



# FAIR OAKS CEMETERY DISTRICT

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[www.fairoakscemetery.com](http://www.fairoakscemetery.com)  
ESTABLISHED 1902

**“It is our mission to partner with our community to  
preserve our past & memorialize our future.”**

**BOARD OF TRUSTEES**  
Pete Schroeder-Chairman  
Carolyn Flood-Vice Chairman  
Patricia Vogel  
Albert D. Neufeld  
Bob Clouse

Established 1902

## FAIR OAKS CEMETERY DISTRICT BYLAWS & DOCUMENT LOCATION LIST

Adopted Revisions: 12-11-2024.

This document provides the bylaws relevant to the formation and operation of the Fair Oaks Cemetery District. These bylaws are reviewed in their entirety every 5 years.

Fair Oaks Cemetery District  
[[info.focd@gmail.com](mailto:info.focd@gmail.com)]

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## Location of other documents:

Employee Handbook = EH  
 Policies & Procedures Manual = PP  
 Safety Manual – SM  
 Rules & Regulations = RR

1. <u>General Employee Information</u>	EH
2. <u>Harassment &amp; Discrimination Policy</u>	EH
3. <u>Selection &amp; Orientation</u>	EH
4. <u>Open Door Policy</u>	EH
5. <u>Working Schedules</u>	EH
6. <u>Compensation &amp; Payroll Practices</u>	EH
7. <u>Employee Performance Evaluations</u>	EH
8. <u>Benefits</u>	EH
9. <u>Visitors Policy</u>	EH
10. <u>Workplace Monitoring</u>	EH
11. <u>Political Activity Policy</u>	EH
12. <u>Performance Standards, Duties, &amp; Discipline</u>	EH
13. <u>Employment Relations &amp; Personnel Issues</u>	EH
14. <u>Employee Safety Policy</u>	EH
15. <u>Drug &amp; Alcohol Policy</u>	EH
16. <u>Job Descriptions</u>	EH
17. <u>Nepotism Policy</u>	EH
18. <u>Education Program</u>	EH
19. <u>Employee Recognition Program</u>	EH
20. <u>Document Retention &amp; Destruction Policy</u>	PP
21. <u>Expense Reimbursement</u>	PP
22. <u>Purchasing &amp; Contracting for Personal Property, Services &amp; Construction, and Sale of District-Owned Property Policy</u>	PP
23. <u>Investment Policy</u>	PP
24. <u>Indemnity Agreement</u>	PP
25. <u>Strategic Plan Implementation</u>	PP
26. <u>Cyber Security &amp; Cyber Incident Response Plan</u>	SM
27. <u>Business Continuity &amp; Disaster Recovery Plan</u>	SM
28. <u>Workplace Violence &amp; Prevention Plan</u>	SM
29. <u>Illness &amp; Injury Prevention Plan</u>	SM
30. <u>Rules of the District</u>	RR
31. <u>Marker Setting Requirements</u>	RR
32. <u>Pricing Charts</u>	RR
33. <u>Disinter Requirements</u>	RR
34. <u>Ownership Transfer Policy</u>	RR

## General

### Formation

The Fair Oaks Cemetery District is a public cemetery district formed on August 26, 1926, by resolution of the Sacramento County Board of Supervisors and existing under the provisions of the laws of the State of California.

### Purpose

The provisions of these Bylaws ("Bylaws") and Policies and Procedures ("Policies") and Rules and Regulations ("Rules") enacted by the Board of Trustees of the Fair Oaks Cemetery District ("District") are to assist the Board of Trustees of the District as it sets policy and conducts the business and affairs of the District. It is the intent and purpose of these Policies to help clarify and define the responsibilities of the officials of the District. The purpose of these Bylaws is to supplement state law and to provide more specific guidelines for the actions of the Board of Trustees of the District by means which are fair, fiscally responsible, and protective of the interests of the people of the District. These Bylaws express the consensus of the Board as to policy matters covered but are not intended to be exhaustive nor are they intended to restrict the otherwise lawful authority of the Board. Notwithstanding any other term, provision or condition of these Bylaws, no otherwise lawful act of the Board or the officers of the District shall be invalidated by reason of any term, provision, or condition of these Bylaws.

### Roster of Public Agencies

Each time a change is made in the name of the District, the address of the District, or a change in the members of the governing board, a statement of facts will be filed with the Secretary of State and the Sacramento County Clerk within ten (10) days of the change. An updated address list will be kept on site.

