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June 12, 2024 (Agenda)

Contra Costa Local Agency Formation Commission  
 40 Muir Road, 1st Floor  
 Martinez, CA 94553

**June 12, 2024  
 Agenda Item 8**

**Special Study – Cemetery Districts**

Dear Members of the Commission:

In August 2023, the Alamo Lafayette Cemetery District (ALCD) applied to LAFCO to dissolve the district due primarily to financial challenges. On November 8<sup>th</sup>, the Commission considered the proposed dissolution and deferred action. The Commission directed LAFCO staff to retain a consultant to prepare a special study to evaluate financial and operational issues and governance options for the two cemetery districts including ALCD and the Byron Brentwood Knightsen Union Cemetery District (BBKUCD).

In December 2023, the Commission approved a contract with Berkson Associates (“BA”) to prepare a special study to review financial and operational issues of both cemetery districts. On April 10, 2024, consultant Richard Berkson provided an overview (PowerPoint presentation) and entertained questions and comments from the Commission. Subsequently, BA prepared a special study covering the finances and operations of both cemetery districts (attached).

On May 8, 2024, the cemetery district special study was posted on the LAFCO website and sent to Commissioners, the applicant, and affected local agencies. The matter before the Commission on June 12<sup>th</sup>, is to receive the special study and provide comments and further direction. ***This is not a public hearing, and no decision will be made on June 12<sup>th</sup> regarding selection of a governance option.***

**BACKGROUND:** LAFCO reviewed the cemetery districts in two Municipal Service Reviews (MSRs). The first review in 2010 was in conjunction with parks and recreation service. The 2010 MSR noted benefits of expanding the ALCD sphere of influence (SOI) to include the entirety of the cities of Lafayette, San Ramon, Walnut Creek, the Town of Danville, unincorporated Walden/Contra Costa Centre area, and an unincorporated island within Walnut Creek. The 2010 MSR included an option to reduce ALCD’s SOI by 21+ acres in the City of Orinda. The MSR also noted that *ALCD should conduct a formal study as to the adequacy of the endowment care fee, and the necessary endowment fund balance to ensure perpetual care of the cemetery facilities and that the District adopt appropriate fees before an SOI amendment is considered.* The MSR consultants recommended expanding the SOI to include incorporated and unincorporated areas in conjunction with a fee study and potential property tax transfer agreements. LAFCO approved a provisional SOI for ALCD.

In 2021, LAFCO prepared a Cemetery District MSR covering both cemetery districts (available on the Contra Costa LAFCO website). The 2<sup>nd</sup> round “*Cemetery Districts*” focused on the following:

- ✚ Updating agency profile data including growth and population, finances (i.e., expenses, revenues, debt, reserves, endowment fund, fees, net position, other fiscal indicators), and staffing/management
- ✚ Capacity of public services, capital needs, and service to disadvantaged communities
- ✚ Shared services/facilities and collaboration
- ✚ Accountability, structure and efficiencies
- ✚ Governance structure options

The 2021 MSR noted the following regarding ALCD:

- ✚ *ALCD relies on property tax revenue and fees for services. Based on financial audits, ALCD showed an annual surplus of revenues over expenditures which allowed ALCD to increase its net position over time and plan for large capital outlay projects.*
- ✚ *There is currently no facility sharing.*
- ✚ *The pandemic delayed CIP projects due to limited contractor availability, and reduced demand for services due in part to increased restrictions.*

In conjunction with the 2021, LAFCO retained the existing coterminous SOI for both cemetery districts.

## **SUMMARY OF CEMETERY DISTRICTS SPECIAL STUDY**

The 2024 special study addresses finances and operations of ALD and BBKUCD and provides boundary and governance options. Information contained in the study includes information about both cemetery districts including a market overview; district interments and capacity; district operations; financial conditions; and boundary and governance options.

The study includes a “Summary of Findings” for ALCD as summarized below:

### ✚ **Financial ability to provide services**

- Minimal property tax revenue and significant deferred maintenance.
- Small size of cemeteries, hilly terrain, and aged and deteriorated facilities contribute to higher costs
- Net Position has improved in recent years due to cost cutting and repayment of debt.
- Future sales revenue is uncertain due to lack of full-body burial capacity (Alamo cemetery).
- Deferred maintenance and declining physical conditions dues discourage sales, create safety hazards, and increase risk of injury to workers and visitors.

### ✚ **Adequacy of public services**

- ALCD operates on a “bare bones” budget and recently reduced office and interment hours.
- District staffing is reduced to one District Manager (DM) and occasional support from BBKUCD
- ALCD DM also serves as DM for BBKUCD.
- Landscape maintenance is now provided by contract with a private company rather than ALCD staff, at a greater cost and reduced management oversight.
- Lack of staff and minimal financial resources discourage best practices including digitization of records, financial and strategic planning, Capital Improvement Plan (CIP) update and implementation, revisions and updates to policies and documents, pursuit of new revenues, and other actions that could stabilize and improve operations.

### ✚ Opportunities for Shared Services

- Some equipment cost and staff sharing occurs between ALCD and BBKUCD. Regarding staff sharing, the District Manager is paid separately by each district and works more than three-quarters of the time for ALCD and a similar amount of time for BBKUCD.
- Current sharing could be expanded to improve operations and reduce costs to both districts.
- The County offered functional office space to replace ALCD's dilapidated office and a grant to help create a foundation to raise funds; these offers could help to improve ALCD's fiscal and operating conditions.

### ✚ Boundary Options

- Expansion of ALCD's boundary to fully encompass cities currently served could increase annual property taxes by about \$200,000. However, obtaining approval for tax sharing from multiple cities, districts, and/or the County is likely to be challenging.

### ✚ Governance Structure Options

- Continuation of the "Status Quo" could result in further deterioration of facilities and reductions in services if other revenue and cost-saving actions are not taken. For example, "Functional Consolidation" and increased sharing of staff and services, whereby ALCD funds expansion of BBKUCD staff to replace the ALCD District Manager, could improve operations and generate cost savings.
- "**Dissolution**" Pursuant to LAFCO statutes (Gov. Code §57451) *"If the territory of a dissolved district is located within the incorporated territory of more than one city or the unincorporated territory of more than one county, or any combination of the incorporated or unincorporated territory of two or more such cities and counties, the successor is that city whose incorporated territory or that county whose unincorporated territory shall, upon the effective date of dissolution, contain the greater assessed value of all taxable property within the territory of the dissolved district, as shown on the last equalized assessment roll or rolls of the county or counties."*

If ALCD is dissolved, the County would be named successor agency. If this occurs, all assets and liabilities would then be transferred to the County, which could continue operations on a more limited scale, e.g., pause future new sales while honoring past commitments.

Reduced operations, growing property tax, and potential grants and contributions could help to address deferred maintenance over time. If efficient and cost-effective, the County could consider contracting with an experienced individual, company, or non-profit organization to operate and/or "wind down" the obligations and affairs of the former district as the cemeteries transition to more passive community "memorial parks".

- "**Consolidation**" of ALCD and BBKUCD could achieve more efficient and cost-effective operations and savings. However, BBKUCD and its community have expressed strong opposition.

The new combined district could create "zones" to isolate ALCD costs, revenues and liabilities from BBKUCD. ALCD funding of BBKUCD staff could eliminate the current ALCD DM and produce net savings. Increased BBKUCD staff could also facilitate succession planning to improve long-term sustainability.

## **Other Options**

If dissolution occurs, the County, as Successor Agency, could consider sale, lease or moving of the cemetery to a private or non-profit operator; however, legal and permit constraints, community objections, costs, and lack of future property tax and limited sales revenues reduce the viability of these non-governance options.

### **ADDITIONAL INFORMATION**

On May 14, 2024, LAFCO received a letter from the Contra Costa County Public Works Department (PWD) (Attachment 2). In their letter, the PWD's said it has concerns about Contra Costa County being named the successor agency in the event of dissolution. The PWD's concerns include ALCD liabilities; financial status; PWD's current resources, challenges, staffing levels; and PWD's *"lack of experience with cemeteries."* Their letter also notes that PWD is *"not familiar with cemetery districts and would likely contract with outside service providers, which could further exacerbate the financial situation and not benefit the community and customers the cemetery serves.* The PWD also notes they are in full support of other options including functional consolidation, *where BBKUCD plays an active role in providing services to the families and community.*

**RECOMMENDATIONS:** Receive update, accept the special study, and provide direction as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Patricia Howard, District Manager, ALCD and BBKUCD  
Richard Berkson, Berkson Associates  
Distribution List

Attachments:

Attachment 1 - Special Study – Contra Costa Cemetery Districts  
Attachment 2 – Letter from Contra Costa County Public Works



**Berkson  
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Urban Economics  
Policy Forensics & Forecasting  
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DRAFT REPORT

SPECIAL STUDY

CONTRA COSTA COUNTY CEMETERY DISTRICTS

ALAMO-LAFAYETTE CEMETERY DISTRICT (ALCD)

BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY  
DISTRICT (BBKUCD)

Prepared by BERKSON ASSOCIATES

May 3, 2024

[www.berksonassociates.com](http://www.berksonassociates.com)

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## EXECUTIVE SUMMARY

*“Every community has a history, and the people there become an integral part of that history. A cemetery helps preserve the decedent's identity and name for the long term and gives people a place to find their roots. This aspect provides a sense of continuity for the community's members, helping them preserve their heritage. Later generations can also pay their respects to their ancestors by visiting their gravesites.”<sup>1</sup>*

Public cemetery districts were created in 1909 by legislation “...to assure Californians that cemeteries holding their loved ones would be cared for in a dignified and respectful manner. Today over 256 communities are served by public cemetery districts throughout California.”<sup>2</sup>

### APPLICATION TO LAFCO TO DISSOLVE THE ALAMO-LAFAYETTE CEMETERY DISTRICT

The Contra Costa Local Agency Formation Commission (LAFCO) unexpectedly received an application in August 2023 to dissolve the Alamo-Lafayette Cemetery District (ALCD).<sup>3</sup>

The application was unexpected because LAFCO’s recent 2021 ALCD Municipal Service Review reported no signs of serious financial decline or risk other than serious infrastructure needs which apparently were being addressed. The MSR identified approximately \$415,000 of capital improvements needed “...to continue operating the district effectively and safely”<sup>4</sup> which were to be funded by a loan (which did not materialize), a capital cost significantly less than the \$4.1 million to \$5.5 million currently reported by ALCD in its dissolution request to LAFCO.

ALCD states that the 2021 MSR did not properly represent the district’s serious financial problems, for example, the MSR excluded ALCD-recommended edits clarifying that capital improvements were delayed not only by COVID-19 and limited contractor availability, but also because of “...lack of funds”, and the 2021 MSR did not elaborate on the District’s fiscal problems. The MSR had no discussion about ALCD’s cost cutting to repay its prior County obligation, its subsequent recovery and correlated cost increases.

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<sup>1</sup> The Importance of a Cemetery to Our Community, Graeme Hogle, February 22, 2022.

<sup>2</sup> California Association of Public Cemeteries. What you Should Know About California Public Cemetery Districts.

<sup>3</sup> Letter from ALCD to Lou Ann Texeira, Executive Officer, Contra Costa LAFCO. August 18, 2023.

<sup>4</sup> 2021 MSR, Sec. 3.3.2 Infrastructure Needs.

## 2021 MUNICIPAL SERVICES REVIEW

The 2021 MSR noted that Fiscal Year (FY) 2020-21 “...saw a budgeted decrease in total District revenue due to the Covid-19 pandemic”<sup>5</sup> but characterized those reductions as short-term saying “...the budget remains balanced, and revenues are anticipated to increase again in FY2022-23.”

While revenues have increased as described in the MSR, costs have also grown in response to inflation, a shift to contract maintenance services rather than staff, and payment of “catch up” retirement benefits that suffered during the earlier period of cost-cutting.

The MSR also noted that ALCD’s endowment care fees could not be increased to a level required to fully fund care for the entire cemetery.<sup>6</sup>

ALCD’s FY2021-22 financial audit reported no conditions or events “...that raise substantial doubt about the District’s ability to continue as a going concern for twelve months beyond the financial statement date.”<sup>7</sup> The audit noted that it was management’s responsibility in the preparation of the financial reports to raise these doubts, however, no such doubts were included in the financial report.

At its meeting November 8, 2023, LAFCO considered the ALCD dissolution request. The dissolution application states that “ALCD is dissolving because it cannot afford any capital improvements, repairs, nor upgrades making conditions unsafe for the public.”<sup>8</sup> ALCD expressed particular concern about risks and potential liability after “... a person slipped on the seriously deteriorated pathways [and] threatened to sue ALCD.”<sup>9</sup>

## PURPOSE AND METHODOLOGY OF THE SPECIAL STUDY

In response to ALCD’s dissolution application, LAFCO requested that LAFCO staff prepare a Special Study and provide additional information to help LAFCO’s decision process.

This Special Study reviews the finances and operations of ALCD and the Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD), although the primary focus is ALCD and its requested dissolution. The Special Study includes BBKUCD because prior MSRs identified consolidation of ALCD and BBKUCD as

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<sup>5</sup> 2021 MSR, 3.4.1 Revenues and Expenses.

<sup>6</sup> 2021 MSR, 3.4.3 Endowment Fund.

<sup>7</sup> ALCD Financial Statements For the Fiscal Years Ended June 30, 2022, and 2021, Responsibilities of Management for the Financial Statements.

<sup>8</sup> Contra Costa LAFCO Questionnaire for Annexations, Detachments and Reorganizations submitted by ALCD to LAFCO, August 18, 2023.

<sup>9</sup> Interview with P. Howard, March 4, 2024. See also “Current District Health, FY2022-2023” prepared by Cemetery Consulting Group, Inc., Attachment 1 to LAFCO Executive Officer’s Report, Nov. 8, 2023.

a possible option to reduce public cemetery costs and improve operating efficiencies. As an alternative to consolidation, this Special Study describes possible ways that both ALCD and BBKUCD could benefit financially and operationally by continuing and extending their current working relationship.

**Methodology**

The Special Study compiled financial documents including district budgets and financial reports supplemented by additional information provided by the District Manager for ALCD and BBKUCD in response to a preliminary data requests, site visits, and follow-up requests. Historical information was reviewed including past Municipal Service Reviews, and material included in the binders that ALCD provided to LAFCO; the included material extended as far back as 1966. Interviews were conducted and information gathered from other public cemetery districts and public sources.

The financial estimates presented in this Special Study are subject to change caused by fiscal and economic conditions, policy and operational decisions by the districts and other affected agencies, and more detailed analysis and research.

## SUMMARY OF FINDINGS

### **Financial Ability to Provide Services**

1. ALCD's minimal property tax revenue and significant deferred maintenance create financial barriers to short- and long-term fiscal viability.
2. The cemetery's small size, hilly conditions, and age and deteriorated facilities contribute to higher costs than larger cemeteries not experiencing those adverse factors.
3. Although ALCD's "Net Position" has improved in recent years, that has been partly the result of cost-cutting and repayment of a \$600,000 debt to the County.
4. Future sales revenues are uncertain due to lack of full-body burial capacity at the Alamo cemetery, although niche sales could continue with investment in columbaria.
5. Deferred maintenance and declining physical conditions discourage sales, create safety hazards, and increase risks of injury to workers and visitors.

### **Adequacy of Public Services**

6. ALCD operates on a "bare bones" budget and recently reduced office and interment hours.
7. District staffing has declined to one District Manager (DM) and occasional support from BBKUCD.
8. The ALCD DM also serves as DM for BBKUCD.
9. Landscape maintenance is now provided by contract with a private company rather than ALCD staff, at a greater cost and reduced management oversight.
10. Lack of staff and minimal financial resources discourage best practices including digitization of records, financial and strategic planning, Capital Improvement Plan (CIP) update and implementation, revisions and updates to policies and documents, pursuit of new revenues, and other actions that could stabilize and improve operations.

