

Cemetery Memorial Park: A Follow-Up Report

Summary

The Ventura County 2005-2006 Grand Jury (current Grand Jury) received a complaint focusing on the validity of the claim by the City of San Buenaventura (Ventura) to own and control the property known as Cemetery Memorial Park. This new complaint referred to the report “Public Right to Public Records and Cemetery Memorial Park” [Ref-01] issued by the Ventura County 2004-2005 Grand Jury (prior Grand Jury) and asserted that the Ventura City Council has failed to bring this issue to a proper closure.

The current Grand Jury concluded that the issue regarding the title to Cemetery Memorial Park is well documented in Ref-01. In reviewing that report, however, the current Grand Jury noted that past commitments by the City of Ventura relative to Cemetery Memorial Park were not fulfilled, primarily because of budget constraints. Therefore, the current Grand Jury recommends that the City of Ventura identify the source of funds necessary to meet the plans presented in response to Ref-01 and to publish a schedule for implementing those plans.

Background

The prior Grand Jury received a complaint that the City of Ventura was not in compliance with the California Public Records Act. The investigation of that complaint expanded into addressing the history and status of Cemetery Memorial Park, the subject of the public records sought by the complainant. The prior Grand Jury concluded its investigation by issuing Ref-01. Attached was a history of Cemetery Memorial Park, including an analysis of the ownership of the property. The City of Ventura responded [Ref-02] to the recommendations in that report.

The current Grand Jury reviewed Ref-02 and determined the responses to be acceptable. Within those responses, the City of Ventura summarized plans to correct deficiencies in the treatment of what is a burial ground. The new complaint effectively questioned whether the City of Ventura will indeed implement those plans and whether the City has proper ownership of Cemetery Memorial Park to undertake such an effort.

Methodology

The current Grand Jury reviewed the report of the prior Grand Jury. Archives at the Ventura County Museum of History and Art were examined. The Ventura City Attorney was interviewed. As a result of that interview, a letter (Attachment 1) was received from the City’s Parks Division providing more details of how the City plans to address issues regarding Cemetery Memorial Park. The Manager of the Parks Division was then interviewed to obtain clarification. Correspondence from the firm that performed the ground-penetrating radar survey of Cemetery Memorial Park was reviewed.

Findings

- F-01.** Ref-01 contained 35 findings (F-11 through F-45) with respect to Cemetery Memorial Park.
- F-02.** In the 1960s, the City of Ventura proposed improvements at Cemetery Memorial Park (Attachment 3 to Ref-01) but never implemented those plans because of a lack of funding.
- F-03.** “A Brief History of Cemetery Memorial Park” (Attachment 1 to Ref-01) devoted ten paragraphs to the chain of ownership issue.
- F-04.** Ref-01 contained 13 conclusions (C-05 through C-17) with respect to Cemetery Memorial Park.
- F-05.** All four recommendations in Ref-01 (R-01 through R-04) addressed Cemetery Memorial Park.
- F-06.** Examination of the archives of the Ventura County Museum of History and Art uncovered no information about the title to Cemetery Memorial Park that differed significantly from what was presented in Ref-01.
- F-07.** Ref-02 indicates a new plan improve Cemetery Memorial Park and the allocation of \$230,000 to implement that plan.
- F-08.** A letter from the City of Ventura’s Parks Division (Attachment 1 to this report) provided further details on the plan to improve Cemetery Memorial Park.
- F-09.** The City of Ventura undertook a “ground penetrating radar survey” to determine the existence of internments in the eastern portion of Cemetery Memorial Park. No internments were detected where a recreation center is proposed, but internments were detected in adjacent areas.
- F-10.** According to the letter from the Parks Division (Attachment 1 to this report) the total cost of proposed improvements at Cemetery Memorial Park will be \$435,000.

