

**MINUTES OF
THE ELOY CEMETERY COMMITTEE
CITY OF ELOY
628 NORTH MAIN STREET
ELOY, ARIZONA 85131
AUGUST 31, 2011
5:15 P.M.**

Staff Present: Mary Myers- Committee Secretary; Paul Anchondo-Parks and Recreation Director; John Jayne-Parks Supervisor; Lorena LaSalde-Rios-Administrative Assistant; Brian Wright-Finance Director

I. CALL TO ORDER

Chairman J.W. Tidwell called the meeting to order at approximately 5:15 p.m.

II. PLEDGE OF ALLEGIANCE

Chairman Tidwell led the Committee and the public in the Pledge of Allegiance.

III. ROLL CALL

Committee Members Present: Chairman J.W. Tidwell, Vice Chair Marie Botello; Member Natasha Tidwell; Member Etta Ruth Amerson

Committee Members Absent: Member Belinda Akes (called in), Member Elva Lile (called in)

IV. APPEARANCES FROM THE FLOOR

None

V. DIRECTOR'S REPORT

Mr. Anchondo communicated the following information to the Committee:

- Park crews are currently working cleaning and repairing damages sustained from a severe rain storm that hit the city on August 18th;

- At the last meeting Chairman Tidwell inquired about gluing fees as they relate to the affixing of ornaments to headstones. Currently, fees are \$28 per ornament or \$56 for three or more pieces.
- Park staff would like directive from the Committee in regards to the “Day of the Dead” celebration on November 1st. Current regulations prohibits the preparation of food or live music on cemetery grounds.

Member Amerson asked if this was a religious holiday.

Mr. Anchondo said it is more cultural than religious. It is a holiday celebrated by the Hispanic population that pays tribute to those who have past on. The event lasts several hours and consists of preparing food on barbecue grills, and playing music (live or recorded). He said the rules were recently revised to prohibit the preparation of food at the cemetery or the playing of loud music.

Vice Chair Botello conveyed the rules should be enforced.

Mr. Anchondo asked about enforcing loud music.

Chairman Tidwell said loud music is determined by who’s listening. He said as long as no one is offended by it on this one day... Chairman Tidwell asked how is staff going to enforce the rule.

Mr. Jayne conveyed he received a couple of complaints from visitors at the cemetery last year regarding the preparation of food on the grounds which the Committee addressed. He has not received any complaints about music being too loud.

Vice Chair Botello said as long as the music is not loud she is okay with it, but the food should not be prepared at the cemetery.

Chairman Tidwell agreed with Vice Chair Botello. Families can prepare their food at home, ready to eat before bringing it to the cemetery.

Josie Robles, resident, conveyed that people who are not Hispanic may not understand the purpose of the celebration and may be offended by it if visiting the cemetery on that day.

Mr. Anchondo pointed out that staff has not experienced many complaints in this regard. For the most part, it has been in relations to the preparation of food on the premises. Staff can play it by ear and if there are any complaints regarding the music, staff can address it at that time. In addition, he said he would like to put out

additional signage informing those entering the cemetery on that day that preparation of food is not allowed in the park.

A gentleman in the audience conveyed that people from out of town travel to the cemetery for the celebration and bring food. He wanted to know why can't they bring their grills out to heat up their food.

Member Amerson conveyed there is liability issue for city. Hot ashes could fall from the grill causing a fire.

The gentleman said most people use propane grill instead of charcoal grills.

Chairman Tidwell expressed concern about families dragging grills across graves to get to their family's grave which he objects to.

Member Tidwell conveyed she wants staff to enforce the regulations and stay consistent. She appreciates that it is a special day, but there are also other special days throughout the year. If the Committee allows the cooking on this day, what prevents others from requesting the same thing on other holidays. She believes this will just snowball back to people cooking and loud music on any day of the week.

Chairman Tidwell suggested allowing families to heat up food as long as it is done in a non-used section of the cemetery.

The gentleman said this would be acceptable. He also asked about the music.

Chairman Tidwell said as long as the music is not loud and does not offend anyone visiting the cemetery he is okay with the music.

Micah Powell, resident, opposed allowing food to be heated up at the cemetery. He expressed concerns about the amount of trash generated from the celebration, as well as the consumption of alcohol. And while he respects the culture, he does not think it's a good idea to allow this because someone is going to be offended.

Another audience member conveyed they just want the ability to warm their food at the cemetery. If anyone brings alcohol, they know it's not allowed. She also mentioned there are a lot of trash bins for the trash so she does not see this as a big issue.

