

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 1115 (Grove) – As Amended April 23, 2026

SENATE VOTE: 38-0

SUBJECT: Public cemetery districts: board of trustees: County of Tulare.

SUMMARY: Allows a public cemetery district in Tulare County or the County of Tulare Board of Supervisors to remove a trustee, as specified. Specifically, **this bill:**

- 1) Authorizes the board of trustees of a public cemetery district in Tulare County to adopt a resolution to remove a trustee for substantial neglect of duty, gross misconduct in office, or causing the board to be unable to discharge its duties. The resolution shall specify the reason for removal.
- 2) Specifies that a trustee who is subject to removal pursuant to 1), above, shall not vote on their own removal.
- 3) Provides that, prior to removal pursuant to 1), above, a trustee shall be entitled to receive all of the following from the board of trustees:
 - a) The reasons for their removal, in writing.
 - b) At least one week's written notice of the public meeting location where the board of trustees will vote on their proposed removal.
 - c) The opportunity to respond to, or rebut the, reasons for their removal in writing and at the public meeting described in b), above.
- 4) Specifies that, if a board of trustees of a public cemetery district in Tulare County adopts a resolution that orders the removal of the trustee, the Tulare County Board of Supervisors shall promptly appoint a person to the board of trustees to fulfill the remaining term of office, consistent with existing law.
- 5) Authorizes the Tulare County Board of Supervisors to adopt a resolution proposing removal of a trustee from the board of trustees of a public cemetery district in the County of Tulare. The resolution shall specify the reason for removal.
- 6) Provides that within 60 days of adopting a resolution pursuant to 5), above, the Tulare County Board of Supervisors shall consider the resolution at a public hearing. The Tulare County Board of Supervisors shall give notice of its hearing by publishing a notice, pursuant to existing law, in at least one newspaper of general circulation within the jurisdiction of the district at least 10 days before the hearing. In addition, the Tulare County Board of Supervisors shall mail a notice at least 10 days before the hearing to the district and any other person who has filed a written request for notice with the clerk of the Tulare County Board of Supervisors.

- 7) Specifies that at a public hearing described in 6), above, the Tulare County Board of Supervisors shall receive and consider written or oral comments regarding the resolution. After receiving and considering those comments, the Tulare County Board of Supervisors may adopt a resolution that orders the removal of the trustee.
- 8) Provides that if the Tulare County Board of Supervisors adopts a resolution that orders the removal of the trustee, the Tulare County Board of Supervisors shall promptly appoint a person to the board of trustees to fulfill the remaining term of office, consistent with existing law.
- 9) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable because of the unique circumstances in Tulare County pertaining to well-documented deficiencies of management of cemetery districts within the county.

EXISTING LAW:

- 1) Provides, Pursuant to Public Cemetery District Law, various provisions relating to the establishment of public cemetery districts, including the formation of a district, the selection of a district governing board, and the powers and duties of the board [Health and Safety Code (HSC) § 9000 et. seq].
- 2) Sets the term of office for a member of the board of trustees at 4 years, subject to certain exceptions (HSC § 9024).
- 3) Prohibits a board of supervisors from reducing the term of office of a trustee once the trustee has been appointed to that term (HSC § 9024).

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary.** This bill allows the board of trustees of a cemetery district in Tulare County to adopt a resolution to remove a trustee for certain causes. Prior to removal, a notice must be provided with a notice and an opportunity to respond. If a trustee is removed, the Board of Supervisors must promptly appoint a new trustee.

This bill also allows the Tulare County Board of Supervisors to adopt a resolution proposing the removal of a trustee from a cemetery district in Tulare County. The resolution must be considered at a public hearing, and after receiving and considering comments, this bill allows the Board of Supervisors to adopt a resolution that orders the removal of the trustee. If the Board of Supervisors adopts the resolution to remove the trustee, it must promptly appoint a person to the board of the cemetery district.

Tulare County is the sponsor of this bill.

- 2) **Author's Statement.** According to the Author, "Recent dysfunction and management failures at the Tulare County Public Cemetery District have exposed critical gaps in existing law, leaving the Board of Supervisors without clear authority to address substantial neglect of duty, misconduct, or situations that prevented the board from fulfilling its responsibilities to the community. SB 1115 provides a targeted solution by authorizing Tulare County

Supervisors to remove a trustee for specified causes through a resolution, while ensuring due process with proper notice and an opportunity for the trustee to respond.”

- 3) **Cemetery Districts.** The Legislature passed the law creating public cemetery districts over 100 years ago [SB 524 (Roseberry), Chapter 106, Statutes of 1909]. Legislation codified the state laws governing public cemetery districts as part of the original Health and Safety Code in 1939 [SB 657 (Mixer & Foley) Chapter 60, Statutes of 1939]. In 2003, the Legislature undertook a thorough review of the entire statute through a 21-member appointed “Working Group on Revising the Public Cemetery District Law” to enact the statute existing today [SB 341 (Senate Local Government Committee), Chapter 57, Statutes of 2003].