### Applicable Law

That which is contained in the applicable provisions of the California Health and Safety Code and applicable provisions of the California Government Code governs the actions of the District and its Board of Trustees.

## **Organization**

### Board of Trustees

The District is governed by a Board of Trustees consisting of five (5) members appointed by the Sacramento County Board of Supervisors. The Trustees shall hold office for four (4) years and until their reappointment or appointment of their successors. All Trustees' terms shall commence at noon on the first Monday in January following the appointment and end on the first Monday in January four years later. To the extent possible, Trustees' terms shall be staggered so that no more than two (2) Trustees' terms expire in the same calendar year.

### Officers

The officers of the Board of Trustees shall be Chairperson, Vice Chairperson, and Treasurer. The Board may also appoint a Clerk of the Board.

### Election of Officers

At the first meeting in January of each year the Board shall elect a Chairperson and a Vice Chairperson to serve terms of one year and may be re-elected to any number of consecutive terms by voting members of the Board. Upon the occurrence of a vacancy in one or more of the officer positions, the Board shall fill such vacancies in accordance with the law. An interim election for Board Officers may be held upon the written request of the majority of the trustees on the Board at the time.

The office of a member of the Board of Trustees shall become vacant upon:

1. The death of the incumbent.
2. The resignation of the incumbent.
3. The Trustee ceasing to discharge the duties of his or her office for the period of three (3) consecutive months, except when prevented by sickness.

4. The physical or mental incapacitation of the incumbent due to disease, illness, or accident for a period of six (6) months or more where the remaining Board members have reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term.
5. His or her conviction of a felony or of any offense involving a violation of his or her official duties; or
6. His or her refusal or neglect to file his or her required Statement of Financial Interests within the time prescribed.

### *Duties of Trustees – General*

The Trustees' duties shall be legislative in nature. They shall formulate and adopt policy, rules, and regulations for the operation and management of the District.

1. Open Meetings. The Trustees shall conduct their business for the public benefit, abiding by the California "Open Meeting Law" as interpreted by court decisions and Attorney General opinions, concerning the requirements for open meetings of governmental agencies in California.
2. Sound Judgment. They shall exercise sound and prudent judgment in conducting the business of the District and shall deal always in an ethical, honest, straight-forward, open and above-board manner with the community, the District Manager, and the staff.
3. Finances and Budgets. They shall in all ways prudently manage, preserve and account for the District's financial resources. They shall review and approve a budget annually. They shall provide, within applicable budget limitations, adequate personnel, equipment and material for the operation and maintenance of the Fair Oaks Cemetery District.
4. Personnel. The Board shall establish an Employee Handbook which shall provide for the selection, retention, evaluation, discipline, and termination of District employees.
5. District Manager. They shall employ a qualified, competent person as District Manager who will manage, administer, and supervise the District under the direction of the Board. The Manager shall serve at the will and pleasure of the Board. The Board shall conduct at least annual formal job appraisal reviews of the District Manager pursuant to a formal review process which will be developed and documented.

6. Board Studies. They shall study ways of improving the District and the services the District provides.
7. Collective Action. They shall act collectively, and they will not individually involve themselves in the day-to-day operation of the District. They shall function as a Board rather than as individuals to adopt public policies and Board procedures for guidance of the Board and staff.
8. Community Relations. They shall keep the District Manager informed of community reaction to the District's services and assist in building positive community relations.
9. Official Functions. They shall represent the District at official functions that pertain to the District as required.
10. Litigation. They shall initiate legal action, when appropriate, and vigorously defend the District against unwarranted claims or demands.

### Clerk of the Board

1. The Clerk of the Board shall be the person selected by the Board and shall attend each regular meeting of the Board and maintain a record of all proceedings thereof as required by law. If the Clerk of the Board cannot attend a meeting, the Chairperson or the District Manager shall make arrangements to have someone in attendance to properly record the Board's proceedings.
2. Workshop Meetings. It is the duty of the Clerk of the Board to conduct a workshop meeting upon the appointment of any new Board Members. This is to benefit the newly appointed Trustees and acquaint them with the law governing public cemetery districts, District Bylaws, Policies and Procedures, Rules and Regulations, the Brown Act (Open Meeting Laws), the District's annual budget, the current price list, and current issues under study by the Board of Trustees.
3. It shall be the duty of the Clerk of the Board to attest to all District Resolutions. The Clerk of the Board shall attend closed sessions of the Board as directed by the Board Chairperson. The Clerk of the Board shall also keep a record of Board Agendas and Board Action Synopses. The Clerk is responsible for signing all legal documents and affixing the District Seal as required. The Clerk is responsible for the publication of legal notices, appropriate action and certification and filing of documents, *e.g.*, budgets, election reports, audits, resolutions, and other legal documents. The Clerk is responsible for receiving and answering all official Board

correspondence, after appropriate consideration is given to the correspondence by the Board acting collectively.