Chairman Tidwell asked Mr. Jayne if there was an issue with the trash at last year's celebration.

Mr. Jayne said no. There was more trash than normal, but when there are over two hundred people at the park, this is to be expected. Mr. Jayne told the Committee that all he asks is that the Committee be consistent with whatever decision they make.

Mr. Anchondo conveyed he can bring this item back to the Committee for formal action before November 1st.

Chairman Tidwell agreed with Mr. Anchondo and directed him to do so.

VI. APPROVAL OF MINUTES

Motion by Vice-Chair Botello, seconded by Member Tidwell, to approve the minutes of 7/6/11, as presented, passed unanimously.

VII. BUSINESS

A. DISCUSSION ON CURRENT RESIDENCY REQUIREMENTS AND RATES FOR THE ELOY MEMORIAL PARK

Cover sheet discussion: *At the July 6, 2011 Cemetery Committee meeting questions were raised regarding the city's residency requirements for purchasing a cemetery plot at the resident rate versus the non-resident rate. Current policy states, "Plot fees are regulated by the Committee and varies based on the residency at the time of purchase. Proof of residency will be required prior to the purchase of any plot."*

In 1995, the Cemetery Committee imposed a three tiered fee structure for residents, non-resident and out of county residents to be applied toward the purchase of cemetery plots. The committee initiated this new fee structure as they felt Eloy residents should receive a discount in price, as city residents would essentially pay for the upkeep of the cemetery once all plots were sold. Since the implementation of this rate structure, the Committee has increased fees on two occasions, with the most recent increase of 40% taking effect July 1, 2011. Current rates for plots are as follows:

<i>Eloy Resident:</i>	<i>From \$430.00 to \$600.00</i>
<i>Pinal County Resident:</i>	<i>From \$640.00 to \$895.00</i>
<i>Out of County Resident:</i>	<i>From \$960.00 to \$1345.00</i>

Although there is no written language specifying what type of documents are acceptable, staff has accepted documents such as utility bills, bank statements,

hospital or ambulance paperwork, listing the purchaser's name and physical address as documentation of residency. Letters from clergy written on church letterhead, as well as notarized letters from co-workers and fellow citizens have also been accepted as proof of residency.

To ensure the documents submitted are current, staff accepts documents that are dated 45 to 60 days or less from the date of purchase. It has been observed that the majority of citizens wishing to purchase plots at the "resident rate" have experienced little if any difficulty in producing the required documentation. However, on rare occasions when residents have been unable to produce acceptable documentation at the time of purchase, staff has held selected plots for up to one week until proper documentation can be submitted.

Chairman Tidwell conveyed this item came about as a result of a resident not having any documents in her name with a local address other than a property tax notice with her and her husband's name on it from a prior year.

Member Amerson felt the current policy was a little too restrictive and felt that property tax bills should be accepted if it shows a local address and the person's name.

Chairman Tidwell suggested accepting property tax bills that shows the resident's name and spouse's name (if applicable) and street address, in addition to a utility bill no older than 60 days that shows one or both spouse's names with the same physical address as verification of residency.

It was the consensus of the Committee to direct staff to allow this provision and to bring this item back at the next meeting for formal action.

B. DISCUSSION ON POSSIBLE IMPLEMENTATION OF A MONTHLY PAYMENT PLAN FOR OPENING/CLOSING AND/OR LINER FEES

Cover sheet discussion: *At the July 6, 2011 Cemetery Committee meeting, a member of the public asked the Committee to consider offering a payment plan to those who wished to make monthly payments on opening/closing and liner fees. As recognized by the Committee and staff, the cost for burial services can place an insurmountable burden on families dealing with the loss of a loved one. With this in mind, staff fully supports the idea of offering this option to the public as a means to alleviate the financial hardship experienced during this difficult time. However, staff believes it to be in the best interest of the city to institute such a payment plan once the reserve plot is paid in full. It is recommended that the terms of the payment plan be similar*

to the current plan in place for reserving plots (25% down with the minimum monthly payments).

Mrs. Myers conveyed currently the city accepts plot payments with 25% down and the balance paid within 11 months from date of purchase.

Chairman Tidwell conveyed he would like to give residents the option of paying for both the plot and opening/closing and liner fees at the same time under two separate contract.

Mrs. Myers asked Mr. Wright would this create an accounting issue in his department.

Mr. Wright said no.

Mrs. Robles asked would there be a contract for opening/closing fees and a contract for the liner fee.

