

Grand jury buries South Tahoe cemetery with criticism

By Kathryn Reed



A rebuke almost loud enough to wake the dead was issued by the El Dorado County Grand Jury against the Happy Homestead Cemetery District – its board of directors in particular.

In bold the document says, “The HHCD Board of Directors failed to respond to the Grand Jury.”

This civil grand jury, made up of 19 county residents, is tasked with investigating a slew of complaints. Seventeen investigations garnered a report by the 2009-10 El Dorado County Grand Jury. A story about the chaos in South Lake Tahoe can be read [here](#).

Although names are not used in the report, titles are. Usually the person filing the complaint is not identifiable – not so in the case of the cemetery. The report says it was the county’s auditor-controller who had issues with the cemetery on Johnson Boulevard in South Lake Tahoe.

Joe Harn has not paid the bill in question because he doesn’t believe it would be legal to do so.

“The Happy Homestead Cemetery District seems to have an unusually intense desire to make payments to Substitute Personnel,” Harn told *Lake Tahoe News*. “We’ll continue to do our best to ensure we only make lawful payments for the Happy Homestead Cemetery District.”

A retroactive \$2,272 payment to Coco Kelly as owner of Substitute Personnel, who provided a temporary worker to the district, and a latter \$3,000 settlement agreement, are the issues.

“According to testimony received, both of the above actions were encouraged by the HHCD legal counsel,” the report says.

Not included in the report is the fact that the board agreed to pay the \$3,000 out of the endowment fund.

The grand jury met with the five board members (Joe Tillson, John Poell, Del Laine, John McChesney and Linda Mendizabal) as a group. The district’s attorney, Dennis Crabb, is referenced quite a bit by title.

Neither Tillson, the chairman of the board, nor Crabb returned calls.

“The HHCD position with respect to these issues was received in a letter sent after the Board was interviewed by the Grand Jury. The HHCD letter cites two obscure court precedents in support of the contention that a retroactive pay increase should be permitted and that the settlement agreement should be paid,” the report says.

It goes on to say, “... retroactive claims that increase compensation are considered unconstitutional.”

An April letter signed by the grand jury foreman asked the cemetery board for three documents. The foreman asked to be called if the documents did not exist. No call was made. The board didn’t respond at all to the investigating body’s request.

The grand jury wants the cemetery board to explain by the retroactive pay is not an unconstitutional gift of public funds, prove the settlement agreement is legally justified, and why paying either claim doesn’t violate the state

Constitution.

Other items covered in this year's grand jury report:

- A recommendation for the Board of Supervisors to have all elections vote by mail.
- Extreme criticism of how the Board of Supervisors went about trying to obtain property for an animal shelter on the West Slope.
- A suggestion to review and update the county's fee waiver policy.
- Have a comprehensive assessment of administrative services in county government.
- Each year both jails are looked at. In South Lake Tahoe, the recommendations are to provide better security and surveillance cameras, and a structural engineer should be called out to look at the cause of leaks. The staff was commended for the variety of programs for inmates and the culinary arts program.
- Having the multitude of special districts create websites so constituents can easily access information. Internet access in the county should be increased. The grand jury found 52 percent of households in the county have good to excellent Internet access; 39 percent have fair to good access; 5 percent have poor to fair access; and 4 percent have no access.