### **Opportunities for Shared Services**

11. Some minimal equipment cost and support staff sharing occurs between ALCD and BBKUCD in addition to each employing the same District Manager. The District Manager is paid separately by each district and works more than three-quarters time for ALCD and a similar amount of time for BBKUCD.
12. Current sharing could be expanded to improve operations and reduce costs to both districts.
13. The County has offered functional office space to replace ALCD's dilapidated office and a grant to help create a foundation to raise funds; these offers could help to improve ALCD's fiscal and operating conditions.

### Boundary Options

14. Expansion of ALCD boundaries to fully encompass cities currently served could increase annual property taxes by about \$200,000. However, obtaining approval for tax sharing from multiple cities and/or the County is likely to be challenging.

### Governance Structure Options

15. Continuation of the “**Status Quo**” could result in further deterioration of facilities and reductions in services if other revenue and cost-saving actions are not taken. For example, “Functional Consolidation” and increased sharing of staff and services, whereby ALCD funds expansion of BBKUCD staff to replace the ALCD District Manager, could improve operations and generate cost savings.

16. “**Dissolution**” would transfer all assets and liabilities to the County, who could continue operations on a more limited scale, e.g., pause future new sales while honoring past commitments.

Reduced operations, growing property tax, and potential grants and contributions could help to address deferred maintenance over time. If efficient and cost-effective, the County could consider contracting with an experienced individual, company, or non-profit organization to operate and/or “wind down” the obligations and affairs of the former district as the cemeteries transition to more passive community “memorial parks”.

17. “**Consolidation**” of ALCD and BBKUCD could achieve more efficient and cost-effective operations and savings. However, BBKUCD and its community have expressed strong opposition.

The new combined district could create “zones” to isolate ALCD costs, revenues and liabilities from BBKUCD. ALCD funding of BBKUCD staff could eliminate the current ALCD DM and produce net savings. Increased BBKUCD staff could also facilitate succession planning to improve long-term sustainability.

18. **Other options** – Following dissolution, the County as Successor Agency could consider sale, lease or moving of the cemeteries to a private or non-profit operator; however, legal and permit constraints, community objections, costs, and lack of future property tax and limited sales revenues reduce the viability of these non-governance options.

# 1 ABOUT THE DISTRICTS

ALCD serves a more densely populated area and double the population compared to BBKUCD, in a service area less than half the size.

ALCD’s assessed value is over three times that of BBKUCD, reflecting its higher value development closer to the inner Bay Area. **Table 1** summarizes characteristics of each district depicted geographically on **Figure 4**.

## ALAMO-LAFAYETTE CEMETERY DISTRICT

The Lafayette Cemetery's first burial was in 1819, but the first recorded burial was in 1856. Within a few years the Lafayette Cemetery Association was formed.

The Alamo Cemetery was placed on a hill east of San Ramon Creek in the 1850s on land donated by John B. Watson. There might have been earlier burials, but the Alamo Cemetery's first recorded one was that of six-year old Callie Chrisman in 1856.<sup>10</sup>

Since the cemeteries’ establishment, “...all of the cities in the district and the County have former mayors, council members, postmasters, constables, supervisors, sheriffs, pioneer settlers and civic leaders buried in the cemeteries.”<sup>11</sup>

The Alamo-Lafayette Cemetery District formed as an independent special district in 1937. ALCD boundaries were based on “...19<sup>th</sup> century school districts and in one case, based on an 1834 Mexican land grant.” There is no community wholly within the boundaries of ALCD except the unincorporated communities of Diablo and Blackhawk.<sup>12</sup>

The City of Walnut Creek sought to withdraw from ALCD in 1967 and 1973. LAFCO denied the requests to maintain the cemetery in which pioneering founders of Walnut Creek were buried.<sup>13</sup>

**Table 1 District Characteristics**

Item	ALCD	BBKUCD
<b>Population</b>	172,484	90,954
<b>Service Area</b>	84 sq. miles	202 sq. miles
<b>Assessed Value</b>	\$68.3 bill.	\$21.0 bill.
<b>Cemetery Area</b>	8 acres	18.5 acres
Expansion	0	10 acres
<b>Total Interred</b>	4,633	7,248
<b>Annual Interments (FY23)</b>		
Burials (full casket)	10	32
Burials (cremation)	28	21
Niches	16	17



**Figure 1 View of Lafayette (1869)**  
[Lafayettehistory.org](http://Lafayettehistory.org)

<sup>10</sup> Beverly Lane. *The Alamo Cemetery, A Gathering Place*. Alamo/Danville Today News Aug 2021.

<sup>11</sup> Correspondence from Sharon Burke, 3/12/2024.

<sup>12</sup> Burke, 3/12/2024.

<sup>13</sup> Contra Costa Times, “Council Seeks to Remove Cemetery Tax”, Sunday, Sept. 9, 1973.



### Lafayette Cemetery

The Lafayette Cemetery is located on Mt. Diablo Blvd. in the Town of Lafayette. The cemetery is bordered by a hotel and other commercial uses and backs up to several apartment complexes.



Figure 2 View of Lafayette Cemetery



Figure 3 View of Alamo Cemetery  
[alamolafayettcemetary.com](http://alamolafayettcemetary.com)

### Alamo Cemetery

The Alamo Cemetery is located in the Town of Danville near the intersection of El Portal and La Gonda Way. The cemetery is approximately ¼ mile from Hap Magee Ranch Park, which is a 17-acre park operated and maintained by the Town and its private landscape contractors.<sup>14</sup>

A newspaper article from 1977 reveals the District board once asked the County Supervisors to change their name from Alamo Lafayette Cemetery District to the Las Trampas Cemetery District to “better reflect the area it covers”<sup>15</sup> The request was denied.<sup>16</sup>

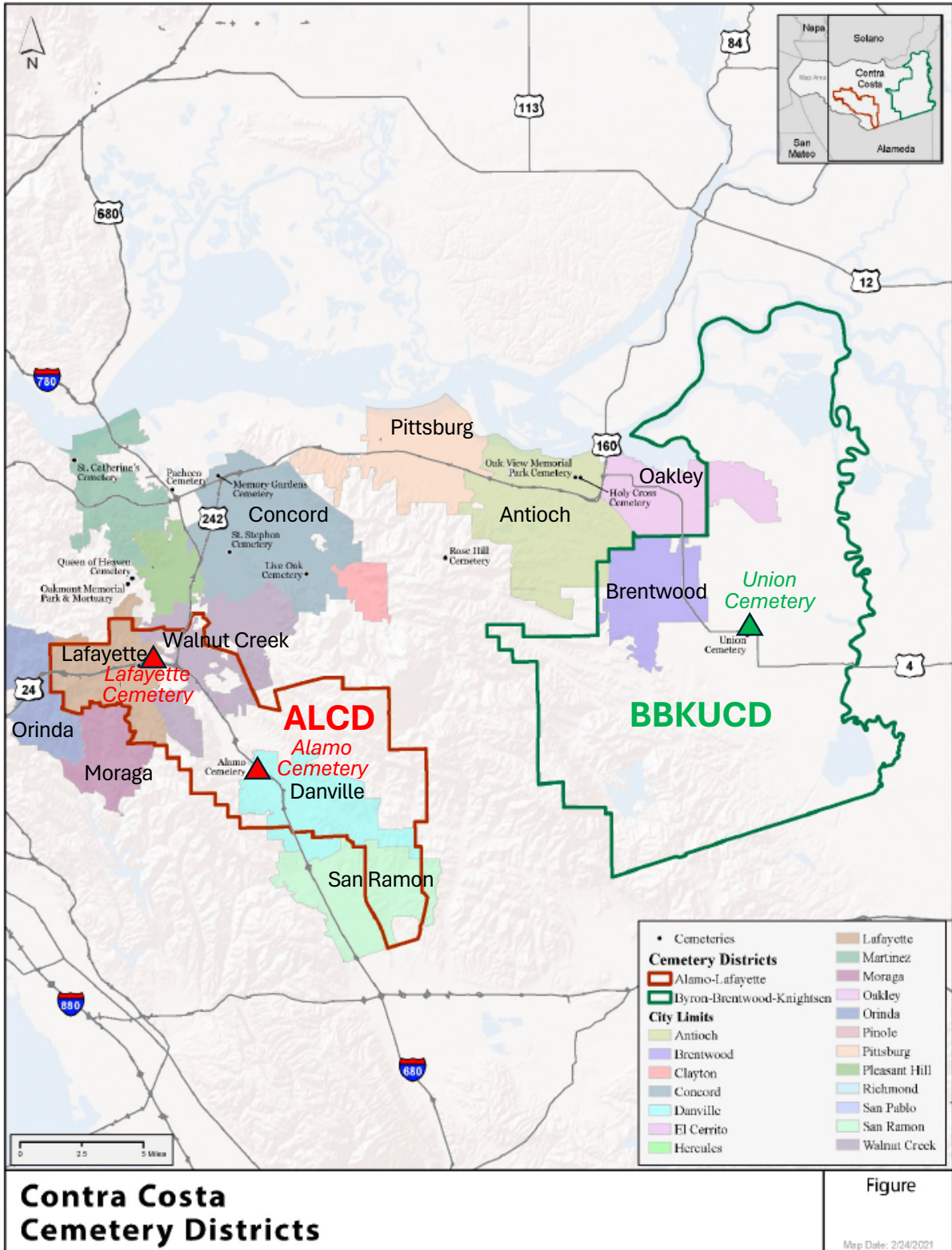
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<sup>14</sup> Correspondence with S. Burke, 3/12/2024.

<sup>15</sup> Contra Costa Times, “Alamo-Lafayette Cemetery Seeks Name Change”, 13 Nov 1977.

<sup>16</sup> Martinez News-Gazette, 24 Nov. 1977.

Figure 4 Regional Location of Districts and Cemeteries



## BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY DISTRICT (BBKUCD)

As reported by LAFCO's Municipal Services Review, BBKUCD was formed on June 5, 1928, as an independent special district. BBKUCD provides cemetery operations and maintenance services to the unincorporated communities of Byron, Knightsen, Discovery Bay, Bethel Island, the eastern portion of Morgan Territory, the City of Brentwood, the eastern portion of the City of Oakley (east of Sellers Avenue), and various Delta islands.<sup>17</sup>

### **Union Cemetery**

The Union Cemetery lies approximately two miles southeast of the City of Brentwood on Brentwood Blvd. near its intersection with the Byron Highway. The property is unincorporated Contra Costa County midway between Brentwood and Discovery Bay. The area is flat and surrounded by open space and agricultural lands. A recent 10-acre acquisition of adjacent property significantly expanded the cemetery's capacity.

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<sup>17</sup> Contra Costa LAFCO. *Second Round Cemetery Services MSR and Sphere of Influence Update*. Adopted August 11, 2021. Prepared by PlanWest Partners, Inc.

## 2 MARKET OVERVIEW

For several years, trends towards cremation and other green alternatives to traditional burials have expanded. Lower costs for cremations and changing social norms contribute to these trends.

ALCD burials could decline as available burial sites decline and cremations continue to increase, although population growth in the district could partially offset the declines. Deferred maintenance will reduce the cemeteries' attractiveness particularly if prices need to increase to fund operations and needed improvements. Despite a growing district population, demographic trends towards a wealthier population could shift burial demand to newer, better maintained private and not-for-profit cemeteries.

ALCD's cemeteries generally offer a rural, historic character amid suburban development. They provide a lower cost alternative to ALCD residents in comparison to other private and not-for-profit cemeteries in the County. Additional columbaria could help ALCD capture growing demand for cremation niches.

### DISTRICT DEMOGRAPHICS AND GROWTH

**Table 2** projects minimal population growth in the districts through 2030, then growing to 2060 at an average rate of about 0.7% annually. Actual future population will depend on amount, type and rate of new development.

**Table 2 Population & Mortality Estimates**

Item	District	
	ALCD	BBKUCD
<b>Population (1)</b>		
Population	172,484	90,954
<b>Mortality (2)</b>		
Mortality Rate	0.88%	0.69%
Avg. Deaths/Year	1,518	628
<b>Population Forecast (3)</b>		
2030	173,429	91,453
2035	181,336	95,622
2040	188,637	99,472
2045	195,265	102,967
2050	201,427	106,216
2055	207,470	109,403
2060	213,823	112,753

Source: Contra Costa Dept. of Community Development.

- 1) 2020 census; blocks split by district were estimated and allocated by CDC.
- 2) Mortality rate estimated from zip code population and deaths from HealthData.gov. Note: if Rossmoor Retirement Community is excluded, rate is 0.67%.
- 3) Projections based on the State Dept. of Finance Countywide population projections and include birth, deaths, and net migration estimates. Actual population will depend on amount, type and rate of new development.

## 3 DISTRICT INTERMENTS AND CAPACITY

### ALCD

The Alamo cemetery has no full-body burial capacity remaining as shown in **Table 3**. Burials in the current year include prior sales and commitments. Over 140 available niches represent about 10 to 15 years of supply depending on annual niche placements, which declined in recent years.

The Lafayette cemetery has capacity for over 300 burials or about 25 to 30 years of supply, and about 15 years of niche supply.<sup>18</sup> The addition of columbaria could increase niche capacity.

ALCD's records indicate over 1,000 commitments from pre-need sales for future activities including burials, niche interments, and cremation burials.<sup>19</sup> Pre-need sales and commitments could extend over the next 30 years or more. ALCD records pre-need sales and commitments but does not have a separate fund to reserve pre-need sales revenues for future needs and future liabilities.

#### ALCD Expansion

ALCD has no ability to expand its property to accommodate additional burial plots. Property adjacent to ALCD was considered for acquisition in 1995 but ALCD could not afford a loan for its purchase; according to the District, the County did not respond positively to requests for financing assistance to purchase the property.<sup>20</sup> The formerly vacant property considered for purchase has since been developed and any vacant sites suitable for expansion would not be contiguous to the current cemeteries; in any event it is likely that acquisition costs would be prohibitive.

In the past, ALCD has considered but did not have the funds or financing ability required to fund additional columbaria; ALCD's dissolution submittal stated that it cannot "*build additional above ground cremation vault walls to generate revenue.*"<sup>21</sup> Both cemeteries could accommodate additional columbaria to meet future demand.

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<sup>18</sup> ALCD Annual Reports and ALCD Response to Data Request. Assumes 15 to 20 annual cremation niche placements based on FY19-FY23, and 10-15 full body burials

<sup>19</sup> Interview with ALCD 3/4/2024. Family members are allowed the option of burying up to six cremation remains on top of every full casket site (ALCD, 3/12/2024)

<sup>20</sup> Email from P. Howard to Alex Brown, Burr Consulting (2011 MSR consultant).

<sup>21</sup> State of ALCD, ALCD Proposal for Dissolution, August 18, 2023, "Lack of Funds for Expansion, Limited Space", Prepared by Cemetery Consulting Group, Inc.

