

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 7, 2010
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item 7: Review and Approve Response to San Bernardino County Grand Jury Report Related to the Barstow Cemetery District

RECOMMENDATION:

Staff recommends that the Commission approve the response to the San Bernardino County Grand Jury Report related to the Barstow Cemetery District and authorize the Executive Officer to sign and submit the response.

BACKGROUND:

At the October 15, 2008 hearing, the Commission considered the service review as required by Government Code Section 56430 and the sphere of influence update as required by Government Code Section 56425 for the Barstow Cemetery District ("District"). The action of the Commission, memorialized in its resolution, assigned a zero sphere of influence for the District and directed staff to refer the concerns regarding the District's financial matters to the County Auditor- Controller/Recorder to determine if they would be able to resolve them. If this avenue was unsuccessful, the Commission directed staff to refer the matter to the District Attorney's Public Integrity Unit, with notification to the Grand Jury of the Commission's findings.

Staff informed the Commission at the January 21, 2009 hearing that the County Auditor- Controller/Recorder had responded that it could not assist further in this matter based upon its discussions with County Counsel. In addition, staff outlined its referral of the matter to the District Attorney Integrity Unit, with notification to the Grand Jury. Staff did not receive a response from the District Attorney Integrity Unit given its level of activity.

Based upon the above, in June 2009 the Commission directed the Executive Officer to file a formal complaint with the Grand Jury outlining the Commission's concerns raised during the service review, provide a listing of the officials and agencies contacted in order to bring resolution to its concerns, and outline the Commission's request to have the Grand Jury review these issues further for resolution.

GRAND JURY REPORT:

In July 2010, the Grand Jury issued its 2009-10 Final Report. The section of the report related to the District is included as Attachment #1. LAFCO is required to respond to Grand Jury Recommendation 10-32, related to Finding 1, by September 30, 2010. Finding 1 and Recommendation 10-32 are shown below.

Finding 1

“The Cemetery management claims they have never been informed of the requirements regarding submitting monthly financial and annual budgets.”

Recommendation 10-32

“LAFCO, Special Districts and the ACR’s office need to set up a meeting with the Cemetery Supervisor and the Board of Directors and provide them with understandable guidelines and rules they are to follow. (Finding 1)”

The requirements of Finding #1 relate to operational activities any public agency is required to perform as set forth by State statute and the principal act for the District and are not specific requirements of LAFCO, Special Districts, or the Auditor. However, staff recommends the Commission direct staff to comply with Recommendation 10-32 of the Grand Jury in an effort to assist the agency address deficiencies in its operation. To that end, management staffs of LAFCO, County Special Districts Department, and the County Auditor-Controller/Recorder/Treasurer/Tax Collector are currently scheduled to attend the District’s November 10 meeting at the District office in Barstow. Specifically for LAFCO, the Executive Officer will discuss and provide the District with guidelines outlined in Public Cemetery District Law and the Government Code.

Staff has prepared the LAFCO response for review and approval by the Commission (included as Attachment #2). Staff’s recommendation is that the Commission approve and authorize the Executive Officer to sign and submit the response to the Grand Jury.

Should the Commission have any questions, staff will be happy to answer them prior to or at the hearing.

KRM/MT

Attachments:

1. San Bernardino County Grand Jury Report related to the Barstow Cemetery District
2. Draft LAFCO Response to Grand Jury Recommendation