

Kern River Valley Public Cemetery District
Minutes of the Regular Board of Trustees Meeting – Tuesday, June 11th, 2024 @ 1:00 PM

KERN RIVER VALLEY PUBLIC CEMETERY DISTRICT
MINUTES OF THE REGULAR BOARD OF TRUSTEES MEETING
Tuesday June 11th, 2024 @ 1:00 PM
District Office: 8441 Burlando Road Wofford Heights, CA 93285 County of Kern

Present: Harry Schustz, Chairperson/President, Board of Trustees
Kathy Agapiou, Vice Chair/Vice President, Board of Trustees
Esteban Olivares, Member, Board of Trustees
Michael Ryan, Member, Board of Trustees
John Blythe, District Administrative Assistant
(One seat on the Board of Trustees is vacant.)

Guests: Ryan Brannon, Account Manager – GSRMA *(via phone)*
Kevin Brejnak, Auditor *(via phone)*

Absent: Danny Brown, District Management Consultant

- A. CALL TO ORDER: Meeting was called to order by Chairperson Schustz at 1:00 PM
- B. ROLL CALL ROLL CALL – QUORUM PRESENT (4 Trustees Present; 1 Seat is Vacant)
- C. PLEDGE OF ALLEGIANCE AND INVOCATION: Chairperson Schustz gave the Pledge of Allegiance and Invocation.
- D. PUBLIC COMMENT, REQUESTS AND PRESENTATIONS: There were approximately 20 members of the public, including 3 from the news media at this meeting. The following gave public comments:

Marie Wiley: Observer

Tamela Ashlock: Is very involved with Daughters of the American Revolution and was working on identifying the Veterans projects with Laura Kyt. Believes this small community has great values and the Kyts had loyalty to the cemetery and worked tirelessly for it.

Craig McCoy: His family and friends are close friends of Randy Kyt and Randy maintained great work for the cemetery. Would like to see Rany reinstated as District Manager.

Chris Henry: Observer

Paula Henry: Supports Randy and his work for the cemetery.

Jay Lindstrom: Active in the Catholic Church. Read the Grand Jury report and wanted to come to the meeting to see what everything was about as he had heard rumors regarding the cemetery district. He feels the district needs a much larger operating budget as working on a quarter of a million budget is not sustainable.

Jenny Hanley: Here as an observer, previously served on the district's board of trustees for many years including two terms as board chair/president.

Orion Sanders: He is the president of the Kernville Chamber of Commerce and is very concerned about the cemetery district.

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Catherine Stachowiak: Reporter of the Kern Valley Sun

Corey O’Leary: Reporter from ABC 23 News.

Michael Brownell: A member of the American Legion, and read a letter from a local veteran’s family who could not get buried and is waiting to be interred. He is very disappointed with the district that the termination of the Kyts’ took place shortly after Memorial Day. He feels a contingency plan should have been in place to not leave families waiting.

Bill Becker: Reporter from Kern River Radio.

Rob Guidry: (see addendum #1, letter submitted to the board)

Andrea Mullens: Supports Randy Kyt, and is aware that the district has applied for grants that he took the time to research. He was a very dedicated employee to the district.

Jerry Moffatt: Has known Randy Kyt for over 50 years and was approached by Randy to consider serving on the district board of trustees this past November after Veterans Day ceremony. He worked with Randy back in the 1970’s at the old Safeway Supermarket. Is extremely troubled by Randy and Laura’s termination and the specific issue of nepotism is nothing new and read through the Grand Jury’s findings and seemed more directed at the board, and not with the district’s management. Mr. Moffatt asked Assistant Blythe with relation to additional hours that was approved at a recent special board meeting through a motion made by Trustee Ryan, and further asked if Trustee Ryan was employed at Paradise Cove which is Blythe is a minority owner with his mom, Pam and was started back in the 1950’s by his grandfather Bo Williams. Assistant Blythe responded that as per consultant Danny Brown, additional interim hours were given to try and expediate getting the minutes and audits caught up and that Trustee Ryan is retired county probation employee and occasionally volunteers bartending at the Cove, but is not employed. Mr. Moffatt also asked Chairperson Schustz to sign the Kyts’ final paychecks as they had not been signed and suggested that Randy and Laura come back to the district to assist the new district manager and staff.