**Table 3 Summary of ALCD Interments and Capacity**

Cemetery	Interments				Available for Sale	
	Full Casket Burials	Cremation Burials	Urns in Niches	Total	Interment Sites	Niches
<b><u>Alamo Cemetery</u></b>						
FY2018-19	2	10	13	25	0	194
FY2019-20	3	10	14	27	0	182
FY2020-21	5	5	15	25	0	169
FY2021-22	1	5	18	24	0	156
FY2022-23	3	14	8	25	0	148
FY2023-24 (through 2/2024)	1	4	7	12	0	
<b><u>Lafayette Cemetery</u></b>						
FY2018-19	12	11	9	32	330+	130
FY2019-20	18	16	5	39	330+	119
FY2020-21	13	11	3	27	300+	117
FY2021-22	13	19	5	37	300+	114
FY2022-23	7	14	8	29	300+	113
FY2023-24 (through 2/2024)	5	13	1	19	300+	
<b><u>ALCD TOTAL</u></b>						
FY2018-19	14	21	22	57	330+	324
FY2019-20	23	21	20	66	330+	300
FY2020-21	18	16	18	52	300+	286
FY2021-22	14	24	23	61	300+	270
FY2022-23	10	28	16	54	300+	261
FY2023-24 (through 2/2024)	6	17	8	31	300+	

Source: ALCD and BBKUCD Annual Reports.  
 FY2022-23 and FY24 year to date from P. Howard.

## BBKUCD

BBKUCD performed over 30 full-casket burials annually in the last few years and a recent increase in urn interments in FY2022-23 shown in **Table 4**.

**Table 4 Summary of BBKUCD Interments and Capacity**

Cemetery	Interments				Available for Sale	
	Full Casket Burials	Cremation Burials	Urns in Niches	Total	Interment Sites	Niches
<b>Union Cemetery</b>						
FY2018-19	N/A	N/A	N/A	N/A		
FY2019-20	N/A	N/A	N/A	N/A		
FY2020-21	52	22	10	84		
FY2021-22	33	22	10	65		
FY2022-23	32	21	17	70	1,826	101
FY2023-24 (through 2/2024)	18	13	4	35	8,000+	not est.

Source: ALCD and BBKUCD Annual Reports.  
 FY2022-23 and FY24 year to date from P. Howard.  
 Recent BBKUCD property acquisition could add 8,000 to 12,000 full casket graves.

### BBKUCD Expansion

Depending upon landscaping and layout, 8,000 to 12,000 full casket sites can be plotted on BBKUCD’s recent 10-acre land purchase.<sup>22</sup> The additional property also provides capacity for a significant increase in niches.

<sup>22</sup> ALCD/BBKUCD Response to 1/23/2024 data request.

## 4 DISTRICT OPERATIONS

ALCD and BBKUCD are each governed by a three-member Board of Trustees appointed by the County Board of Supervisors. Cemetery districts operate under provisions of California Cemetery District law which regulate aspects of district finances and operations.<sup>23</sup> Other State codes and regulations, for example the Brown Act and codes of ethics, apply and the districts which are expected to follow other “best practices” promoted by Statewide associations.

Trustees provide direction and oversight to their District Manager. The current ALCD District Manager also serves as District Manager for BBKUCD, splitting her time approximately equally between the two districts. ALCD has no other staff and relies on more costly contract services and occasional support from BBKUCD staff, which is reimbursed by ALCD.

The ALCD cemeteries are open daylight hours. Generally, an office employee has been onsite four days/week, and interments occurred seven days per week. However, currently the ALCD website notes reduced hours posting that “...the Cemetery Office will NOW be temporarily open only on Wednesday, Thursday and Friday, by appointment. All burials will be scheduled on Thursday's and Friday's (excluding holidays), for the time being.”<sup>24</sup>

Financial and staff constraints limit ALCD operations. ALCD has minimal or no ability to address a range of operational issues such as: preparation and update of its Capital Improvement Program CIP; remediation of ongoing deferred maintenance; digitization of historical records and interment data; update of its website and public outreach materials; evaluation of boundary expansion; improvements to budget practices; and improvements to other financial practices and related documentation.

### BOARD OF TRUSTEES

Both districts are governed by boards of trustees comprised of three members appointed by the Contra Costa County Board of Supervisors. The Supervisors may appoint themselves to be the board of trustees.

### MANAGEMENT AND ADMINISTRATION

ALCD staff currently consists of a single employee, the District Manager, who also serves as the District Manager for BBKUCD, working approximately  $\frac{3}{4}$ 's of a full-time position for each district.

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<sup>23</sup> Cal. Health and Safety Code (HSC) Division 8 Sec. 8100-9703.

<sup>24</sup> ALCD website, 4/12/2024.



BBKUCD's staff includes a Cemetery Services Coordinator and a District Assistant. ALCD records show occasional use of BBKUCD staff, the cost of which is reimbursed,<sup>25</sup> and the two districts also utilize the same legal counsel and contract financial services firms for financial reporting and cemetery financial consulting. ALCD recently contracted with another law firm that specializes in LAFCO matters.

### **ALCD District Manager**

Patricia Howard is the District Manager and has served since 1994. Ms. Howard was recently awarded "Cemeterian of the Year" by the California Association of Public Cemeteries.<sup>26</sup> She currently does not have an employment agreement with ALCD. Ms. Howard confirmed her "for cause" employment, status at the Board of Trustees meeting March 2024,<sup>27</sup> and her "retirement plan" is on ALCD's April 2024 agenda. She works approximately  $\frac{3}{4}$ 's time for each district, or about 1,500 hours per year (not including vacation time and any overtime).

The DM is responsible for managing "*...District operations and staff in accordance with established policies and procedures... and represents the District and Board of Trustees with industry partners, community, media and other agencies.*"<sup>28</sup> Responsibilities are described in greater detail below.

As District Manager, Ms. Howard manages all aspects of district operations under the policy direction, and review and oversight of the Board of Trustees. She maintains a hybrid work schedule and is onsite as needed to oversee interments or to meet with families.

### *DM Salary and Benefits*

In FY2022-23 the ALCD DM position represented approximately 0.8 Full Time Equivalent (FTE) or about 1,700 hours (including vacation and time off).<sup>29</sup> ALCD wages and benefits, including retirement contributions, totaled \$152,179.<sup>30</sup>

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<sup>25</sup> For example, see 2/20/2024 ALCD reimbursement payment to BBKUCD for Mai Garcia's time previously reported as ALCD payroll.

<sup>26</sup> California Association of Public Cemeteries, March 16, 2024.

<sup>27</sup> Agenda, ALCD Board of Trustees Meeting, March 11, 2024. "For Cause Employment" is employment that can only be terminated without any further employer obligations under a set of conditions usually specified in an employment agreement ... e.g., wrongdoing, fraudulent conduct, theft, failure to perform duties, or intentional breach of company policies. A for-cause agreement typically specifies severance in the event of termination without cause. (Thomson Reuters Practical Law, Westlaw.com, accessed 3/15/2024).

<sup>28</sup> ALCD/BBKUCD Job Responsibilities and Descriptions. Undated. ALCD/BBKUCD Response to 1/23/2024 data request, 2/16/2024.

<sup>29</sup> Total pay includes vacation and other leave.

<sup>30</sup> FY2022-23 ALCD and BBKUCD Work Position Information, revised version provided by ALCD April 17, 2024. The FY22 State Controller's Report reported \$142,700 in total wages and benefits.

The ALCD District Manager wages are based on \$59 per hour. The District Manager receives medical/dental benefits and retirement benefits (which include “catch up” payments)<sup>31</sup> in the form of an ALCD contribution to a 401(a) plan that is managed by contract with the Public Agency Retirement System (PARS).<sup>32</sup> The District Manager will qualify to claim Medicare and social security upon retirement, when eligible.

Total Wages	\$101,480
Med/Dental	15,523
Retirement	<u>35,176</u>
TOTAL	\$152,179

The total ALCD compensation to its District Manager is \$152,179 including retirement benefits. After adjusting for the relative cost of living in each district, the hourly rate and the combined pay including benefits and retirement are among the lowest of 15 districts reviewed.<sup>33</sup> The District Manager’s pay rate has increased from \$35 per hour in 2015 to the current \$59 per hour in mid-FY2022-23.<sup>34</sup> The DM chooses not to charge the District for overtime hours.

Ms. Howard also serves as District Manager for BBKUCD and receives a salary based on \$75 per hour plus retirement in the form of contributions to CCCERA<sup>35</sup> (health and medical benefits from ALCD only). In FY2022-23 the BBKUCD District Manager position represented approximately 0.8 Full Time Equivalent (FTE) wages and benefits summarized below.

Total Wages	\$138,638
Med/Dental	0
Retirement	<u>6,561</u>
TOTAL	\$145,199

*DM Responsibilities and Hours*

The DM has a hybrid work schedule, working from home and at the ALCD site office and cemeteries as needed. The DM’s schedule can vary significantly but may be onsite two to three times per week depending on the need to meet with families, coordinate and oversee interments, manage landscape work, or for other reasons.

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<sup>31</sup> FY2022-23 ALCD and BBKUCD Work Position Information.

<sup>32</sup> Agreement with PARS, June 11, 2018.

<sup>33</sup> Cost of living adjustments based on ALCD Responses to Dissolution Concerns.

<sup>34</sup> ALCD Comments 4/6/2024.

<sup>35</sup> FY2022-23 ALCD and BBKUCD Work Position Information.

The District Manager’s time is spent responding to email and phone inquiries about sales and interment arrangements; burial coordination; preparing reports and board agenda; managing landscape contracts and researching professional services for site improvements; handling accounting, payroll and payables, and producing reports for board meetings. **Table 5** summarizes approximate allocations by task.

**Table 5 Summary of District Manager Time Allocation**

Task	ALCD		BBKUCD	
	Hours	% of Total	Hours	% of Total
Administration	525	35%	600	40%
Meetings	375	25%	300	20%
Burial Coordination	190	13%	75	5%
Reports	150	10%	150	10%
Other Communications	<u>260</u>	17%	<u>375</u>	25%
<b>Total*</b>	1,500	100%	1,500	100%

\* Total excluding vacation and other time off.

Work tasks listed on the DM job description, which is the same description for both ALCD and BBKUCD, include:<sup>36</sup>

1. **Board of Trustees** – The DM serves as Executive Officer, Secretary and Treasurer to the Board of Trustees; prepares agenda and presents board reports.
2. **Strategic Planning** – Neither district currently has a Strategic Plan.
3. **Accounting and Finance** -- Develops annual budget and tracks monthly progress; tracks revenues and expenditures and prepares warrants for payroll and other payables to be signed and processed by the County; records and deposits fees and charges received for sales and services; inputs data, produces reports and prints warrants utilizing QuickBooks accounting software; obtains County signatures on warrants; prepares reports as needed utilizing County Workday software.
4. **Human Resources and Payroll** – Preparation of biweekly payroll warrants for submittal to County, and payment of related State and Federal taxes; recruitment, hiring, training, and firing of employees as necessary; maintenance of employee records and employee manual.
5. **Safety Compliance** – Assurance that operations comply with all State and Federal safety laws.
6. **Contractors** – Coordinates with service providers including accounting and auditing, landscape/burial services, utilities, and other equipment/facilities improvements (see below).
7. **Sales** – Meet with families about burial site and niche sales, and related fees and charges for services. Frequency of onsite meetings varies; for example, the week of March 4<sup>th</sup>, 2024, the

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<sup>36</sup> ALCD/BBKUCD Job Responsibilities and Descriptions.

District Manager had meetings with six families scheduled, each about two hours in-person with some level of follow-up required. Other weeks may require few or no meetings with families or for other purposes.

8. **Burial Coordination** – Coordinate with families and mortuaries in planning and on the day of interment, and subsequent vendor coordination for headstone placement.
9. **Correspondence** – Reply to sales inquiries, questions and directions from families planning interments; and coordinate with mortuaries, vendors and service providers. The District Manager might receive 50 to 100 emails and 20 to 50 calls and 60-80 texts daily for combined ALCD/BBKUCD responsibilities.<sup>37</sup>
10. **Equipment and Facilities** – Manages landscape work and directs acquisition/repair of equipment; coordinates with consultants regarding preparation of bids, contracts and services required for maintenance, repair and upgrade of facilities and grounds, and provision of utilities.

#### **Other Management and Administrative Staff**

ALCD currently has no employees other than the District Manager. In prior years ALCD has had a District Assistant and groundskeepers. For example, in FY2022-23 a part-time assistant was employed.

On occasion BBKUCD staff provide support to ALCD at times when Ms. Howard is on leave or requires support or backup. ALCD reimburses BBKUCD for their staff costs.<sup>38</sup>

## **CEMETERY MANAGEMENT AND ADMINISTRATIVE SOFTWARE**

### **Accounting**

Both districts use Quickbooks for accounting and production of warrants, which eliminated the need to contract for accounting services. The District Manager provides the County with required paperwork in advance, then drives to the County offices to have warrants signed. The ALCD District Manager is the sole person handling all aspects of accounting, with the exception of those noted that are handled by the County; typically, an organization will segregate financial tasks among multiple individuals to increase transparency.

Accounting reports on the Contra Costa County system are accessed by the District Manager using “Workday” software and indicated that additional training is required.

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<sup>37</sup> ALCD comments, 4/06/2024; data was not delineated between the two districts.

<sup>38</sup> For example, see 2/20/2024 ALCD reimbursement payment to BBKUCD for Mai Garcia’s time previously reported as ALCD payroll.

## Cemetery Management

ALCD does not utilize GIS or database software to track graves. Historical records are maintained in the office vault are kept “on paper and index cards”<sup>39</sup> and have been partially digitized.

### BBKUCD

**Cemetery Management** – BBKUCD uses a vendor<sup>40</sup> that provides grave tracking and inventorying systems. The initial setup cost was \$15,000 and annual fees are \$1,500 increasing to \$2,000 annually. The District estimates that data input incurred a staff cost of \$75,000 to date at 90% completion.<sup>41</sup>

## MANAGEMENT AND ADMINISTRATIVE CONTRACTS

In addition to contracting for landscape maintenance and burial services, ALCD engages outside vendors for the following:

1. **Financial Services** – ALCD pays a CPA \$7,500 every two years for preparation of biennial financial statements. In the past, ALCD utilized outside services for accounting but with improved software, ALCD is now handling those tasks.<sup>42</sup>
2. **Financial, Capital Planning and Related Services** – ALCD hires Cemetery Consulting Group LLC (CCG) as needed to assist with financial analysis and planning. CCG has also provided pro bono and informal advisory work. The principal of CCG is related to the ALCD District Manager, however this arrangement is allowed by State law.
3. **Landscape Design and Construction Management** – ALCD currently is working with a landscape design firm for design and construction management services in anticipation of significant upgrades to the cemeteries, pending funding availability. Preliminary cost proposals have been prepared and ALCD recently funded \$25,900 to “develop and design retaining walls” and other improvements.<sup>43</sup>

## LANDSCAPE MAINTENANCE

### ALCD

ALCD contracts for landscape maintenance from 7 a.m. to 3:30 p.m. two to three days per week with one to two grounds keepers at a time. The schedule increases when burials occur to assure the grounds are clean and free of debris, and that groundskeepers are onsite when needed for interments.

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<sup>39</sup> ALCD Comments 4/06/2024.

<sup>40</sup> Cemsites cemetery software.

<sup>41</sup> Response to 1/23/2024 data request.

<sup>42</sup> P. Howard, 3/12/2024.

<sup>43</sup> ALCD Warrant Transmittal March 2024, Fund 360100 Account 0830 to Takaka Design Group.

In past years ALCD has employed two full-time groundskeepers plus a part-time groundskeeper. The groundskeeper wages in FY23 ranged from \$24 to \$33 per hour or approximately \$45 per hour after adding benefits.<sup>44</sup> This is about \$93,600 for a 1.0 FTE. ALCD states that it requires up to five full-time groundskeepers, including a heavy equipment operator, due to its terrain and multiple cemeteries.<sup>45</sup> A review of other cemetery districts confirms that the minimum number of required groundskeepers typically is at least three; as cemeteries increase in size and activity, the number of groundskeepers generally appears to follow a pattern of three groundskeepers per ten acres of cemetery area utilized.