## **Meetings**

### *Regular Meetings*

The regular meetings of the Board of Trustees shall normally be held on the second Wednesday of each month and shall normally commence at the hour of 9:00 a.m. at the District Offices, virtually, or via phone conference. Notwithstanding the foregoing, the starting time of the meeting may be adjusted by order of the Chairperson to accommodate expected business.

### *Special Meetings*

Special Meetings may be called at any time by the Board's Chairperson, or by a majority of the Trustees, by delivering personally or by mail, written notice of such meeting to each Trustee and by posting notice and agenda of the meeting at least 24 hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered.

### *Emergency Meetings*

Emergency Meetings may be called without compliance with the 24- hour notice requirement in the case of any “emergency situation” as defined by both items below:

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

### *Closed Sessions*

Closed sessions may be called during a regular or special meeting. The general reason for a closed session must be made public before the closed session of a regular meeting, and in advance notice of a special meeting. Closed sessions not expressly authorized by the Brown Act are prohibited. Following a closed session, the Chairperson shall announce any action



taken by the Board during such closed session to the extent such action does not breach any person's right to privacy.

### Quorums

A quorum is established as a majority of the total membership of the District Board. The District Board, which has a total membership of five (5) members, requires three (3) members to conduct a meeting and requires three (3) votes in agreement to pass a motion, resolution, or ordinance.

### Meeting Attendance

Each member shall be in his or her respective seat, or present by virtual attendance or phone conference, at the hour set for each regular meeting and at the time set for any adjourned or special meeting. Any member not present when the board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting commences, the recording clerk shall note his or her arrival in the minutes.

### Meeting Procedures

The Chairperson, when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every board meeting and immediately call the members to order and proceed with the business of the Board. The proceedings of the Board shall be conducted in accordance with the provisions of law applicable thereto and generally accepted rules of order and parliamentary procedure, except as otherwise expressly established from time to time by a majority of the total membership of the Board. Except as they conflict with the California Government Code, Robert's Rules of Order (Newly Revised) shall govern all questions of procedures.

### Required Staff Attendance

The District Manager, or a representative designated by the District Manager, shall attend all regular and special meetings of the Board unless otherwise specified by the Board. Only those staff members specifically instructed to attend by the District Manager shall be deemed to be "required to attend" within the meaning of this section.

### Agenda Contents

The agenda shall include those matters designated by the Chairperson or any Trustee, complete with all appropriate papers and reports relating to each matter addressed to the Board for action. The agenda shall list the items for the Board's consideration by number

with a brief statement of the subject matter sufficiently defined to apprise the public of the matter to be considered for each of the items. The agenda may include suggested actions or recommendations. All people having agenda items shall use their best efforts to have all necessary materials to the Clerk of the Board on or before 12:00 noon on the fifth (5th) business day before the day of the regular meeting.

### Agenda Organization

The business of each regular meeting of the Board shall be in order as printed on the agenda or as directed by the Chairperson of the Board. Generally, this shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Board
4. Public Comment & Opportunity to Discuss Matters within District Jurisdiction
5. Information Items
  1. District Foreman Report
    - i. Safety Report
    - ii. Unusual Activities
  2. District Manager Report
    - i. Sales
    - ii. Interments
    - iii. Attendance
    - iv. Website Contacts
    - v. Major Purchases or Extraordinary Expenditures
    - vi. Incidents
    - vii. Correspondence
    - viii. Upcoming Events, Conferences, and Trainings.
  3. Committee Reports
    - i. Finance Committee
    - ii. Investment Committee
    - iii. Other Committee Reports
6. Unfinished Business
7. New Business
  - a. Consent Calendar

- i. Approval of minutes from last board meeting
  - ii. Approval of claims
  - iii. Any new possible action items
8. Recess to Closed Session
  9. Reconvene to Open Session / Closed Session Report
  10. Trustee Questions & Comments
  11. Adjournment

### Agenda Preparation

The Chairperson of the Board shall direct the preparation of the agenda by the Clerk of the Board for the regular monthly meetings for delivery and posting no later than three (3) days prior to the date of the meeting or as required by the Board.