John Newman: Is an active member of the Kern River Valley Historical Society. Would like to see some resolve and positive results at the cemetery district.

Janet Cormack: Agrees with the sentiments said today about Randy and Laura Kyt. Their lives were truly entrusted and dedicated to the betterment of the cemetery.

Tom Cormack: Has known Randy Kyt for 40 years. He knows Randy has been a faithful employee and worked on so many issues from the water problems to the big blue mine. Randy was a compassionate employee as well as a human being. Mr. Cormack feels the county needs to get smart about addressing the district’s problems and a plan forward to run the cemetery district.

Diana Anderson: Observer.

E. CONSENT AGENDA:

1. Regular Board Meeting Minutes – May 14, 2024
2. Special Board Meeting Minutes – May 28, 2024

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3. Special Board Meeting Minutes – June 5, 2024

Motion to approve consent agenda items by Trustee Agapiou; second by Trustee Olivares and passed.

- F. **MANAGER CONSULTANT’S REPORT:** Danny Brown, District Management Consultant
Mr. Brown was absent from this meeting due to budget preparation obligations today with his responsibilities at the South Kern Cemetery District. Administrative Assistant Blythe gave a brief overview on Mr. Brown’s behalf that the board appointed him interim to serve as a consultant to whoever the board decides to appoint as District Manager. As per Mr. Brown, he has recommendations on how to drastically overhaul and improve the District’s day to day operations, reducing the work and paperwork load, saving money and eliminating positions that are not necessary. Mr. Brown was given an orientation of the District last week. He shared with Chairperson Schustz that he was somewhat stunned by the depth of the District’s issues, but is willing to be available whenever he can to bring the District back to solvency.
- G. **ADMINISTRATIVE UPDATE:** John Blythe, District Administrative Assistant
Mr. Blythe reported to the board that he has started transcribing the minutes backlog from May, 2020 through 2024. He is hoping to get the backlog of minutes finalized by mid-July time frame and eventually uploaded to the District’s website as per Government Code and is working from notes and files that are available. Assistant Blythe also reports that Financial Accountant David Bruner will be at the District next week to wrap up reconciliations for Fiscal Years 2016-17 and 2017-18 and should be ready for Auditor Kevin Brejnak hopefully by July as the District’s audits dating back to the FYE 2016-17 has been out of compliance with Government Code. Mr. Blythe also addressed areas of misinformation in last week’s edition of the Kern Valley Sun (6-5-24). He will refer to Mr. Brown if there have been any improprieties of monies collected/expensed from services between the District and the local mortuary. Assistant Blythe also clarified the District’s board members are not salaried but are paid a stipend per meeting of \$50 as per Kern County Ordinance. The District is currently not operating on Cal-Water and is not planning to go on Cal-Water to the best of his knowledge; and the District is not merging with the Tehachapi or South Kern Cemetery Districts. Assistant Blythe did indicate that a few years ago, Mr. Brown gave the board an orientation on proposing the idea as so many special districts were struggling financially, but it never made it through the discussion phase. Assistant Blythe also indicated that any plans have to be done through LAFCO first, not through the Kern County Board of Supervisors. Orion Sanders, from the public, indicated that his recent conversation with Supervisor Peters said they were talking about again. Assistant Blythe stated that since he has been off the District’s board of trustees, he has not heard any further discussion about it in the District’s board meetings, but if this is the case, the public and the District’s board needs to be kept informed about it and not left in the dark. Assistant Blythe also brought to the attention of the Board of Trustees the fact that the website needs the contact information and biographies of each Trustee as that is required by law and provides notice to the constituents they are serving. He also suggests that the CalPERS issue at the District be brought back onto the agenda for future board meetings. Assistant Blythe feels that once the District’s finances are ironed by Accountant David Bruner, the Board can have access to monthly balance sheets, the accrued liability of CalPERS will be more transparent.
- H. **FINANCIAL AND AUDIT UPDATES TO BOARD:** David Bruner, Financial Accountant
Kevin Brejnak, Auditor