ALCD reports that it is using more costly contract workers due to the difficulty of hiring, training and retaining full-time employees at the ALCD's pay rate. ALCD's steep hills can require 3-5 days of manual digging, and ALCD may have five to ten such burials per year.<sup>46</sup>

The 2022 landscape contract<sup>47</sup> specifies a pay rate of \$50 per contract worker per hour which has since been increased to \$60 per hour,<sup>48</sup> or about \$124,800 for a 1.0 full-time equivalent (FTE).<sup>49</sup> Projected FY24 cost for ALCD grounds workers and subsequent contract services totals about \$100,000 which will increase in future years due to reliance entirely on contract landscape workers that cost more per hour. Mileage and other expenses are not paid to the landscape firm which provides its own equipment except for the excavator and specialized burial equipment and some supplies provided by ALCD.<sup>50</sup>

Recent employees were not unionized, although historical records indicate that past ALCD unionized employees periodically went on strike for higher wages. For example, in 1974 three employees went on strike and ALCD trustees responded that the District's workload could not support higher wages.<sup>51</sup>

Landscape maintenance work includes sweeping and raking, removal of branches and other debris, identification of any potential hazards, and plant trimming. The number of workers varies from one to two people. On days of burials, landscape work is scheduled for four to eight hours, and the workers also provide burial services utilizing ALCD equipment for digging and lowering of caskets.

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<sup>44</sup> For example, an ALCD grounds worker at \$29 per hour received \$25,900 in pay and benefits for 0.28 full-time equivalent (FTE), or about \$92,500 if extrapolated to 1.0 FTE which is \$45 per hour (2,080 hours).

<sup>45</sup> Response to 1/23/2024 data request.

<sup>46</sup> Response to 1/23/2024 data request.

<sup>47</sup> ALCD contract with Primo Fancchini, Green Trust Demolition, 10/3/2022 (no termination date).

<sup>48</sup> Correspondence from P. Howard, 3/12/2024.

<sup>49</sup> Full-time based on 2,080 hours per year.

<sup>50</sup> ALCD comments 4/6/2024.

<sup>51</sup> Contra Costa Times, 26 Feb 1974.

## BBKUCD

BBKUCD currently has two full-time and two less than part-time groundskeepers. According to the District, they need four full-time groundskeepers “...to operate effectively.”<sup>52</sup>

Lacking hilly terrain that characterizes ALCD cemeteries, BBKUCD does not require hand-digging.

## INTERMENTS

Due to its reduced staff, ALCD currently limits burials to Thursdays and Fridays, and office hours are Wednesday through Friday by appointment.<sup>53</sup>

ALCD currently contracts with its landscape maintenance company for burials and niche placement. Current costs include:<sup>54</sup>

4. Full-casket burial (equipment): \$1,200
5. Full-casket burial (hand dug): \$3,200
6. All non-full casket Burials: \$600

ALCD’s price schedule<sup>55</sup> lists charges to families for interments that equal or slightly exceed the landscape maintenance company costs listed above. These costs are anticipated to increase.<sup>56</sup>

When ALCD employed groundskeepers who were required to assist with burials, overtime was paid. Overtime applied to work on weekends, holidays, days off and furloughs, when groundskeepers were required to assist with interments on those days.<sup>57</sup> The district’s charges for weekend interments are higher than weekday interments.

## PUBLIC OUTREACH

### **Website**

ALCD and BBKUCD’s websites provide information about the District and its services. Fee schedules are not posted on the websites but can be obtained by submitting a request through the website or via contact at the phone number or physical address on the website. The districts post their agenda but do not post related agenda documents.

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<sup>52</sup> Response to 1/23/2024 data request.

<sup>53</sup> Current hours per ALCS website 3/6/2024.

<sup>54</sup> Response to 1/23/2024 data request.

<sup>55</sup> ALCD Price Schedule, prices updated 2024.1.16.

<sup>56</sup> Response to 1/23/2024 data request.

<sup>57</sup> Memo from Patricia A. Howard to ALCD Groundskeepers (undated).

Both ALCD and BBKUCD have a link on their website to the California Special Districts Association (CSDA) mapping program on its website. The map requires menu selection of district type and navigation to the area of interest. It provides a useful overview of the districts' service areas and offers the ability to zoom to street level to identify specific addresses and whether they are in the district. The map does not show city boundaries and is not searchable by street address, which would improve the map's usefulness.

ALCD'S website has a link to a Conflict of Interest policy statement which in turn links to the current State policy, but the link to the State policy is broken.

## FACILITIES

ALCD facilities are deteriorated and suffer from years of deferred maintenance, damage caused by flooding, and lack of updates to modern standards and legal requirements for safety and accessibility. With the exception of concrete retaining walls constructed at the Alamo cemetery, ALCD has not made minor or major improvements in recent years. ALCD recently initiated the first stage of landscape design work for its cemeteries.

Repayment of past indebtedness to the County, limited financial resources, priorities to fund staff compensation, limited staff time and expertise, and absence of an updated CIP are factors contributing to ALCD's dilapidated condition.

### **Offices**

ALCD utilizes an onsite office building that is approximately 473 sq. ft. located at the Lafayette cemetery. The building is about 90 years old and in poor condition. Flooding and related water damage, mold, and asbestos removal in 2019 eliminated the restrooms in the building which may have already been damaged by sewage line settlement. Rodent infestations are a continuing problem. Records that are only partially digitized are stored in a steel walk-in vault. No plumbing is available; a porta-potty serves staff and visitors.

### *Office Space Options*

ALCD has investigated and updated cost estimates for replacement of its current inadequate office space. Replacement costs are likely to be \$250,000 to \$300,000 or more. In lieu of replacement, or as interim space pending funding and construction, ALCD has been offered the use of County office space in Lafayette that is less than a half-mile away, a 2-3 minute drive (or eight to ten minute walk). ALCD has expressed concerns about relying on offsite office space requiring multiple trips by staff and families meeting with staff, availability of space and equipment, and the flexibility to schedule and hold private meetings with grieving families

The County currently leases (for \$1 per year) the District 2 Supervisor's office space at 3338 Mt. Diablo Blvd. in Lafayette from the Contra Costa Fire Protection District; the space is connected to Fire Station 15. The 980 sq. ft. office has a large conference room, Supervisor's office, reception area, two small private offices, and a restroom.



While the Supervisor occasionally uses the conference room, as do community groups for a variety of public meetings, there is only one staff member in the office one morning a week. The entire office is typically unoccupied.

ALCD would be allowed the exclusive use of one of the offices, which they could lock and use to store documents. ALCD could also use the reception area, conference room and Supervisor's office to meet with families. The conference room would need to be scheduled so there is no conflict with other meetings that occasionally take place (typically there are less than three meetings per week occurring in the conference room).

There are three parking spaces in the back of the office and street parking generally is available along Mt. Diablo Blvd. The conference room has a large monitor which could be used for teleconferencing.<sup>58</sup>

#### **Equipment and Tool Storage Shed**

ALCD's onsite shed stores equipment and supplies. The shed lacks adequate security measures and has been prone to theft. The tractor and tool sheds total 454 sq.ft.

#### **Maintenance and Burial Equipment**

ALCD equipment includes its bobcat excavator, casket lowering device, and other tools necessary for burials and grounds maintenance. ALCD reports that its casket lowering device is in need of replacement and costs have escalated significantly. The District does not maintain an inventory of its equipment, lifespan, maintenance schedule, replacement schedule and cost, and funding sources.

#### **Computers, Telecommunications and Internet**

The DM uses a laptop computer that was purchased jointly with BBKUCD. The ALCD office has internet service through Verizon's LTE 5G service. A recent switch in cell service providers now enables ALCD cell phone use at the Lafayette cemetery and other offsite locations.

## **CAPITAL IMPROVEMENTS**

ALCD's request for dissolution estimated a \$4.1 million to \$5.5 million total cost for capital improvements required to remediate deferred maintenance and to address current safety and liability concerns. ALCD has stated in its dissolution application that *"...it cannot afford any capital improvements, repairs, nor upgrades."*<sup>59</sup>

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<sup>58</sup> Correspondence from Supervisor Andersen to LAFCO 3/13/2024.

<sup>59</sup> Contra Costa LAFCO Questionnaire for Annexations, Detachments and Reorganizations submitted by ALCD to LAFCO, August 18, 2023.

### Capital Improvement Plan

ALCD’s Capital Improvement Program (CIP) was last updated in June 2021. The CIP identified \$540,000 of improvements. The improvements were not funded or completed as anticipated, with the exception of concrete work at the Alamo cemetery at a cost of \$45,600.<sup>60</sup> ALCD has a detailed GIS description, photos, and location of specific improvements and required repairs.<sup>61</sup> Information provided by ALCD included a list of specific required improvements such as drainage and other repairs to prevent further damage and deterioration.<sup>62</sup>

ALCD is working with consultants and vendors to update the cost of office replacement and landscape design and construction management. **Table 6** summarizes updated costs based on preliminary information received during the course of the Special Study.

**Table 6 Updated ALCD Capital Improvement Costs**

Item	FY2021-22 ALCD CIP	Update
Project Management Company	\$ 42,000	
Lafayette Cemetery		\$ 199,500 (a)
Alamo Cemetery		\$106,000 (a)
Replace District Irrigation	80,000	
Lafayette Cemetery		170,310 (b)
Alamo Cemetery		100,000 (b)
Other (railings, steps, retention)		
Lafayette Cemetery		1,200,000 (c)
Alamo Cemetery		900,000 (c)
Equipment Building Construction	25,000	34,200 (d)
Equipment Building Foundation	15,000	20,500 (d)
New Plumbing to Central Sanitation	30,000	41,000 (d)
Electricity to Front of Property	30,000	41,000 (d)
Replace Internet/Phone lines	15,000	20,500 (d)
Office Remodel	125,000	300,000 (e)
Road Improvement	<u>60,000</u>	<u>82,000</u> (d)
<b>Total</b>	<b>\$ 422,000</b>	<b>\$ 3,215,010</b>

(a) '9/27/2023 Tanaka Design Group Bid.

(b) 2/01/2024 Tanaka estimate.

(c) '10/11/2024 Tanaka preliminary estimate prior to detailed plans.

(d) DGS California Construction Cost Index (CCI):

    Jan. 2021                                 7,090

    Feb. 2024                                 9,692

    Percentage increase                 36.7%

    Based on SF/LA BCI avg. from Engineering News Record (ENR)

(e) 2/12/2024 P. Howard conversation w/Redman Homes;

assumes no new foundation req'd.

<sup>60</sup> Correspondence from P. Howard, 3/12/2024.

<sup>61</sup> GIS on Google Earth was prepared by ALCD and Cemetery Consulting Group LLC.

<sup>62</sup> ALCD Responses to Dissolution Concerns, Appendix A: Alamo Cemetery and Lafayette Cemetery Disrepair.

## OTHER PLANS AND PROGRAMS

### **Strategic Plan**

Cemetery districts and other public agencies sometimes develop “Strategic Plans” or business plans to help guide planning, operations and decision-making. Neither district has such a plan; ALCD informed LAFCO that it “...cannot afford to pay someone to put together a strategic plan.”<sup>63</sup> The costs for a plan vary but could be in the range of \$20,000.<sup>64</sup>

The costs to ALCD and BBKUCD could be reduced if a strategic plan effort is undertaken by both agencies cooperatively. The effort could focus on improving ways the two districts could collaborate and reduce operating costs.

### **Succession Plan**

Succession planning is important under all governance options described in this Special Study. ALCD and BBKUCD do not have a succession plan. Succession planning involves “...identifying and developing talent to replace key employees. It's a continuous process that ensures the organization's leadership, management, and supervisory continuity.” The absence of a succession plan could create service disruptions, additional costs and delays during an employment search for a replacement who may not possess the unique background and experience of the departing District Manager.

The governance options chapter of this Special Study discusses opportunities for ALCD revenues to fund an additional BBKUCD management staff person who would work under the direction of the BBKUCD District Manager (and replace the current ALCD DM); eventually that person would be in a position to take over as District Manager in the future, e.g., upon retirement of the current District Manager.

### **Employee Handbook**

Both districts have employee handbooks. It appears that ALCD policy updates are required to assure consistency with State law and with actual practices such as employment of and contracting with relatives.

For example, the ALCD “Conflict of Interest Policy” links to and incorporates by reference current California codes that define conflicts including those related to relatives as “spouse and dependent children”; the ALCD Employee Handbook defines a relative as “...any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood

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<sup>63</sup> Correspondence from ALCD to Lou Ann Texeira, Contra Costa LAFCO, Oct. 17, 2023.

<sup>64</sup> The North County Cemetery District in San Diego County is pursuing a Strategic Plan with an estimated consultant cost of approximately \$19,000 (2022).

*or marriage*<sup>65</sup> The District Manger's hiring of Cemetery Consulting Group LLC would be contrary to the current language of the Employee Handbook but such hiring is consistent with current California codes. An update would improve transparency, particularly if the handbook were posted on the ALCD website. The ALCD website has a link to the California codes regarding Conflict of Interest but the link is broken.<sup>66</sup>

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<sup>65</sup> ALCD Employee Handbook, Updated October 2019.

<sup>66</sup> The ALCD website page <https://www.alamolafayettecemetery.com/conflict-of-interest-code> links to a document with a link to Cal. Codes that is broken (as of 3/15/2024).

## 5 FINANCIAL CONDITIONS

### ALCD FINANCIAL OVERVIEW

Throughout much of its history, ALCD has experienced fiscal challenges as a small district with limited revenues. Nearly fifty years ago the District was plagued by Grand Jury allegations of overspending, financial abuse, employee strikes and loss of staff. Proposition 13 cut revenues in 1978 by nearly half. Subsequent revenue reductions by the State and economic recessions took their toll; in 2014 ALCD was in debt by about \$600,000 to the County but has since repaid the debt through cost-cutting measures.

After a slowdown in burial revenues caused by the pandemic, the District appears to be recovering as property tax revenues continue to grow. Current year sales revenues indicate recovery to pre-pandemic levels. However, recent staff reductions, reduced operating hours, and greater deferred maintenance will continue to stress the District's budget and could adversely affect future net revenues.

Property tax growth is likely to slow in the near term, followed by a gradual increase. Assuming no change in current minimum staff levels and operating hours, continued sales at recent rates could improve operating margins. Increased future revenues over time may enable some restoration of staff capacity as well as operating hours and investment in limited priority improvements focused on visitor and employee safety. Additional revenues raised through boundary expansion, expanded niche sales, and/or foundation donations will also improve ALCD's ability over time to fund prioritized CIP improvements.

However, ALCD's fiscal condition could be seriously threatened by a number of factors, including declines in sales revenue due to cemetery conditions; recessionary decreases in property tax and increased maintenance contract costs; disruptions if the current District Manager leaves ALCD; legal costs in the event of injuries to staff or visitor; increasing deferred maintenance; and equipment or infrastructure failure.

#### **Balanced Budget**

ALCD adopts balanced budgets that show revenues equal to expenditures. However, the budget's revenues include "unspendable" endowment care fees which overstates fiscal conditions. ALCD's FY2023-24 budget shows total revenues equal to total expenditures, but spendable revenues fall short of projected total expenditures. The District's conservative budgeting and property tax estimates help to offset the apparent shortfalls that would otherwise occur by including unspendable revenue.

Depreciation is not included as an expense in the budget nor does ALCD budget for transfers to a capital improvement fund to address declining asset conditions. Net revenues would be reduced if capital improvements had been funded.

