingness to serve on local boards and commissions. It should be noted that nothing in the code requires compliance within any specific timeframe and an expired term until a qualified successor is appointed does not constitute a vacancy under Government Code section 1779.

Respectfully submitted,



Linda J. Seifert, Chair
Solano County Board of Supervisors