

DEPARTMENT: County Counsel BY: Thomas P. Guarino PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

9/28/04  
10/12/04  
( ) Waive First Reading and Introduce Ordinance ( ) Waive Second Reading and Adopt Ordinance amending Chapter 8.48 of the Mariposa County Code entitled "Public Cemetery Services".

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted Ordinance No. 838 on October 27, 1992 creating Chapter 8.48 "Public Cemetery Services".

On November 10, 1992 the Board passed Resolution No. 92-578 establishing Ad Hoc Cemetery Committees for the Catheys Valley, Mariposa Town, and Coulterville Town Cemeteries.

At its meeting of September 7, 2004 the Board gave staff direction to move forward with an Ordinance to amend Chapter 8.48 of the Mariposa County Code.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		First Reading of Ordinance
Source:		Second Reading of Ordinance
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

CLERK'S USE ONLY:

Res. No.: \_\_\_\_\_  
Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
( ) Approved  
(X) Minute Order Attached ( ) No Action Necessary

10/12 Ord. No. 1012  
Ayes: 5

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended  
 No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: RAH

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California  
By: \_\_\_\_\_  
Deputy

**MARIPOSA COUNTY ORDINANCE NO. 1012**

**AN ORDINANCE AMENDING CHAPTER 8.48  
OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, Mariposa County has a number of public cemeteries under the jurisdiction and control of the County; and

**WHEREAS**, amending Chapter 8.48 will provide the means for a more efficient operation of the public cemeteries;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:**

**8.48.040 Day-to-day cemetery operations.**

The Board of Supervisors may appoint an ad hoc cemetery committee for each public cemetery vesting in them the authority to conduct day-to-day operations of their respective cemetery and control interments therein pursuant to rules approved by the Board of Supervisors as set forth below. The committees shall prepare proposed rules regarding operations/interments in the respective cemetery for Board approval. In the event that any Ad Hoc Committee does not have sufficient membership to constitute a quorum the Director of Public Works may conduct operation of the cemetery under the committees jurisdiction as set forth in this Chapter until such time as there are sufficient committee members available to constitute a quorum.

**8.48.050 Burial and plot improvement.**

No individual or any other entity shall bury a body or cremains in a public cemetery before obtaining a section, row and plot location from the cemetery committee. The cemetery committee shall confirm with the Public Works Department that the location has not been reserved and, immediately after interment, provide this information to the Public Works Department for entry on the Public Cemetery Register. Any and all plot improvements must have prior approval of the cemetery committee.

**8.48.060 Registers of public cemeteries.**

The Public Works Department shall, upon the effective date of this ordinance, prepare and maintain a register for each public cemetery containing the name, date of birth, date of death, date of burial, and place of burial of every body and cremains interred in the public cemetery. The registers shall be open to public inspection during regular business hours of the Public Works Department.

**8.48.070 Reservation of cemetery plots.**


No individual, or any other entity, shall attempt to reserve a plot or piece of land in a public cemetery without the approval of the cemetery committee. Upon approval, the cemetery committee shall provide the section, row and plot location to the Public Works Department for entry on the Public Cemetery Register as a "reserved" plot.

**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

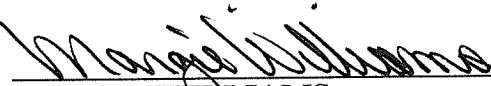
**Ordinance Amending Chapter 8.48**  
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**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 12th day of October 2004 by the following vote:


AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE

  
\_\_\_\_\_  
**GARRY R. PARKER**, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
**MARGIE WILLIAMS**  
Clerk of the Board

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
**THOMAS P. GUARINO**  
County Counsel



# COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

GARRY R. PARKER, CHAIR  
DOUG BALMAIN, VICE-CHAIR  
LEE STETSON  
BOB PICKARD  
JANET BIBBY

DISTRICT IV  
DISTRICT II  
DISTRICT I  
DISTRICT V  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: TOM GUARINO, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 8.48 OF THE  
MARIPOSA COUNTY CODE ENTITLED, "PUBLIC CEMETERY SERVICES"

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 28, 2004

#### ACTION AND VOTE:

Tom Guarino, County Counsel;

A) Waive First Reading and Introduce Ordinance Amending Chapter 8.48 of the Mariposa County Code Entitled, "Public Cemetery Services"

**BOARD ACTION:** Tom Guarino initiated discussion. Supervisor Parker stated he feels the Cemetery Committees should be considered advisory and issues should be subject to final approval by the Board. Tom suggested that as the Committees are constituted, their rules could state that any disagreement would come to the Board. Rich Inman, County Administrative Officer, agreed that as the Committees establish their rules/by-laws, this could be included.

Paul Chapman asked about bringing the County into compliance with the State law requirements for the maintenance and upkeep of cemeteries. Supervisor Bibby asked that County Counsel review this matter. Tom Guarino suggested that the inquiry as to the status of maintenance on the cemeteries be directed to Public Works.

(M)Pickard, (S)Balmain, the first reading was waived and the Ordinance introduced. Supervisor Parker asked about the status of a pending issue and was advised that it has been resolved. Supervisor Balmain clarified the Board's action to move the responsibility for the cemeteries from Community Services to Public Works, to give the Public Works Director the authority to make decisions if a committee is not in place, and that the committees are advisory to the Board. Chairman Parker added that as the committees rules are formed, they will include appeal rights to the Board. The Clerk of the Board read the title of the ordinance into the record. Ayes: Unanimous.

cc: File