Both districts should establish reserve policies and other financial policies. The BBKUCD financial audit recommended that BBKUCD establish "...*formal accounting policies, procedures manuals and prepare a*

*schedule of routine accounting tasks that need to be performed each month, quarter and at the close of the fiscal and calendar years, as applicable.”<sup>67</sup>*

### **Operating Reserves**

At the end of FY2021-22 ALCD had \$152,803 of unallocated fund balance, or “reserves”. This level represents about 24 percent of operating expenditures, which exceeds a minimum threshold of 17 percent (about 2 months of expenditures). The reserves provide minimal additional capacity to fund emergencies or capital improvements. ALCD has financial statements prepared by a CPA every two years, thus the FY2022-23 and FY2023-24 reports will not be available until the Fall of 2024.<sup>68</sup>

ALCD contracted for improvements to the Alamo cemetery in FY2022-23 effectively drawing down its reserves. Because ALCD’s biennial financial statements including FY2022-23 won’t be reported until after the end of FY2023-24 the effects of these expenditures on ALCD’s financial position are not currently known. A preliminary balance sheet produced by ALCD at the end of FY2022-23 appears to confirm the drawdown and reduced cash assets at the end of the fiscal year.<sup>69</sup>

### **ALCD REVENUES**

ALCD’s annual average revenue growth of 4.9% from FY2017-18 through FY2021-22 generally exceeded long-term inflation of 2.5% to 3%, although declining revenues from interments slowed overall revenue growth. The revenue growth did not keep pace with expenditure growth; expenditures were pressured by several years of high inflation and increases in employee retirement plans. The current FY2023-24 actual revenues through February show an improvement in property taxes and sales revenue that could improve fund balances.

### **Property Tax**

Property taxes, received twice a year in December and in April, account for nearly two-thirds of ALCD and BBKUCD revenues. ALCD received \$436,000 in property taxes in FY2022-23.<sup>70</sup> By comparison, larger cemetery districts’ property tax represents only one-third of total revenues, and they generate a greater share of their revenues from sales and service charges than ALCD.<sup>71</sup>

Property taxes in California have generally grown faster than inflation, notwithstanding declines following recessions such as several years following the 2008 recession. New development and buildout

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<sup>67</sup> BBKUCD Schedule of Audit Findings and Recommendation, FY22.

<sup>68</sup> The financial report for the two years ending June 30, 2022, was dated Nov. 16, 2022. It is assumed the next biennial report will be available Nov. of 2024.

<sup>69</sup> ALCD Balance Sheet as of June 30, 2023, printed 2/25/24.

<sup>70</sup> ALCD monthly cost and revenue reports for FY2022-23.

<sup>71</sup> e.g., Orange County Cemetery District.

of the Dougherty Valley and Blackhawk areas within ALCD's boundary helped to generate new property tax revenues. ALCD property tax revenues generally track the recent FY2023-24 Countywide assessed value increase of almost six percent, which is forecasted to decline to a 1.5 percent increase in FY2024-25; the growth rate is projected to improve to a 3.9 to 4.4 percent annual increase in subsequent years.<sup>72</sup>

As with all other public agencies in California, ALCD experienced reduced revenues and constrained growth due to State reductions in local revenues caused by Prop. 13 and the State Education Revenue Augmentation Fund (ERAF). Cemetery districts were hit particularly hard by ERAF because they were grouped with other agencies deemed "enterprises" able to recoup funds through fees and charges for services.

Prop. 13, implemented shortly after voter approval in 1978, imposed a property tax cap of one percent of assessed value on all agencies serving a given area. Therefore, agencies in more urbanized areas served by many districts collecting property taxes were each required to reduce their property taxes and take a smaller share of the one percent by comparison to areas with fewer taxing entities. Even if an agency were conservative in its use of property tax in 1978, its share was reduced further by Prop. 13. Prior to Prop. 13 ALCD had a low property tax rate partly because of the relatively high values within its boundaries and ALCD's lack of indebtedness.<sup>73</sup>

At its Board of Trustees Meeting August 24, 1978, ALCD reduced staff to half-time and cut back its hours. ALCD "...was forced to hire contractors to perform work until the early '90s...but did not offer retirement or significant benefits and insurance" to employees when they were hired after property taxes subsequently improved.<sup>74</sup>

ALCD has been diligent in pursuing property tax adjustments but without success. Over the years, ALCD investigated its concerns that "...it has been shorted on property tax" and ALCD reports that it spent "...over \$35,000 on consultations".<sup>75</sup> No specific errors in the calculation of ALCD's share of one percent property taxes were identified or documented by ALCD.

Relatively strong assessed value growth within ALCD's boundaries has helped to offset the initial impacts of Prop. 13 and subsequent reductions by the State. In 1979 following implementation of Prop. 13 ALCD

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<sup>72</sup> Contra Costa County Revenue Forecast, November 2023.

<sup>73</sup> Oakland Tribune, Cemetery District 'overspending', 24 July 1978.

<sup>74</sup> ALCD Fiscal Analysis Prepared by Cemetery Consulting Group, LLC. Attachment 1 to LAFCO Executive Officer's Report, Nov. 8, 2023.

<sup>75</sup> ALCD Board of Trustees Annual Report July 1, 2021 – June 30, 2022.

received \$15,644 property tax.<sup>76</sup> In 2022, ALCD’s property tax equaled \$436,049<sup>77</sup> which is a 7.9 percent compound annual growth rate from 1979 compared to inflation of 3.5 percent compounded annually over that period.<sup>78</sup>

Despite property tax growth in a large, relatively high assessed value district, ALCD receives a relatively small share of total property taxes even by comparison to BBKUCD as illustrated in **Table 7**. The amount paid annually by homeowners is small, especially for older properties that have not sold for many years and consequently have a lower assessed value.

**Table 7 Examples of Cemetery District Residents’ Property Taxes**

Avg. Home Assessed Value	Avg. 1% Tax Bill	Annual Share of Property Tax	
		ALCD	BBKUCD
\$500,000	\$5,000	\$3.29	\$22.07
\$1,000,000	\$10,000	\$6.57	\$44.13
\$1,500,000	\$15,000	\$9.86	\$66.20
\$2,000,000	\$20,000	\$13.15	\$88.26

Note: In addition to 1% property tax, property owners pay "overrides" for bonds, assessments, etc.

As shown in **Table 8**, ALCD has 3.3 times the amount of assessed value compared to BBKUCD, but BBKUCD’s share of property tax is about 6.7 times that of ALCD. Thus, property taxes to ALCD are less than half of BBKUCD.

<sup>76</sup> ALCD Fiscal Analysis Prepared by Cemetery Consulting Group, LLC. Attachment 1 to LAFCO Executive Officer’s Report, Nov. 8, 2023.

<sup>77</sup> ALCD Income and Expenditures, Monthly Cash Basis FY2022-23. ALCD/BBKUCD Response to 1/23/2024 data request, 2/16/2024. file: “2024.2.25.alcd.lafco.study.data\_request.3.pdf”.

<sup>78</sup> See <https://data.bls.gov/cgi-bin/cpicalc.pl>



**Table 8 Property Tax FY2023-24 Total, Increment and Allocation**

Item	Cemetery District	
	ALCD	BBKUCD
<b>All Agencies in District Tax Rate Areas</b>		
Total Assessed Value	\$68,273,590,834	\$21,004,659,543
TRA Tax Increment (all agencies)	\$37,781,233	\$12,683,577
Total 1% Property Tax FY24 (all agencies)	\$682,735,908	\$210,046,595
ALCD Assessed Value vs. BBKUCD	ALCD a.v. is 3.3 times larger than ALCD	
<b>Cemetery Districts Only</b>		
Avg. District Share of \$1.00 (1%) Tax	\$0.00066	\$0.00440
District Increment FY24	\$24,762	\$55,775
Total District Property Tax FY24	\$448,751	\$926,968
<b>Agency Increment/ Total Agency Tax = Annual Growth</b>		
	5.5%	6.0%
<b>Agency Increment/ Total Agency Tax = Annual Growth</b>		
Avg. District Share of \$1.00 (1%) Tax	\$0.00066	\$0.00441
BBKUCD Tax Share vs. ALCD Share	BBKUCD tax share is 6.7 times larger than ALCD	

**Fees and Charges for Services**

ALCD “Fees and Charges for Services” include sale of burial sites and niches, open/close fees, liners, urns and vaults, non-resident fees (approximately 11% of interments are non-residents)<sup>79</sup> and other miscellaneous revenues. These revenues have ranged between \$175,000 and about \$225,000 annually during the five-year period from FY2017-18 through FY2021-22,<sup>80</sup> averaging about a third of total revenue. A recent decline to \$73,000 in FY2022-23 appears to have improved to an estimated \$184,800 in FY2023-24.<sup>81</sup> Recently, ALCD reported the loss of several potential burials due to the poor conditions of the cemetery.<sup>82</sup>

**Other Revenues**

ALCD received a \$67,000 one-time COVID relief grant in FY2021-22.

**Prices and Payments**

ALCD prices shown in **Table 9** are lower than BBKUCD, and both fall within the upper end of a typical price range for public cemetery districts. The ALCD sites are more limited, hillier and more costly to

<sup>79</sup> ALCD/BBKUCD Response to 1/23/2024 data request

<sup>80</sup> ALCD Financial Reports.

<sup>81</sup> ALCD comments, 4/06/2024.

<sup>82</sup> ALCD comments, 4/06/2024.

maintain and to open/close. Prices for cemetery districts are typically half or less by comparison to private and not-for-profit cemeteries. For example, the average price for burial at the Oakmont Memorial Park and Cemetery in Contra Costa County is approximately \$20,000<sup>83</sup> compared to about \$7,000 or less for all burial related charges.

Unlike other cemetery districts, ALCD does not accept credit cards;<sup>84</sup> According to ALCD, "...the small amount of people who have used credit cards are not worth the time and effort to reconcile the accounts. Additionally, ALCD's constituents tend to pay in cash or check and in full."<sup>85</sup> BBKUCD does allow credit cards and charges a fee for their use.<sup>86</sup>

**Table 9 Summary of Cemetery Prices**

Item	Cemetery District			
	ALCD	(1)	BBKUCD	(2)
<b>Burial Rights</b>	(3) \$5,000-\$8,000	(4)	\$3,000-\$5,500	
<b>Columbaria Niche</b>	(5) \$1,400-\$5,000		\$650-\$1,750	
<b>Endowment Care</b>	(6) \$300-\$800		\$200-\$400	
<b>Opening/Closing</b>	(7)			
Single Depth	\$1,200-\$3,000		\$1,200	
Columbaria Niche	\$400		\$300	

- (1) ALCD Price List, 2024-01-16.
- (2) BBKUCD Price List, 2022-04-01.
- (3) Prices vary by location within each cemetery and columbaria tier  
Excludes infant, in-ground cremation sites
- (4) Hill sites additional \$3,000 above top price (total \$11,000).
- (5) Prices for single niche.
- (6) Endowment Care fees include niches (lower end of range).
- (7) Varies by location; weekend open/close additional price.

The price schedules, which are not posted on either the ALCD or BBKUCD website, list higher prices for opening/closing in hill areas. The ALCD cemeteries' slopes and difficult access increase the work required, e.g., hand digging rather than the use of excavators, and also create worker safety issues particularly during wet conditions.

<sup>83</sup> Bay Area Funeral Consumers Association - Contra Costa County Cemeteries, 9/2/2021. Prices include open/close, liners, fees.

<sup>84</sup> ALCD Board of Trustees Annual Report, July 1, 2018-June 30, 2019.

<sup>85</sup> ALCD comments, 4/06/2024.

<sup>86</sup> BBKUCD meeting minutes, April 15, 2020.

All public cemetery districts are restricted to serving residents of the district only, except under certain limited circumstances, for example, relatives of district residents can be interred.<sup>87</sup> Non-resident fees range from \$500 (ALCD) to \$750 (BBKUCD). Cemetery districts are restricted by law from providing and charging for certain services that can be obtained at privately-owned cemeteries; for example, cemetery districts are prohibited from selling monuments or markers, and from constructing new mausoleums.<sup>88</sup>

### **Plot Re-purchase**

ALCD periodically re-purchases plots and niches when the buyers' circumstances change for example due to a change of residence of the buyer or their family. As stated in ALCD's Rules and Regulations, "*...if an owner has no further need for interment rights in plot(s) and/or niche(s), he or she may in writing, request to the District to buy back plots and/or niches (subject to availability of District funds) at a price which is equal to the amount that was originally paid, less Endowment Fees paid.*"<sup>89</sup>

The re-purchase at the original purchase price, which may be significantly lower than current prices, may discourage plot owners from seeking a re-purchase which would make the site available to an interested buyer.

### **Endowment Care Fees**

As required by State law, ALCD charges an "Endowment Care Fee" intended to fund ongoing care and maintenance of the cemeteries. These revenues are deposited to a separate Endowment Care "Permanent Fund"; only the interest earnings can be used by the District. In recent years, ALCD chose to leave interest earnings in the Fund to grow for future use. ALCD's Endowment Care Fund was \$658,379 at the end of FY2021-22,<sup>90</sup> an increase from \$545,624 in FY2017-18 or 4.8% annual growth.

Currently the endowment care fees are \$800 for full casket lots and \$300 for a single urn in a niche, and \$400 for an in-ground cremation lot. ALCD does not refund endowment care fees.

ALCD has not conducted a formal analysis of its endowment care fund and fees as recommended by the 2010 MSR to determine the reasonableness of increasing those fees. ALCD indicated in its LAFCO dissolution application materials that its Endowment Care Fund is underfunded<sup>91</sup> and requires \$8 million to \$11 million. The basis for the required amount of interest revenue is not detailed and it is unclear whether growing property taxes were considered in the estimates.

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<sup>87</sup> Cal. Health and Safety Code 9060 et seq.

<sup>88</sup> Cal. Health and Safety Code 8137.

<sup>89</sup> ALCD Rules and Regulations, Approved August 10, 2020, by the ALCD Board of Trustees.

<sup>90</sup> ALCD Financial Report, FY2021-22.

<sup>91</sup> State of ALCD, "Underfunded", prepared by Cemetery Consulting Group, Inc.

### **Interest earnings**

Interest earnings have been insignificant in recent years due to low returns from funds invested with the County Treasurer and the State's Local Agency Investment Fund (LAIF) and poor (or negative) investment returns in certain years.

Cemetery districts can actively manage their investments (and/or hire financial advisors) and potentially take advantage of better rates, for example from Certificates of Deposit. However, this requires time and expertise by district staff and/or costs for advisory services. ALCD cannot take their money out of the County until ALCD receives \$500,000 or more in annual property taxes, as is required by law.<sup>92</sup>

## **OTHER FUNDING**

### **Grants**

The County Supervisor for District 2 offered to provide ALCD a \$25,000 grant from the County's Livable Communities Trust Fund as seed money to start a non-profit/501(c)(3) cemetery foundation which could be used to leverage other community grants, community fund raising, and organize volunteers to support ALCD. ALCD has not accepted nor rejected the grant offer and has stated that acceptance of the grant would cost the District more than the \$25,000 it would receive from the grant.<sup>93</sup>

Each supervisorial district has money in this trust fund which can be used at the Supervisor's discretion for, among other purposes, to "*...help promote economic revitalization and enhance the tax base by improving the property.*"<sup>94</sup>

Grant funding, other than discretionary funds available to County Supervisors, is not readily available to cemetery districts.<sup>95</sup>

However, an example of a historic cemetery project receiving grant funding is the recently completed Aqua Mansa Pioneer Cemetery, whose last burial was in 1963. A rehabilitation project was funded through a combination of San Bernardino County Board of Supervisors allocated capital improvements funds and \$500,000 grant funds through the California Cultural and Historical Endowment to make improvements across the Agua Mansa Cemetery. Site improvements include drive repairs, landscaping and beautification, entrance monument, interpretive signage, gate replacement and select headstone and monument conservation. The project also includes funding for ground penetrating radar mapping of

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<sup>92</sup> ALCD comments, 4/06/2024.