### Agenda Distribution

Any written material given to a majority of the Board must be made available to the general public so long as those writings are public records. If these writings are distributed to members of the Board before the meeting, such writings must be made available to the public before the meeting. By the same token, any writings distributed to the Board during the course of the meeting must also be made available to the public at that time. The major exceptions to the obligation to provide the public with access to any writings distributed to members of the Board are those that deal with matters properly discussed in closed sessions. These are to remain confidential. The Board has adopted a Public Records Requests Policy and has established a reasonable fee schedule for copies of public records.

### Materials for Non-Agenda Items

Any member intending to introduce a special item not contained in the agenda shall deliver copies of such items, if possible, to each Board member and to the public before the opening of the meeting.

### Board Discussions

When any Board member wishes to speak, the Board member shall address the Chairperson. The Chairperson shall name the member who is first to speak, and speakers shall confine their remarks to the questions under debate and avoid disparaging personal attacks or comments. The Chairperson may elect not to recognize a Board member to speak again until all other members have had an opportunity to be heard.

### Motions and Seconds

Each motion made by any member of the Board shall require a Second. Motions and Seconds may be made by any member of the Board, including the Chairperson.

### Roll Call Procedure for Voting

Roll call will be called in voting upon all resolutions and ordinances which govern the District, while a voice vote may be had on routine motions not affecting the Policies & Procedure, Rules & Regulations, or finances of the District.

### Yearly Calendar Guidelines

1. **January**
  - i. **Elect Board Officers**
  - ii. **Mid-year Budget Review**
  - iii. **District Manager Evaluation**
2. **February**
  - i. **Review & Adjust 10-year plan**
  - ii. **Document Retention & Destruction**
3. **March**
  - i. **Begin Audit for Last Fiscal Year**
4. **April**
  - i. **Memorial Day Preparation & Planning**
5. **May**
  - i. **Preliminary Budget Planning**
  - ii. **Review Price Sheets**
6. **June**
  - i. **Finalize Preliminary Budget**
  - ii. **Pre-view Annual Audit**
7. **July**
  - i. **Finalize Budget for County Approval.**
  - ii. **Finalize Annual Audit**
8. **August**
  - i. **Document Retention & Destruction**
9. **September**
  - i. **Review Client Rules and Regulations**
10. **October**
  - i. **Review Employee Handbook**
11. **November**
  - i. **Document Retention & Destruction**
12. **December**
  - i. **Review Policy & Procedure Manual (bi-Annually 2026, 2028, 2030 . . .)**

### *Audience Comment and Seating*

Any member of the public wishing to address the Board shall first identify himself or herself. Unless addressing the Board or entering or leaving the boardroom, all persons in the audience shall remain seated in the seats provided. It is the Board's intent to accommodate all people who wish to attend open public meetings.

### *Demonstrations Prohibited*

All demonstrations during meetings, including cheering, yelling, whistling, hand clapping, and foot stomping, are prohibited.

### *Meeting Disruptions*

The exception to the right of the public to attend all meetings of the Board applies to those who attempt to disrupt the conduct of the meeting. If any meeting is willfully disrupted, by a group or groups of persons, to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willingly interrupting the meeting, the Board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this exception.

1. The presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.
  - a. Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to a “true threat of force”.
2. As used in this section:
  - a. “Disrupting” means engaging in behavior during a meeting of a legislative body that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:
    - ii. A failure to comply with reasonable and lawful regulations adopted by a legislative body or any other law.
    - iii. Engaging in behavior that constitutes use of force or a true threat of force.

- b. “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

## **Powers, Duties, and Compensation**

### Chairperson

The Chairperson shall possess the powers and perform the duties prescribed as follows:

1. General Direction. Have general direction over the Board room and assign seats for the use of the Board members of the staff, if required.
2. Management and Supervision. The Chairperson shall supervise the day-to-day activities of the District's management employee(s). No other Trustee shall supervise or direct any employee of the District without delegation by the Chairperson or the Board. The Chairperson shall be responsible for responding to and taking or directing others to take appropriate action necessary because of events or occurrences which do not require action by the Board, but which are beyond the authority of the staff, or for which the staff seeks or requires assistance.
3. Order and Decorum. Preserve order and decorum; prevent demonstrations; and, in accord with law, order removal from the Board room any person whose conduct is deemed objectionable; and order the Board room cleared whenever deemed necessary.
4. Length of Time for Public Discussion. Allocate the length of time for public discussion of any matter in advance of such discussion with the concurrence of the Board.
5. Other Powers. Other powers as may be prescribed by the Board.
6. Official Spokesperson. Shall be the official spokesperson for the Board, and the principal contact with other governmental agencies, legal counsel, and the press, unless the Board delegates this authority to another.