California has more than 230 public cemetery districts, which are independent local government entities that operate cemeteries and provide interment services, mostly in rural areas and suburbs that were formerly rural communities. A board of trustees must have at least three, but not more than five, registered voters from within the district’s boundaries to govern a cemetery district. Each trustee has a fixed term of four years. All members are appointed by the board of supervisors after adopting a resolution. A board of trustees may adopt a resolution to decrease or increase the number of board members with approval of the county. Each board of trustees is required to meet at least once every three months. Existing law states that all trustees must exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of Cemetery District Law, and that the trustees must represent the interests of the public as a whole and not solely the interests of the board of supervisors that appointed them.

The county board of supervisors may, by adopting a resolution, appoint itself as the board of trustees or subsequently divest themselves of that authority. Within 60 days of the County adopting a resolution to either appoint itself as the board of trustees or to divest itself of that authority, the board of supervisors must hold a public hearing on the question of whether the board should govern the district. The board must then provide notice of the hearing by publishing it in a newspaper and by mailing the notice to the district and any other person who has filed written request for notice. The Board of Supervisors must also hold a protest hearing a protest hearing to determine governance. If more than 10% or more registered voters protest the proceedings, then the board of supervisors may, with a 4/5ths vote, override those protests.

The cemetery districts finance their operations with small shares of local property tax revenues, by selling interment rights, and by charging for their services. Cemetery districts must have endowment care funds and must charge endowment fees to help pay for maintaining district cemeteries.

- 4) **Tulare County.** According to the State Controller’s 2024 financial reporting database, Tulare County has at least 11 public cemeteries districts. In recent years, and as noted in a number of news articles, the five-member board of trustees for the Tulare Public Cemetery District has experienced issues that raised concerns about its governance and operations, including a number of disinterments to address incorrect burials.

According to an October 30, 2025 article titled “Tulare Public Cemetery District manager fired today at special meeting” by the *Valley Voice*, “Not long after Bernardo was hired in June 2021, some trustees, community members, and family members of loved ones buried in

the cemetery complained about excessive spending, constant litigation, and the poor condition of the grounds. They alleged that Bernardo was mismanaging the cemetery, and that her management along with other headwinds the district faced caused turmoil among the employees and at cemetery district board meetings.

“At board meetings, members of the public would voice their concerns about the district’s perceived mismanagement even though the majority of the board supported Bernardo. At one point, then-board member Charlie Ramos was heard on a recording calling some of Bernardo’s critics ‘a cult.’ That push-and-pull erupted in a spectacular fashion at the district’s May 22, 2025 board meeting – the last meeting held with an independent board before the Tulare County Board of Supervisors took control – when the board’s former chair called a meeting to order and adjourned it within 12 seconds.

“After that meeting, the district’s insurance company, Golden State Risk Management Authority, threatened to terminate the cemetery’s insurance policy unless drastic measures were taken, leading the supervisors to place themselves on the cemetery district’s board – a move that was welcomed by all sides. Members of the most recent board, trustees Steve Presant, Charlie Ramos, Michelle Lima, Xavier Avila and Patricia Hitlin, all resigned.”

The article also notes that, in July 2025, the Tulare County Board of Supervisors voted to assume control of the cemetery district board and later dismissed the manager of the cemetery district.

- 5) **Policy Consideration.** There are two general types of special districts, independent and dependent. Most independent special districts have governing boards that are separately elected by the voters that reside within the district; however, some independent special district boards are appointed to fixed terms, like cemetery districts. Dependent districts operate more like a city or county department and have boards that are the same as the city council or county board of supervisors serving as ex officio members. Most independent special districts were created with the approval of a community that has chosen to have a separate agency that is not affected by the potential governance decisions of a city or county.

Under existing law, public cemetery districts operate as separate local government entities with a degree of autonomy. Existing law also requires all trustees to exercise their independent judgment and represent the interests of the public as a whole and not solely the interests of the board of supervisors that appointed them. However, this bill would give the Tulare County Board of Supervisors the option to remove a trustee individually and then appoint a replacement without taking on the additional burden of governing the cemetery district. Further, opponents argue that this bill sets a precedent for increased county intervention in an appointed-independent special district.

A county board of supervisors already has the authority to select appointees for the board, remove all the trustees, and take control of the cemetery district. Tulare county used this authority to appoint itself as the board of trustees just last year. If the county divests its authority over the district, it can then appoint a new board to govern the district. Given this example where Tulare County used existing remedies to obtain governance over a cemetery district, is it necessary to grant the county the additional powers to remove a board member as currently provided in this bill? In light of all of the circumstances in Tulare County, the Committee may wish to consider if the ability to remove a board member of an independent

cemetery district ultimately diminishes its independence and if existing law already provides sufficient remedies.