<sup>93</sup> ALCD comments, 4/06/2024.

<sup>94</sup> Correspondence from Supervisor Andersen to LAFCO 3/13/2024.

<sup>95</sup> Interview with M. Ott, North County Cemetery District, March 1, 2024.

the entire site, which will provide a complete map of all burials.<sup>96</sup> The total cost of the project was \$1.1 million. Actual costs and available grant funding would vary if ALCD sought similar types of grant funding.

### **Charitable Foundation**

Some cemetery districts have formed a non-profit/501(c)(3) cemetery foundation to support the district, similar to the many library foundations in Contra Costa County that support public library districts. A Foundation could help preserve the cemeteries' historical resources and provide a vehicle for contributions toward cemetery maintenance. As described above, the County has offered ALCD a \$25,000 grant to help pay for the costs of creating a foundation.

### **Other Parcel Taxes or Assessments**

ALCD has considered, but did not pursue, a district-wide tax measure, which would require two-thirds approval by district voters.<sup>97</sup>

## **EXPENDITURES**

From FY2017-18 through FY2021-22 ALCD expenditures grew at a rate significantly greater than inflation and nearly double the rate of revenue growth. Increasing costs for utilities, supplies, landscaping services, and employee retirement costs contributed to expenditure growth. Revenues available after paying off obligations to the County (see **ALCD Liabilities**, below) and growing property taxes enabled the expenditure increases without causing reductions in fund balances and net position.

## **ASSETS**

### **General Fund Assets**

ALCD financial statements reported "Cash" of \$156,729 at the end of FY2021-22. This cash largely translates into similar levels of unassigned fund balances, also referred to in this analysis as "reserves" available for contingencies, capital and other reserve purposes. The assets exceeded minimal liabilities of \$8,278.

### **Reserves**

Neither of the districts have reserve policies.

Neither ALCD nor BBKUCD have a separate or "Pre-Need" Fund to set-aside pre-need sales revenue for the future years in which service costs are incurred. In previous years BBKUCD showed those funds in its

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<sup>96</sup> Historic Agua Mansa Pioneer Cemetery Getting a Much-Needed Facelift, September 7, 2023; see also <https://museum.sbcounty.gov/agua-mansa-pioneer-cemetery/>

<sup>97</sup> Interview with P. Howard, ALCD, 3/4/2024.

financial reports but subsequently eliminated them at the recommendation of its CPA.<sup>98</sup> The districts could choose to designate unassigned fund balances to capital improvements, for example, if it had such policies.

#### *Unassigned Fund Balance*

ALCD's unassigned fund balance, one measure of reserves available for contingencies and capital improvements, continued to grow following full repayment in FY2019-20 of funds owed to the County.

ALCD's FY2021-22 financial statements show \$152,803 unassigned fund balance for the ALCD General Fund. This represents about 28 percent of annual expenditures which exceeds a minimum threshold that requires at least two months (16.7%) of annual operating expenses.

By comparison, BBKUCD had \$972,024 General Fund unassigned fund balance which represents nearly 100 percent of annual expenditures in FY2021-22.<sup>99</sup>

#### **Endowment Care Fund**

At the end of FY2021-2022 the ALCD Endowment Care Fund (also designated a "Permanent Fund") totaled \$658,379. Endowment Care Fees paid along with other interment charges are deposited to this fund.

ALCD is restricted by law from spending funds in its Endowment Care Fund and is limited to the use of interest earnings. The Fund's investment earnings, which have been minimal, have been retained in the Fund to accumulate. Unlike BBKUCD, ALCD does not have a separate fund into which the interest earnings could be transferred, continue to earn returns, and be available for annual maintenance if needed.

For comparison, BBKUCD had \$384,787 in its Endowment Care Fund.<sup>100</sup> ALCD's Endowment Care Fees are double those of BBKUCD.

#### **Capital Assets**

ALCD's capital assets have continued to decline in value due to deferred maintenance and lack of capital investment. The depreciated value at the end of FY2021-22 represents 36% or almost one-third of total value, indicating a significant deficiency. Capital improvements during FY2022-23 should improve the relative value of net assets when reported by future financial statements, but the levels will still be substandard (e.g., less than 50% of total assets) especially when considering significantly greater replacement costs. The depreciated value would be even smaller if compared to asset replacement cost.

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<sup>98</sup> ALCD comments, 4/06/2024.

<sup>99</sup> BBKUCD Financial Statements for the Year Ended June 30, 2022. See Balance Sheet and Statement of Activities.

<sup>100</sup> BBKUCD Financial Statements for the Year Ended June 30, 2022. See Balance Sheet.

By comparison, BBKUCD's depreciated asset value represented about 60% of total depreciable value after accounting for \$366,000 of asset additions in FY2021-22<sup>101</sup> including irrigation improvements.

## LIABILITIES

ALCD financial statements report minimal liabilities. The FY2021-22 Statement of Net Position shows "compensated absences" owed of \$22,479 and accounts payable of \$8,278 totaling \$30,757 or about six percent of the \$152,803 unassigned fund balance.

ALCD makes contributions to a 401(a) defined retirement plan for the benefit of its District Manager and therefore has no unfunded pension liabilities owed to Contra Costa Employees Retirement Association (CCCERA).

For several years ALCD owed the County of Contra Costa due to revenues insufficient to cover expenditures, depleting ALCD funds held by the County on their behalf. The Contra Costa County ledger reported an ALCD account shortfall of (\$632,132)<sup>102</sup> in 2013 due to impacts of the 2008 recession. The shortfall was repaid over several years through cost-cutting<sup>103</sup> and property tax growth. ALCD's financial statements showed a slightly positive unassigned fund balance in its FY2019-20 financial statement after several years of negative balances. The positive unassigned fund balance continued to grow in the years that followed.

ALCD has commitments for future interments and related services for pre-need sales. ALCD indicates that it has over 1,000 of various types of commitments recorded on paper documents; no tabulations by type and amount are readily available and would require significant research.<sup>104</sup>

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<sup>101</sup> BBKUCD Financial Statements for the Year Ended June 30, 2022. See Note 5 – Capital Assets and Depreciation.

<sup>102</sup> ALCD Response to Data Request, 12/11/2013 CCC General Ledger printout.

<sup>103</sup> Interview with P. Howard, ALCD, 3/4/2024.

<sup>104</sup> Interview with ALCD 3/4/2024.

## 6 BOUNDARY OPTIONS

### ALCD BOUNDARY OPTIONS

ALCD's boundaries have not changed substantially since ALCD formation in 1937 and originally were based on Lafayette, Walnut Creek and Danville Unified School Districts' boundaries despite significant growth that has occurred. The boundaries bisect city boundaries and include about two-thirds of its constituent cities' assessed value. As described in the 2010 MSR "...In 1937 the only incorporated city within the District was Walnut Creek. The City of Lafayette was incorporated in 1968, the Town of Danville was incorporated in 1982 and the City of San Ramon was incorporated in 1983."<sup>105</sup>

LAFCO records show one annexation to ALCD in 1972. The 2011 MSR identified boundary changes to fix boundary/SOI irregularities and included boundary expansions which were supported by ALCD.<sup>106</sup> At that time no boundary adjustments were recommended due to the likely challenges of obtaining tax sharing agreements with other affected local agencies.

ALCD indicated to the County in 2016 that annexation fees contributed to the challenge of expansion and "...If we are exempt [from] annexation fees, we may be able to expand our boundaries and offer more services to our constituents."<sup>107</sup> The ALCD Board considered a survey to assess District service needs compared to potential property tax revenue from boundary expansion.<sup>108</sup> ALCD has not pursued an expansion analysis or a survey citing significant costs.<sup>109</sup>

#### **Potential Property Tax from Expanded ALCD Boundaries**

As shown in **Table 10**, expanding ALCD boundaries by approximately 50 percent to encompass the entirety of its constituent cities (excluding Orinda) could increase its property tax revenues by about \$191,000 per year. The amount could be more depending on value added from any expansion of unincorporated boundaries.

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<sup>105</sup> 2010 MSR, p. 230.

<sup>106</sup> Executive Officer's Report LAFCO 23-12 – Dissolution of ALCD, November 8, 2023 (Agenda), p. 3.

<sup>107</sup> Contra Costa County Board of Supervisors 2016-17 Triennial Sunset Review of Appointed Boards, Committees & Commissions (per Resolution No. 2012/261 on June 26, 2012). ALCD Response to Information Request.

<sup>108</sup> Contra Costa County Board of Supervisors 2016-17 Triennial Sunset Review.

<sup>109</sup> ALCD comments, 4/06/2024.



**Table 10 Potential Additional Property Tax if ALCD Boundaries are Expanded**

City Uninc. County	FY24 Total Assessed Value	% in ALCD	FY24 Assessed Value in ALCD	% of ALCD Total	Potential ALCD Additional A.V.
Walnut Creek	\$24,541,351,568	62.8%	\$15,411,468,746	22.1%	\$9,129,882,822
Lafayette	\$11,275,619,121	95.6%	\$10,783,366,781	15.5%	\$492,252,340
Danville	\$17,208,248,236	86.0%	\$14,801,164,440	21.2%	\$2,407,083,796
San Ramon	\$27,517,307,204	38.0%	\$10,460,317,195	15.0%	\$17,056,990,009
Orinda	\$9,378,490,455	0.3%	\$31,915,932	0.05%	tbd
Cnty Unincorporated	\$50,027,466,952	36.5%	<u>\$18,263,150,161</u>	<u>26.2%</u>	<u>tbd</u>
<b>TOTAL</b>			\$69,751,383,255	100.0%	\$29,086,208,967 41.7% increase
<b>Avg. Agency Share of \$1.00 (1%) Tax</b>	0.0657%		Potential Additional Property Tax to ALCD		\$191,179

If cities and the County agree to a shift of property tax revenues proportionate to their assessed value within ALCD, the shift would be the \$191,000 shown in **Table 11**. If the County were the sole contributor, it could shift the \$191,000 which represents about a 50 percent increase in ALCD revenues which, in combination with other cost savings and potential revenue augmentation noted in this report, could help to improve ALCD sustainability.

**Table 11 Potential Property Tax Shift from Expanded ALCD Boundaries**

City Uninc. County	City or County Property Tax (1)	Potential Shift if ALCD Expanded (2)	% of City or County Property Tax
Walnut Creek	\$8,502,073	\$42,200	0.5%
Lafayette (3)	\$6,142,556	\$29,600	0.5%
Danville	\$18,937,827	\$40,600	0.2%
San Ramon (4)	\$23,479,914	\$28,700	0.1%
Orinda	na	\$100	tbd
Total County (5)	\$496,949,627	<u>\$50,100</u>	0.01%
<b>TOTAL</b>		\$191,300	

- (1) General Fund property tax from FY23 Financial Reports/ACFRs unless otherwise noted.
  - (2) Estimated tax shift based on each agency's proportion of assessed value within current ALCD boundary.  
Actual shift will be determined by County Auditor.
  - (3) FY2021-22 financial report.
  - (4) FY2021-22 financial report, property tax levied for general purposes.
  - (5) County Financing Sources, FY24 (Schedule 9).
- Total property tax represents County total (incorporated and unincorporated).

**Additional Services from Expanded ALCD Boundaries**

The additional property tax and growth over time from expanded boundaries would help support additional staff and facility improvements including the addition of niches, to serve additional demand from the expanded service area. Increased sales would add to revenues and increase ALCD's Endowment Care Fund to better provide for future maintenance.

## 7 GOVERNANCE OPTIONS

In August 2023, ALCD submitted an application to LAFCO to be dissolved, whereby Contra Costa County would be designated the “Successor Agency” by LAFCO. In evaluating ALCD’s request, LAFCO may consider other governance options to determine the best course of action moving forward.

Some of the options and related actions described below are not LAFCO actions. However, LAFCO can encourage other parties to take measures subsequent to LAFCO’s action which would help to support the objective of maintaining and improving public cemetery services in Contra Costa County.

Successful implementation of the options depends on the support of multiple agencies and partners. The County of Contra Costa, BBKUCD, the cities of Lafayette and Danville, a possible newly formed foundation, and residents of ALCD could all play a partnership role in assuring the viability of the Alamo and Lafayette cemeteries. **Table 12** summarizes options listed below.

**STATUS QUO** -- Under this option, LAFCO would deny the ALCD request for dissolution. Depending on actions by ALCD, it may be possible to stabilize and improve finances and operations over time. Without such actions, ALCD facilities could continue to deteriorate and services decline.

**Option: ALCD/LAFCO/County pursue strategic planning** – Develop a plan and actions to manage costs and increase revenues.

**Option: Board of Supervisors serve as ALCD Trustees** -- the Board of Supervisors could appoint itself to serve as the ALCD Board of Trustees. This option could facilitate actions to contain costs, improve revenues and fund infrastructure by access to County expertise via the Supervisors and contracts with County departments and other service providers.

**DISSOLUTION OF ALCD** -- LAFCO dissolves ALCD and designates the County as successor agency.

**Option: Create County Service Area (CSA)** – LAFCO dissolves ALCD and designates the County as successor agency and requires creation of a CSA to assure continued collection of ALCD property tax revenues. The County would be responsible for continued maintenance and operation of the Alamo and Lafayette cemeteries using County staff and contract services.

The County is reviewing financial implications of operating the cemeteries; the “Dissolution” section below further describes County maintenance costs. The ability of the County to fund needed capital improvements and operations is unknown at this time.

**CONSOLIDATION OF ALCD WITH BBKUCD** – LAFCO would consolidate ALCD and BBKUCD into a single cemetery district.<sup>110</sup> The assets, liabilities and responsibilities of the two districts would be combined under the direction of a single Board of Trustees.

**ALTERNATIVES TO CONSOLIDATION** -- Instead of consolidating the two districts, BBKUCD could work with ALCD to help stabilize and improve ALCD’s long-term viability by providing contract services to ALCD. ALCD would help fund additional BBKUCD staff and services as needed, but at a lower cost than for ALCD alone. At the same time BBKUCD operations could benefit by reducing its costs while incurring no consolidation liabilities.

**OTHER OPTIONS** – The sale and/or relocation of the cemeteries is not considered a viable option as discussed below.

As noted previously, following dissolution the County could contract with a private or non-profit entity to handle certain operations.

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<sup>110</sup> Health and Safety Code §9027(a).