Chairman Tidwell said no. There will be only one contract for opening/closing and liner fees and one contract for plot sales.

Mrs. Robles felt this would be rather expensive for people to pay each month. She felt it would be less of a burden on the purchaser if these fees could be paid for one at a time.

Chairman Tidwell said he does not want to split the fees (o/c & liner) into two separate contracts because it would be too burdensome on staff. He pointed out that doing it this way is better than paying all the fees at once when arrangements are made.

Chairman Tidwell asked staff to bring this item back at the next meeting for formal action.

C. DISCUSSION OF THE ELOY MEMORIAL PARK FUND

Cover sheet discussion: *There are two primary funds that the Committee oversees - the Cemetery Fund and the Perpetual Care Fund. The Cemetery Fund was created as a special fund to operate the municipal cemetery, and to receive and hold money from the sale of lots, opening and closing of graves, and all monies received through gifts, donation, devise, taxation or any other source for cemetery purposes. All income from the Eloy Memorial Park is deposited into the cemetery fund, and*

expenses related to the operation, maintenance and upkeep of the cemetery are paid out of the cemetery fund. The cemetery fund is exempt from the provisions of the city's financial code, and any balances at the close of each fiscal year do not revert to the general fund, but do remain in the cemetery fund.

As of June 30, 2011, the Cemetery Fund carries a balance of \$34,591.

Mr. Anchondo conveyed the Cemetery Fund is for operations and maintenance of the cemetery which is generated from cemetery sales and services. Mr. Anchondo said Mr. Wright informed him that the Committee has not utilized this fund for anything other than covering a shortfall in the budget in recent years. If the Committee wants to apply these funds for cemetery improvements above and beyond what has been approved by the city, the project must be identified along with its funding source and submitted during the budget process.

Chairman Tidwell wanted to know which fund receives 10% of the plot sales each year.

Mr. Anchondo said the Perpetual Care fund receives the 10%.

Mr. Wright conveyed that as of June 30, 2011, the Perpetual Care Fund has a balance of \$108,605. Last June, the fund received \$2,894 (10%) from plot sales.

Member Amerson said it is her understanding the Committee cannot expend any monies from this fund until the cemetery is full.

Mr. Wright explained that it is unclear in the ordinance what this money can be spent on and that this may be something the Committee may want to explore in more detail in the future.

Mr. Anchondo voiced that he researched other municipalities with cemeteries and found out per their city ordinance that their Perpetual Care fund is to be used when the cemetery was at full capacity for continued maintenance of the cemetery. Also, during the time when the cemetery is in operation, only the interest generated from those funds could be used.

At this time, Mr. Anchondo read Eloy's ordinance relating to its Perpetual Care Fund:

"There is created a special fund to be under the supervision of the cemetery committee which shall be known as the perpetual care fund. There shall be set aside

from the sale fo each lot in Eloy Memorial Park, ten percent (10%) of the sale price, which shall be deposited in said perpetual care fund. Said perpetual care fund shall be held separate and apart from all other monies of the city, and shall constitute a trust fund. The cemetery committee shall also be authorized to receive by gift, donation, or devise, or from any other sources, monies to be deposited in the perpetual care fund, and may in its discretion authorize the transfer to said perpetual care fund of any surplus arising out of the operation of Eloy Memorial Park. The monies in said perpetual care fund shall, upon order of the cemetery committee be invested in interest bearing securities of the United States, this state, and the political subdivisions of this state, and in such other interest bearing securities as are permitted for investment by corporate fiduciaries under the provisions of the laws of this state."

Mr. Anchondo said the city's ordinance does not specify what the Committee would apply those funds to.

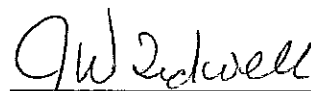
Mr. Wright said it is his understanding that the Committee wants to expend these funds for the operation and maintenance of the cemetery once it is full. However, since there is nothing in writing defining this, he recommended the Committee put something in the ordinance specifying this.

Chairman Tidwell directed staff to draft an amendment to the existing ordinance which specifies how and when funds in the Perpetual Care Fund is to be expended and bring back to the Committee for formal recommendation to the Eloy City Council.

VIII. ADJOURNMENT

Chairman Tidwell announced the next Cemetery Committee meeting will be held October 12, 2011, at 5:15 p.m.

There being no further business, Chairman Tidwell adjourned the meeting at approximately 6:18 p.m.



Chairperson

ATTEST:


Committee Secretary