### Vice-Chairperson

In the absence or unavailability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

### Treasurer

If funds are withdrawn from the county's custody, and controlled by the District, a treasurer shall be appointed and shall be bonded. The treasurer will be responsible for accounting for all funds and for regularly preparing and making reports to the Board regarding District's finances.

### Trustees

Each Trustee shall be entitled to request information, assistance, and financial or legal advice regarding matters involving the affairs of the District.

### Board Committees

It shall be the responsibility of each member of a committee appointed by the Board to be fully informed concerning the business assigned to it by the Board. It shall be the responsibility of each committee to meet as needed, promptly perform tasks assigned to it, and report to the Board such information and recommendations as shall be necessary or proper. Each standing committee chairperson or designee shall report on the committee's activities at least once a month at a Regular Board meeting with a brief oral summary.

### Board Compensation

The Trustees of the Board shall receive one hundred dollars (\$100) for each meeting the Board of Trustees attends. For any required training attended, the Board of Trustees shall also receive one hundred dollars (\$100), not to exceed a total of four hundred dollars (\$400) in any calendar month. Trustees shall be allowed actual and necessary traveling and incidental expenses incurred in the performance of official business of the District, as approved by the Board.

### Notification of Impending Absence

If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board Chairperson, the District Manager, or Clerk of the Board or designated representative prior to the meeting.

### Public Hearing Procedure

Procedures at public hearings shall be as follows:

1. Staff presentation/recommendations.
2. Questions of the staff.
3. Individuals speaking in support.
4. Questions of individuals speaking in support.
5. Individuals speaking in opposition.
6. Questions of individuals speaking in opposition.



7. Rebuttal (if any).
8. Public input (if any).
9. Board questions, discussion, and disposition (Vote).

### District Expenditure Policy

Expenditures of the District shall be made only in accordance with the District's Expenditure Policy as adopted by the Board. Such Expenditure Policy shall include, at a minimum, a contracting, purchasing and disposition of property policy.

### Bylaws and Policy Amendments

The bylaws and all policies of the Fair Oaks Public Cemetery District shall be reviewed bi-annually.

Except as otherwise provided by law, any policy guideline contained herein may be suspended or amended at any time, without notice, by action of the Board.

## **Conflict of Interest Code**

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation which contains the terms of a standard conflict of interest code, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated herein by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict-of-interest code of the Fair Oaks Cemetery District.

Designated officers/employees shall file their statements with the Fair Oaks Cemetery District which will make the statements available for public inspection and reproduction. Upon receipt of the statements, the Fair Oaks Cemetery District shall make and retain a copy and forward the originals to the Fair Political Practices Commission.

*Public Officials Who Manage Public Investments*

Persons holding the following positions are NOT subject to this code because they must file statements, and therefore are listed for informational purposes only:

- Members of the Board of Trustees

An individual holding one of the above-listed positions may contact the fair Political Practices Commission for assistance or written advice regarding their filing obligation if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered.



# FAIR OAKS CEMETERY DISTRICT

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ESTABLISHED 1902

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**BOARD OF TRUSTEES**  
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**“It is our mission to partner with our community to preserve our past & memorialize our future.”**

**BOARD OF TRUSTEES**

## Resolution 2025 – 03

Adoption of Bylaws as written.

FAIR OAKS CEMETERY DISTRICT

On December 11, 2024

WHEREAS, the Board of Trustees has reviewed the established bylaws for conducting the business of the Cemetery; and

WHEREAS, the Board of Trustees has reviewed the previously stated bylaws; and

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fair Oaks Cemetery District:

These bylaws are hereby valid in the operation of the Fair Oaks Cemetery District.

On a motion by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, the foregoing resolution was passed and adopted this \_\_\_\_\_, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

Attested by:

\_\_\_\_\_  
Mysti Lingenfelter  
Clerk of the Board

\_\_\_\_\_  
Pete Schroeder  
Chairman, Board of Trustees