**Table 12 Summary of Governance Options**

Option	Description	Advantages	Disadvantages
<b>STATUS QUO</b>			
LAFCO denies ALCD's request to dissolve.	ALCD remains intact with no changes to its board or governance structure.	No LAFCO reorganization proceedings.  Property tax revenues levied within the District continue to be dedicated to cemetery services.	Revenues could decline as burial capacity is reached, reducing ability to fund services & facilities.  Facilities' condition could continue to decline unless changes to operations, costs and revenues.
<b>Status Quo - ALCD/LAFCO/County undertake strategic planning to manage costs and increase revenues</b>			
	LAFCO facilitates strategy session with County, ALCD, BBKUCD and other key stakeholders.	Could provide long-term improvements to ALCD finances and operations without need for governance change.	Could delay organizational change in the event strategic planning is not effective.  May incur additional costs to ALCD.
<b>Status Quo - Board of Supervisors serve as ALCD Board of Trustees</b>			
	Board of Supervisors appoint themselves as ALCD trustees.	No reorganization proceedings or other LAFCO actions required.  ALCD Property tax revenues continue.  ALCD could benefit from contractual access to County departments, expertise and financing tools.	Increases workload and responsibilities of supervisors serving as trustees.  Could dilute local representation depending on appointments.
<b>DISSOLUTION OF ALCD</b>			
LAFCO approves ALCD's proposal. LAFCO designates a "successor agency" (County) to wind up the affairs of ALCD.	The existence of ALCD and its corporate powers are terminated. LAFCO designates County as successor agency (greatest assessed value).  Successor agency (County) could continue services.	Shifts cemetery responsibility from ALCD to larger agency.  Could benefit from access to County departments & financing tools.  Could assure long-term viability as a "memorial park"	ALCD property taxes will be re-distributed to other agencies, which could include the County.  County becomes legally & financially responsible for ALCD affairs. Ability to fund capital improvement unknown at this time. Could pause new sales.
<b>Dissolution of ALCD - Creation of a County Service Area (CSA)</b>			
	A CSA is created as part of the dissolution in order to capture current ALCD property taxes.	Property tax from ALCD area continue to be dedicated to cemetery services.  Cemetery services, facilities and financing could benefit from access to County departments and financing mechanisms.	Increases responsibilities of Board of Supervisors, County dept's & staff.  Could reduce expertise & focus on cemetery operations (depending on whether contract staff are utilized). Impacts depend on level of continuing cemetery services.
<b>CONSOLIDATION OF ALCD WITH BBKUCD</b>			
LAFCO consolidates ALCD and BBKUCD into a single cemetery district.	Creates a single district, Board of Trustees and staff overseeing facilities and operations at former ALCD and BBKUCD cemeteries.	Property tax revenues previously levied within ALCD continue to be dedicated to cemetery services.  Cemetery services could benefit from economies of scale (offset by potential disadvantages to former BBKUCD).	Elected representation of each current district would be diluted.  The certain costs could increase such as travel.  BBKUCD financial and staff resources could be reduced due to need to fund deferred maintenance, facility upgrades, and additional staff or related costs attributable to ALCD.

## STATUS QUO

Under this option, LAFCO would deny ALCD's dissolution request.

Current governance by the ALCD Board of Trustees would continue. If ALCD is unable to contain its costs, maintain and improve revenues and begin to address deferred maintenance, the current level of services and condition of its facilities could continue to decline. Service hours were reduced recently, and ongoing deferred maintenance will further increase the risk of the safety of cemetery visitors and workers. The relatively small size of the district contributes to inefficiencies and more costly services.

### **Status Quo Prospects**

Property tax growth could help, over time, to fund needed staff and address deferred maintenance. Property taxes are anticipated to slow in the near-term consistent with forecasts prepared for the County budget but could improve in future years<sup>111</sup> and help to fund needed staff. Potential cost savings, particularly contracts with BBKUCD, could upgrade ALCD's cemeteries and help stabilize and increase future sales and endowment revenues. Revenues from a potential foundation and possible boundary expansion would help to stabilize and increase revenues and reserves.

ALCD potentially could reduce its costs by contracting for certain services with BBKUCD as described in the "Alternatives to Consolidation" section below. Revenue growth may be possible through a combination of endowment care fee reviews, boundary adjustments and tax sharing. If these actions are successful, ALCD's bottom line could improve and help remediate deferred maintenance. Facility improvements, in turn, could improve sales revenue and endowment care fees.

However, ALCD expenditures are likely to increase; the current budget currently represents a "bare bones" budget that relies on contract services and a single employee, the District Manager, who splits her time between ALCD and BBKUCD with occasional staff support from BBKUCD employees. Sales revenues are assumed to continue at recent levels, but this depends on the condition of the cemetery and the ability of its District Manager to meet with families and coordinate services. Recent reductions in office hours may reduce future revenues. Landscape maintenance and burials are handled by contract at a cost higher than prior ALCD grounds worker costs and could increase in the future.

While ALCD generally maintains fund balance reserves sufficient to cover operating expenses,<sup>112</sup> those reserves currently do not provide for major facility improvements and will not buffer against a significant economic decline, reduction in sales revenues, or other adverse events. Potential liability caused by a visitor or worker injury could incur significant costs. A District Manager resignation could create costly disruptions to services.

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<sup>111</sup> Contra Costa County Revenue Forecast, Nov. 2023. Beacon Economics.

<sup>112</sup> ALCD's fund balance in recent years provides at least two months of operating expenses.

**ALCD Contracts with BBKUCD for Staff and Services**

ALCD could cooperate with BBKUCD staff and Trustees to establish contract services to ALCD that could benefit both ALCD and BBKUCD. ALCD would help fund additional BBKUCD staff and services as needed, replacing existing ALCD staff (District Manager), but at a lower cost than a District Manager hired and paid by only ALCD. At the same time BBKUCD operations could benefit by reducing its costs while incurring no consolidation liabilities.

This arrangement could help achieve some of the financial benefits noted for the consolidation option and help to stabilize ALCD’s financial situation. At the same time, these contractual arrangements could avoid incurring many of the potential liabilities and other adverse impacts of consolidation.

BBKUCD could benefit from ALCD contracts for services:

1. ALCD could pay for a share of the DM’s time which could increase the DM to full time.
2. ALCD could fund an additional BBKUCD staff person (e.g., 75% to 80% of an FTE) to help manage ALCD affairs under the direction of the BBKUCD District Manager. This staff person would be at a lower cost than the current ALCD DM, helping to reduce ALCD’s expenditures.
3. The additional BBKUCD staff person, e.g., “Assistant District Manager”, would provide for BBKUCD succession planning by training an eventual DM under mentorship of the current DM.
4. BBKUCD would benefit from economies of scale and cost savings by sharing certain costs with ALCD, e.g., Endowment Care Fee studies, boundary analysis and implications, strategic planning.
5. BBKUCD costs, staff training and implementation of GIS, accounting and website and other shared services could be partially funded by ALCD thereby reducing BBKUCD costs.

Specific services, agreements and contracts, and the potential costs savings would be determined by discussions between the Boards of Trustees and management of the two districts.

**Table 13 Potential Savings from ALCD Contracts with BBKUCD**

Item	Amount
(1) ALCD pays BBKUCD to increase DM hours	\$35,400
(2) ALCD pays BBKUCD to add Assistant DM (75%)	<del>\$80,000</del>
Add'l Staff & Funding to BBKUCD	\$115,400
(3) ALCD no longer requires its current DM	<del>(\$152,400)</del>
Net (Savings) to ALCD	(\$37,000)

- (1) FY2022-23 BBKUCD DM wages, benefits and retirement (\$141,529) increased 25.0% to full-time.
- (2) Based on FY2022-23 BBKUCD Cemetery Services Coordinator wages, benefits and retirement.  
Assumes pay and benefits 25% greater than coordinator.
- (3) FY2022-23 ALCD DM wages, benefits and retirement.  
Does not include potential one-time severance costs.

### **Board of Supervisors Serves as ALCD Trustees**

If LAFCO denies the ALCD request for dissolution as described under the Status Quo option, the Board of Supervisors could appoint itself to serve as the ALCD Board of Trustees. ALCD would continue as an independent cemetery district but would be governed by the County Supervisors.

This option could facilitate actions to contain costs, improve revenues, and fund infrastructure by access to County expertise through the Supervisors and contracts with County departments or other service providers. The Supervisors as Board of Trustees could create an “Advisory Committee”, for example to include current ALCD Trustees, to provide input to Board decisions.

The financial and operational prospects for this option are essentially the same as the “Status Quo” option; no significant new sources of capital or operational funding are assumed, with the exception of possible increased property tax revenues from boundary expansion.

Supervisors as Trustees could provide experienced public leadership to facilitate opportunities to improve the ALCD such as:

- Accept the grant offered by Supervisor Andersen to help establish a non-profit foundation.
- Evaluate the use of County office space on an interim basis during re-construction of the ALCD office, or on a longer-term basis if deemed necessary and appropriate to replace the office.
- Consider and support ALCD boundary expansion and property tax sharing to increase ALCD revenues.
- Review and revise the ALCD website, policies and procedures, and other operations to better conform to current “best practices”, including CIP and strategic planning.
- Consider opportunities for financings of ALCD improvements when supportable by ALCD revenues; discuss and negotiate with the cities of Lafayette and Danville for contract maintenance and other services.
- Cooperate with BBKUCD staff and Trustees to establish contract services to ALCD that will benefit both ALCD and BBKUCD.

Depending on progress and stabilization of ALCD’s finances and operations, at a future time the Supervisors can consider appointing residents to fill the Board of Trustees.

### **DISSOLUTION OF ALCD**

Under this option, LAFCO would approve the ALCD request for dissolution and designate the County of Contra Costa as the “Successor Agency” to wind up the affairs of the district.

Because of the existing and ongoing obligations of ALCD, it is likely that “winding up the affairs” of ALCD could require a long and indefinite period while current pre-need purchases for plots and niches are honored. Maintaining the condition of the cemeteries as intended by prior payments of Endowment Care Fees could extend in perpetuity.



The County could consider “winding down” the sale of interment sites and niches. Past “pre-need” sales would be addressed on a case-by-case basis, for example by contracting with an experienced individual, company, or non-profit organization to handle arrangements and oversee the interments. ALCD has not tabulated the total number, by type, of its obligations to fulfill past sales; therefore, future County interment obligations, in the absence of new sales, are not known or predictable. Without new sales, total interments could average one per week or less based on FY2022-23.<sup>113</sup>

The cemeteries could become memorial parks, and staff costs and responsibilities to the County could be reduced. Capital improvement needs would remain but at a reduced level, for example, an onsite office would not be as necessary.

Property tax currently accruing to ALCD would be redistributed. LAFCO could recommend that property tax be transferred to the County for the purpose of “winding up the affairs” of ALCD. The disposition of these property tax funds would be at the discretion of the County unless a CSA is created as described below.

The County Board of Supervisors would be responsible for the affairs of the former ALCD and could establish an advisory board to provide input and direction. If necessary, the County could contract with private or non-profit providers with the expertise to provide cemetery services that County staff currently do not provide.

#### **Dissolution of ALCD and Creation of County Service Area (CSA)**

As part of the dissolution process, LAFCO could recommend that the County create a County Service Area (CSA) covering the same territory as ALCD for the purpose of receiving ALCD’s property tax for the purpose of continuing cemetery services and maintenance.

#### **County Costs**

The Contra Costa County Public Works Department is reviewing potential costs to operate and maintain the Alamo and Lafayette cemeteries. Preliminarily, the County estimates that landscape maintenance costs will cost approximately \$109,100 to \$130,900<sup>114</sup> for contract landscape maintenance services. This cost does not include overhead and management, sales and burial coordination, interments, and capital improvement costs.

County grounds maintenance costs are likely to be higher than prior ALCD maintenance employee costs, and similar to or higher than current ALCD private contracts (depending on costs for additional County

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<sup>113</sup> 54 total interments in in FY2022-23 (including 10 full casket burials, 28 cremation burials, and 16 urn placements in niches) equal about one interment per week.

<sup>114</sup> Correspondence 4/16/2024 with R. Johnson Special Districts Manager, Contra Costa County. Upper end of range includes 20% contingency.

administration and overhead). The County Public Works Department could also provide a range of repair services<sup>115</sup> although specialized training would be required to handle burials unless the County contracts for this service.

A preliminary review of County employee costs including benefits for County maintenance workers range from about \$40 to \$65 per hour<sup>116</sup> (plus County overhead, administrative and management costs) compared to previous ALCD grounds averaging about \$45 per hour including benefits<sup>117</sup> and current private contract landscape maintenance costs of \$60 per hour.

### **Interments and Sales**

The County would also need a staff person to manage operations and sales, and to coordinate burial services. For comparison purposes, a County Public Works “Program/Projects Coordinator” salary is about \$58 per hour, similar to the ALCD DM salary of \$59 per hour (before benefits and retirement). After adding benefits and retirement, the County Public Works position would be about \$135,000 for a ¾’s position<sup>118</sup> compared to \$152,000 for the ALCD DM (including taxes, benefits and retirement). This position would require specialized training and experience related to cemetery operations. Additional clerical support may also be required.

To the extent that the County “winds down” new sales, it may be possible to reduce this position and cost to 50 percent or less than a full-time position, or to contract for services as needed with an experienced individual, company, or non-profit organization as also noted in “Other Options” below.

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<sup>115</sup> Meeting 2/28/2024 with R. Johnson and J. Larocque, Contra Costa County Department of Public Works.

<sup>116</sup> California State Controller, Government Compensation in California, FY22, Public Works Maintenance Worker I through IV.

<sup>117</sup> Chp. 5. For example, an ALCD grounds worker at \$29 per hour received \$25,900 in pay and benefits for 0.28 full-time equivalent (FTE), or about \$92,500 if extrapolated to 1.0 FTE which is \$45 per hour (2,080 hours). See also “Landscape Maintenance”.

<sup>118</sup> A full-time 2,080 hours/year position at \$58/hour equals \$120,640 or \$96,500 for 80 percent of an FTE. A 40% “load factor” for taxes and benefits equals \$135,100 for the 0.80 FTE.

## CONSOLIDATION OF ALCD WITH BBKUCD

Under this option, LAFCO would consolidate ALCD and BBKUCD into a single cemetery district.<sup>119</sup> The assets, liabilities and responsibilities of the two districts would be combined under the direction of a single Board of Trustees.

The 2021 MSR noted “...there could be benefits and additional cost savings to transition to a single cemetery entity over time...District consolidation can help promote economies of scale, efficiencies, and cost savings, including management and administrative functions.” **Table 14** illustrates potential costs and benefits of consolidation.

**Table 14 Summary of Potential Cost Reductions from Consolidation**

Item	Amount
(1) One District Manager instead of two	(\$152,400)
(2) Increase BBKUCD DM to full time	\$35,400
(3) Addition of Assistant DM (75%)	<u>\$80,000</u>
Net (Reductions)	(\$37,000)
(4) Reducing the overall number of trustees	
(5) Board Stipends	(\$3,600)
(6) Reduced Conferences and Education costs	(\$6,000)
(7) Reduced number of financial audits	(\$8,000)
(8) Shared costs of cemetery software	(\$1,000)
(9) Reduced office supplies	(\$4,000)
(10) Shared website	<u>(\$4,000)</u>
TOTAL (Reductions)	(\$63,600)
	-13%

Other Potential Cost and/or Staff Time Savings & Efficiencies

- Adopting only one budget
- Shared accounting (reduced training hours and cost)
- Shared Capital Improvement Planning
- Shared strategic planning

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- (1) FY2022-23 ALCD DM wages, benefits and retirement.  
Does not include potential one-time severance costs.
  - (2) FY2022-23 BBKUCD DM wages, benefits and retirement increased 25.0% to full-time.
  - (3) Based on FY2022-23 BBKUCD Cemetery Services Coordinator wages, benefits & retirement.  
Assumes pay and benefits 25% greater than coordinator.
  - (4) Assumes no change in current number of trustees (three)
  - (5) ALCD Trustee stipends.
  - (6) ALCD Meetings and Education (FY24 budget).
  - (7) Audit expense inflated from FY22 \$7,200 budget.
  - (8) 50% of BBKUCD annual fees; add'l one-time costs required for setup & data entry.
  - (9) 50% of ALCD annual office supplies (FY24 projected).
  - (10) ALCD internet costs (projected FY24 is \$4,835).
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<sup>119</sup> Health and Safety Code §9027(a).