- 6) **Committee Amendments.** In response to the policy consideration above, the Committee may wish to amend this bill as follows:

9033. (a) Notwithstanding Section 9024, the Tulare County Board of Supervisors may adopt a resolution proposing ~~the removal of~~ **to remove** a trustee from the board of trustees of a public cemetery district in the County of Tulare **for substantial neglect of duty, gross misconduct in office, or causing the board to be unable to discharge its duties.** The resolution shall specify the reason for removal.

(b) Within 60 days of adopting a resolution pursuant to subdivision (a), the Tulare County Board of Supervisors shall consider the resolution at a public hearing. The Tulare County Board of Supervisors shall give notice of its hearing by publishing a notice pursuant to Section 6061 of the Government Code in at least one newspaper of general circulation within the jurisdiction of the district at least 10 days before the hearing. In addition, the Tulare County Board of Supervisors shall mail the notice at least 10 days before the hearing to the district and any other person who has filed a written request for notice with the clerk of the Tulare County Board of Supervisors.

(c)**(1)** At the public hearing described in subdivision (b), the Tulare County Board of Supervisors shall receive and consider any written or oral comments regarding the resolution **adopted pursuant to subdivision (a).** After receiving and considering those comments, the Tulare County Board of Supervisors may adopt a resolution that orders the removal of the trustee **subject to the requirements of subdivision (c)(2), as applicable.**

(2) In the case of a district that has a board of trustees appointed by the board of supervisors, at the conclusion of the hearing, the board of supervisors shall make a finding regarding the value of written protests filed and not withdrawn. The board of supervisors shall also take one of the following actions:

(A) If the written protests filed and not withdrawn are less than ten percent of the registered voters of the district, adopt a resolution, by a majority vote, that orders the removal of the trustee. In that case, the term of any trustee removed by the board of supervisors shall terminate immediately.

(B) If the written protests filed and not withdrawn are ten percent or more of the registered voters of the district, determine that the proposed change in governance is necessary to protect the public health, safety, and welfare. If the board of supervisors makes that determination, the board of supervisors may override those protests and, by a four-fifths (4/5) vote, adopt a resolution that orders the removal of the trustee. In that case, the term of any trustee removed by the board of supervisors shall terminate immediately.

(C) If the board of supervisors does not adopt a resolution pursuant to paragraph (B), the board of supervisors shall adopt a resolution that terminates the proceedings to change the governance of the district.

- 7) **Arguments in Support.** According to the sponsors, Tulare County, “SB 1115 establishes a clear, transparent process for the removal of cemetery district trustees in cases of substantial neglect of duty, misconduct, or circumstances that prevent the Board from carrying out its responsibilities. This measure is a targeted and appropriate response to well-documented challenges that have impaired the effective administration and oversight of certain cemetery

districts in our region.

“The bill appropriately balances accountability with due process by requiring written notice, an opportunity to respond, and public hearings prior to any removal action. In addition, it ensures continuity of governance by requiring the Tulare County Board of Supervisors to promptly appoint a replacement to complete the remainder of the term.

“Cemetery districts provide essential services to our community, and effective governance is fundamental to maintaining dignified, respectful operations. By addressing governance gaps through a narrowly tailored, locally focused solution, SB 1115 strengthens oversight while respecting local control.”

- 8) **Arguments in Opposition.** According to the California Special Districts Association, “Public cemetery districts are distinct from most other types of independent special districts by virtue of how their trustees come to occupy their positions – public cemetery district trustees are appointed by a county board of supervisors to fixed, four-year terms, unlike most other independent districts whose board members are directly elected by the public. While a county board of supervisors exercises the authority to appoint trustees to the public cemetery district’s board, trustees are then supposed to be empowered to exercise their independent judgment on behalf of the public cemetery district. Notably, a county board of supervisors also possesses the authority to remove an entire public cemetery district board of trustees and take over the administration of the public cemetery district, and it can also choose to divest itself of its authority to administer a public cemetery district. In this way, a county board of supervisors retains the means to intervene in the operations of a public cemetery district in the event that a public cemetery district ceases to function in the orderly fashion expected by local residents.

“SB 1115 would create unprecedented removal procedures for individual public cemetery district trustees in Tulare County, and therefore requires a thoughtful and cautious approach so as not to undermine the governance principles inherent in the underlying enabling act.

“CSDA appreciates the challenges that the cemetery industry, public and private, has faced, largely driven by economic and market-based factors that often result in insufficient funding necessary to effectively staff and govern. We understand the acute challenges experienced in Tulare County. While we maintain critical concerns that the approach in SB 1115 could have detrimental unintended consequences, nonetheless, based on our conversations with the author’s office, we are optimistic we can find a workable path forward, and it will be our firm goal to find language that can improve outcomes without unintended consequences.”

REGISTERED SUPPORT / OPPOSITION:

Support

Tulare County [SPONSOR]
City of Tulare

Opposition

California Special Districts Association

Analysis Prepared by: Jimmy MacDonald / L. GOV. / (916) 319-3958