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Accountant Bruner was unable to attend the meeting over the phone due to prior obligations, so Auditor Brejnak was available over the phone to help answer questions related to the audit preparation for the backlog of the District's finances dating back to Fiscal Year 2016-17. Auditor Brejnak concurs with Assistant Blythe that the District has been out of compliance with Government Code 26909 since FYE 2016-17 which all special districts in the State of California must prepare an audit after the conclusion of each fiscal year. Auditor Brejnak has been in communication with Accountant Bruner and the progress made going through the cash accounts, general ledgers, and receipts with relation to account balances. Assistant Blythe shares with Auditor Brejnak that he and Accountant Bruner have recently made a great deal of progress, and FY 2016-17 is essentially ready to go. Assistant Blythe shares that Accountant Bruner will be in communication with Auditor Brejnak about closing out FY 2016-17 within the next week; Accountant Bruner will be back to the district at least every other week to do reconciliations to FY 2017-18 and FY 2018-19 and at very minimum FY 2017-18 and possibly even FY 2018-19 should also be delivered to Auditor Brejnak by mid to late July at the very latest. Auditor Brejnak said this will be great to have two or potentially three fiscal years ready for audit back to back.

I. NEW BUSINESS:

1. District Utility Truck: This utility vehicle has been on the Kyt's (former management) property for several years and there was discussion on removing it from the property. A motion was made by Trustee Olivares to call one of the local towing companies to have it removed from their property; second by Trustee Ryan and passed.
2. Contract with Financial CPA David Bruner: Accountant Bruner has not yet made contract modifications for the board at this time. No action taken.
3. Contract with Auditor Kevin Brejnak: Auditor Brejnak has not yet made contract modifications for the board at this time. No action taken.

J. OLD BUSINESS: None.

K. BOARD MEMBER ANNOUNCEMENTS OR REPORTS NOT APPEARING ON THE AGENDA:

Trustee Agapiou: Shared her concerns on rectifying resources such as addressing the water issues and the grounds keeping moving forward.

Trustee Olivares: Agrees that the water issues on the district's property needs a serious review. He will look into seeing if any additional water grants are available.

Trustee Ryan: Would like further inquiries and information sought to utilizing the water from the Big Blue Mine as several federal studies and correspondences were already conducted by former management.

Chairperson Schutz: Thanked the public for all of their input. The district recently has voted to go back to a once a month meeting starting the second Tuesday of every month at 1:00 PM.

L. NEXT REGULARLY SCHEDULED MEETING: Tuesday July 9, 2024 at 1:00 PM

M. MOTION TO ADJOURN: Trustee Ryan moved to adjourn the meeting at 1:58PM and was seconded by Trustee Olivares and passed.

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Respectfully submitted by
John Blythe

John Blythe
Administrative Assistant

Addendum:

1. Letter Submitted to Board of Trustees from Robert Guidry

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Lake Isabella Valley Mortuary
5108 Lake Isabella Blvd.
Lake Isabella, CA 93240
760-379-5006

Kern River Valley Cemetery
Board of Trustees
P.O. Box 215
Wofford Heights, CA 93285

Dear Trustees,

The disrespect that was displayed by the two trustees present at the special "closed session" board meeting on June 5th was especially concerning to me when just before the meeting began these board members were passing written notes in my presence and even went outside to converse before the meeting. I was ushered out of the building when the session was closed, but the three individuals present were able to stay with the board for the closed session discussion. This unethical behavior just shows the level of disregard that those members have in service to the public of which they are appointed.

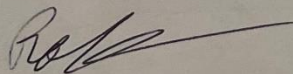
I believe that the posting of the special meeting for June 5th was not posted within 24 hours as required by law. I checked and others checked the website. I believe it was not posted timely. Government transparency is necessary for the public to have an opportunity to attend these meetings. Calling special meetings without notifying the public properly is a violation.

Also, I may have used the phrase that the trustees were paid a salary when I should have said that the trustees were paid a stipend. It is unethical for trustees to lie particularly Trustee Ryan when he said he was not paid to serve as a trustee. It is my understanding that trustees are paid a \$50 stipend per meeting.

At this meeting I presented to you a California Disposition of Human Remains Permit along with a phone number to contact a family that was traveling from Arizona who were wanting to inter their mother on Monday June 10th. This family was not called by a board member or your administrative assistant. They traveled all the way from Arizona and no one was there to provide cemetery services. Lake Isabella Valley Mortuary and the community at large need these vital services. This is disgraceful and inexcusable.

I demand that this letter is attached to the minutes as written this day, June 11, 2024. I demand that my words are not transcribed by the administrative assistant who prepares the minutes.

Respectfully,



Robert Guidry