Representatives of BBKUCD and residents with BBKUCD have expressed strong opposition to the concept of consolidation. Many of the concerns could be addressed, for example, a separate zone could be created to isolate costs, revenues, deferred maintenance and infrastructure liabilities of the Alamo and Lafayette cemeteries, as allowed by State law. Whenever a board of trustees determines that it is in the public interest “...to provide different services, to provide different levels of services, or to raise additional revenues within specific areas of the district, it may form one or more zones pursuant to this chapter.”<sup>120</sup>

LAFCO could require that the combined district track the finances of the cemeteries separately for the purpose of revenue collection and allocation by area, e.g., to segregate the revenues and obligations of the Alamo and Lafayette cemeteries from the Union Cemetery. Similarly, charitable contributions to individual cemeteries could be separately tracked so that donors are assured their contributions go to their intended purpose. However, this separate accounting creates additional administrative and overhead complexity.

BBKUCD representatives also note that its representation on the Board of Trustees would be diluted and influenced by trustees representing former ALCD areas. LAFCO has some ability to determine the number of trustees, but in any case, the consolidated board would include representatives from outside the current BBKUCD boundaries.

Other concerns about consolidation relate to travel time required between the two districts. Currently the District Manager who serves both districts travels those same distances. Maintenance services for Alamo-Lafayette potentially could continue to be contracted as is currently done, without requiring BBKUCD staff to travel (unless it is more cost-effective than the current contract).

The California Association of Public Cemeteries actively opposes “...Legislation that forces consolidation of public cemetery districts or merging into cities or counties.”<sup>121</sup> Successful consolidations typically are the result of mutual agreement between the two agencies rather than a forced consolidation.

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<sup>120</sup> Health and Safety Code §9090 (a).

<sup>121</sup> See Section 3.8 Legislation at <https://www.capc.info/policies.html>

## OTHER OPTIONS

### **Sale/Transfer to a Private or Non-Profit Organization**

If LAFCO dissolves the District as requested by ALCD, the County as Successor Agency will be responsible for operational and other decisions per California statutes. A question has been raised about a sale or transfer of the cemeteries to a private or non-profit organization by the County following dissolution.

Legal restrictions, requirements for permits and authorization of relatives, and other issues would present significant barriers to a sale, lease, and/or re-location of the cemeteries. Any such action is likely to raise objections by the community and from relatives about risks to the long-term care and maintenance of those interred at the cemeteries, and preservation of their historic benefits to the community.

This action would result in the loss of the current property tax revenues of over \$400,000 annually, which account for two-thirds of total revenues needed to fund operations with no ongoing replacement revenues. The operator would still need to fund major capital improvements estimated at \$3 million to \$5 million or more. Privately operated cemeteries rely upon ongoing sales to remain profitable and are typically much larger than the ALCD cemeteries which helps them to be more cost-effective. The ALCD cemeteries are small, hilly and costly to operate, and the Alamo cemetery has no more capacity for burials to help generate profit to a private or non-profit operator.

Moving the buried caskets and cremations to another location would be extremely costly, and re-interment would require adequate land which would offset any land value that potentially could be derived from sale of the cemeteries following relocation and re-interment.

### **Contract with a Private or Non-Profit Organization**

Following dissolution, the County will be responsible for the cemeteries. One option to the County is to contract with an experienced individual, company, or non-profit organization to operate and/or help to “wind down” the obligations and affairs of the District, including fulfilling commitments to inter those who have already purchased a site. The cemeteries could then be maintained by the County as “memorial parks” utilizing ongoing property tax revenues and contributions, supplemented by endowment income and any net revenue from future interments from past sales commitments.

# APPENDIX A

## SUMMARY OF INTERMENT FEES – SELECTED CONTRA COSTA CEMETERIES

**TABLE A-1**  
**SUMMARY OF FEES AT SELECTED CENTRAL/EAST CONTRA COSTA CEMETERIES**

Cemetery	URL	FEES (1)	
		Burials (Full Casket)	Urn Niches
<b>Alamo-Lafayette (2)</b>	<a href="#">Alamo-Lafayette</a>	\$7,050-\$7,550	\$1,800-\$4,400
<b>Byron-Brentwood-Knightsen Union (3)</b>	<a href="#">BBKUCD</a>	\$3,800-\$5,600	\$600-\$1,600
<b>Oakmont Memorial Park and Cemetery</b> 2099 Reliez Valley Rd, Lafayette, CA 94549	<a href="#">Oakmont</a>	\$19,000	\$3,600
<b>Queen of Heaven Cemetery</b> 1965 Reliez Valley Road Lafayette 94549	<a href="#">Queen of Heaven</a>	\$9,000	\$3,000
<b>Memory Gardens Cemetery</b> 2011 Arnold Industrial Way Concord 94520	<a href="#">Memory Gardens</a>	\$6,600	\$2,600
<b>Oak View Memorial Park Cemetery</b> 2500 East 18th Street Antioch 94509	<a href="#">OakView</a>	\$6,400	\$3,300
<b>Holy Cross Cemetery</b> 2200 East 18th St. Antioch 94509	<a href="#">Holy Cross</a>	\$4,400	\$2,000
<b>Home of Eternity Cemetery</b> 3415 Mt. Diablo Blvd. Lafayette 94549	<a href="#">Home of Eternity</a>	\$15,900	\$5,000
<b>Hull's Walnut Creek Chapel</b> 1139 Saranape Ave. Walnut Creek 94595	<a href="#">Hull's Chapel</a>	na	\$2,000

(1) Bay Area Funeral Consumers Association - Contra Costa County Cemeteries, 9/2/2021.  
 Prices include open/close, liners, fees, subject to change; fees rounded to nearest hundred.  
 (2) ALCD fees based on schedule updated 1/16/2024; fees vary by location, and assume:  
 cost of lot (\$5k Bottom), O/C (\$1,200-\$1,700 lawn-Lafayette Hill), full liner (\$850).  
 Granite niche \$1,400-\$4,000 depending on tier, plus O/C \$400.  
 Endowment fee add'l \$800 for casket, \$300 niche.  
 (3) BBKUCD fees from 2021 MSR.

## APPENDIX B

### SUMMARY OF COSTS, REVENUES AND DM COMPENSATION – SELECTED PUBLIC CEMETERY DISTRICTS



TABLE B-1

SUMMARY OF COSTS, REVENUES AND DM COMPENSATION – SELECTED PUBLIC CEMETERY DISTRICTS

Cemetery District	County	URL	Acres	#/Type of Positions (exc. Trustees)	Positions (SCO)	Total Annual Full Burials	Property Tax (1)	Total General Revenues (1)
Alamo-Lafayette	Contra Costa	<a href="#">ALCD</a>	Alamo 3 ac. Lafayette 5 ac.		1-4	10	405,552	654,061
Byron-Brentwood-Knightsen Union	Contra Costa	<a href="#">BBKUCD</a>	18.5 ac. + 10 ac. acquisition; 14.5 ac. dev'd		6-7	32	793,727	1,121,079
Central Valley	Imperial				13		796,303	1,903,162
Chowchilla	Madera				4		347,839	579,776
Elk Grove-Cosumnes	Sacramento				7		1,093,388	1,403,300
Madera	Madera			22	22		2,218,468	3,646,699
Murrieta Valley	Riverside	<a href="#">MVCD</a>	10 ac	1 GM 1 Office Manager 3 Groundskeepers	5	125	373,746	710,464
Newcastle, Rocklin, Gold Hill	Placer				na		1,645,117	2,401,381
North County	San Diego	<a href="#">NCCD</a>	135 ac (52 ac in use)	1 GM 1 Admin Manager 2 Ops Supervisors 2 Admin. Assistants 22 Total Employees	22	305	935,947	2,305,608
Orange County	Orange		69 ac (283 acre expansion planned)	1 GM 3 Cemetery Managers 1 Finance Manager 1 Admin Manager 26 Total Employees	26	1,213	2,458,460	7,960,616
Pajaro Valley Public	Monterey			na	8		972,274	1,632,461
Palm Springs	Riverside			4 (full time; maint. cont	4		188,984	1,232,094
Placer County #1	Placer	<a href="#">PCCD#1</a>			na		na	na
Roseville	Placer				8		3,312,772	3,764,349
Summit	Riverside				11		1,567,261	2,327,185
Vacaville-Elmira	Solano				6		574,546	1,605,942
Valley Center	San Diego		3 ac (vacant cap'y for 500)	4 (pt 1/4 to 1/2?)			39,066	215,756

Sources:

- (1) State Controllers Office, file: SD\_EachDataSet\_FY2021-22\_20231030\_V2.xlsx; ALCD & BBKUCD provided by Districts.  
 ALCD & BBKUCD range shows SCO FY22 numbers vs. current lower ALCD numbers (1 employee).  
 ALCD & BBKUCD "Vacation" included in "Wages"; DM less than full-time. Full time based on 2,080 hours.
- (2) State Controllers Office Govt. Compensation in California, GCC - Alamo-Lafayette Cemetery District (2022) << Special Districts.webloc
- (3) FY2022-2023 ALCD and BBKUCD Work Position Information

TABLE B-1 (CONT'D)

SUMMARY OF COSTS, REVENUES AND DM COMPENSATION – SELECTED PUBLIC CEMETERY DISTRICTS

Cemetery District	County	URL	Acres	District Manager Wages	DM Wages per Hour (2,3)	Overtime, Other, Lump Sum (2)	Retirement (2)	District Manager Health Benefits (2)	Total DM Wages, Retirement, Other	DM Wages, Retirement, Other per Hour (3)	"COLA Reindex" (ALCD=1)	Adjusted for Cost of Living by Area
Alamo-Lafayette	Contra Costa	<a href="#">ALCD</a>	Alamo 3 ac. Lafayette 5 ac.	\$101,480	\$59		\$35,176	\$15,522	\$152,178	\$108	1.00	\$152,178
Byron-Brentwood-Knightsen Union 11545 Brentwood Blvd, Brentwood CA 94513	Contra Costa	<a href="#">BBKUCD</a>	18.5 ac. + 10 ac. acquisition; 14.5 ac. dev'd	\$138,637	\$75		\$6,561	\$0	\$145,198	\$91	0.98	\$148,161
Central Valley	Imperial			\$83,357	\$40		\$3,837	\$7,540	\$94,734	\$46	0.61	\$155,302
Chowchilla	Madera			\$55,078	\$26	\$1,345		\$21,579	\$78,002	\$38		
Elk Grove-Cosumnes	Sacramento			\$104,437	\$50		\$39,347	\$12,352	\$156,136	\$75	0.73	\$213,885
Madera	Madera			\$89,613	\$43		\$15,839	\$1,204	\$106,656	\$51	0.59	\$180,773
Murrieta Valley	Riverside	<a href="#">MVCD</a>	10 ac	\$65,000	\$31							
Newcastle, Rocklin, Gold Hill North County	Placer San Diego	<a href="#">NCCD</a>	135 ac (52 ac in use)	\$106,460 \$96,570	\$51 \$46	\$0 \$0	\$8,015 \$0	\$27,623 \$15,416	\$142,098 \$111,986	\$68 \$54	0.80	\$177,623
Orange County	Orange		69 ac (283 acre expansion planned)	\$173,432	\$83		\$22,446	\$13,071	\$208,949	\$100	0.94	\$222,286
Pajaro Valley Public	Monterey			\$84,031	\$40		\$6,348	\$12,948	\$103,327	\$50	0.87	\$118,767
Palm Springs	Riverside			\$116,029	\$56	\$7,310	\$8,267	\$22,562	\$154,168	\$74	0.75	\$205,557
Placer County #1	Placer	<a href="#">PCCD#1</a>		\$98,000	\$47	\$0	\$10,126	\$31,083	\$139,209	\$67	0.82	\$169,767
Roseville	Placer			\$100,507	\$48		\$9,199	\$24,521	\$134,227	\$65	0.80	\$167,784
Summit	Riverside			\$119,990	\$58		\$25,207	\$22,512	\$167,709	\$81	0.75	\$223,612
Vacaville-Elmira Valley Center	Solano San Diego		3 ac (vacant cap'y for 500)	\$90,852 \$24,393	\$44	\$257	\$6,840	\$22,619	\$120,568	\$58	0.77	\$156,582

Sources:

- State Controllers Office, file: SD\_EachDataSet\_FY2021-22\_20231030\_V2.xlsx; ALCD & BBKUCD provided by Districts.  
 ALCD & BBKUCD range shows SCO FY22 numbers vs. current lower ALCD numbers (1 employee).  
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- State Controllers Office Govt. Compensation in California, GCC - Alamo-Lafayette Cemetery District (2022) << Special Districts.webloc
- FY2022-2023 ALCD and BBKUCD Work Position Information



# Contra Costa County Public Works Department

Warren Lai, Director

Deputy Directors  
Stephen Kowalewski, Chief  
Allison Knapp  
Carrie Ricci  
Joe Yee

May 13, 2024

Lou Ann Texeira  
Executive Officer  
Contra Costa County Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

**RE:** Application to Dissolve Alamo Lafayette Cemetery District

Dear Ms. Texeira:

On April 10, 2024, LAFCO's consultant, Berkson Associates, presented a broad overview of the financial operations of the Alamo Lafayette Cemetery District (ALCD) and Byron Brentwood Knightsen Union Cemetery District (BBKUCD). We understand this presentation is an update of the special study commissioned by the Commission to evaluate the financial and operations issues and governance options associated with the proposed dissolution of ALCD. One of the governmental structures presented is the dissolution of ALCD where Contra Costa County (County) becomes the "successor agency." Should this occur, the Public Works Department would likely be tasked with the operations of the Alamo and Lafayette Cemeteries. It is of great concern to the County given the ALCD's services, liabilities, and financial situation, and our Department's current resources, staffing level, and lack of expertise with cemeteries. This option is not supported by the Department.

ALCD states that its mission is to provide "affordable burials to the constituents of our property tax district, while preserving local history and maintaining our park like cemeteries." We understand that these services are valued by the families in our community and the cemetery has historical significance; however, our Department is not in a position to provide these services effectively. We are not familiar with cemetery districts and would contract out all services for cemetery operations, which could further exacerbate the financial situation and not benefit the community and customers the cemetery serves.

Berkson Associates noted other governmental construction options to continue ALCD, consolidate ALCD and BBKUCD, or have a "functional consolidation" of ALCD and BBKUCD. It was noted that consolidating and sharing resources provides economies of scale and could stabilize ALCD. We are in full support of these options, specifically where

BBKUCD has an active role in providing services to the families and community. BBKUCD's purpose is to provide "efficient and dignified burial services, year-round maintenance, and preservation of interment plots" and a local cemetery district within Contra Costa County. They would be best to provide services at the Alamo and Lafayette Cemeteries.

The Commission raised some questions and comments that highlighted our concerns with management hours charged to both districts, succession planning, institutional knowledge, burial records, board oversight, and hours of operation. We understand that a report will be produced that will address the questions and comments and look forward to reviewing the report prior to LAFCO's consideration of dissolution.

Should you have any questions, please contact me at (925) 313-2180 or [warren.lai@pw.cccounty.us](mailto:warren.lai@pw.cccounty.us).

Sincerely,



Warren Lai  
Public Works Director

WL:JL:xc  
\\pw-data\grpdata\spdist\LAFCO\letter to LAFCO-ALCD Dissolution\_2024May DRAFT.docx

c: Supervisor Andersen, District II  
Supervisor Burgis, District III  
M. Nino, CAO  
L. Strobel, Deputy CAO  
S. Kowalewski, Chief Deputy  
C. Ricci, Deputy Director  
J. LaRocque, Engineering Services  
R. Johnson, Special Districts