Conclusions

- C-01.** The questionable ownership of Cemetery Memorial Park by the City of Ventura was thoroughly documented by the prior Grand Jury. (F-01, F-03, F-06)
- C-02.** The City of Ventura plans to improve Cemetery Memorial Park. It is not known when the new plan will be implemented. (F-01, F-02, F-07, F-08, F-09)
- C-03.** Funds allocated by the City of Ventura to improve Cemetery Memorial Park are slightly more than half of what the project is expected to cost. (F-07, F-10)

Recommendations

- R-01.** The Grand Jury requests the City of Ventura to publish the schedule for implementing its plans to improve Cemetery Memorial Park. The Grand Jury

requests notification as key milestones along that schedule are achieved. (C-02)

- R-02.** The Grand Jury requests the City of Ventura to allocate sufficient funds to improve Cemetery Memorial Park. (C-03)

Responses

Responses Required From:

City of San Buenaventura (R-01 and R-02)

Bibliography

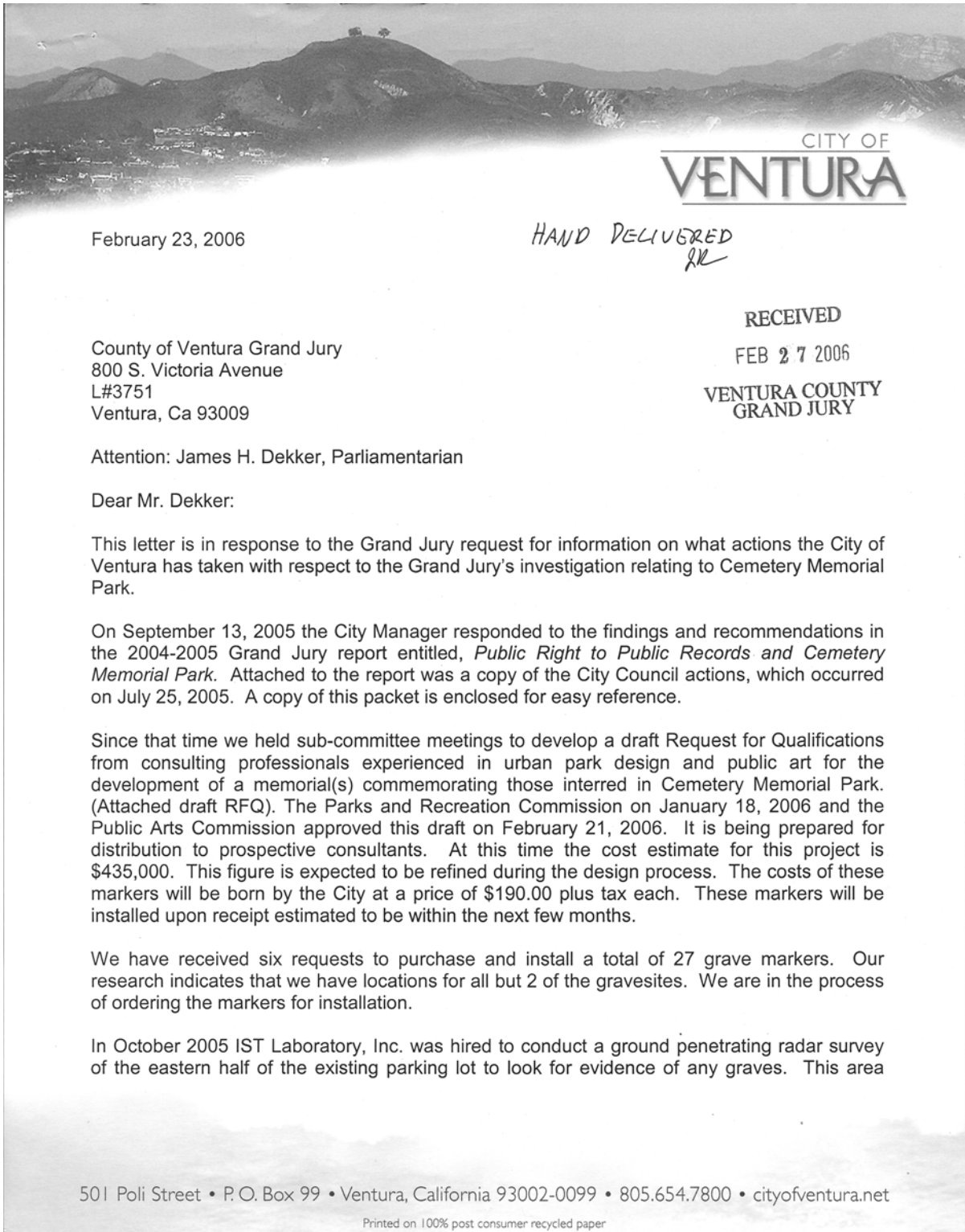
References

- Ref-01. *Ventura County 2004-2005 Grand Jury Report*, "Public Right to Public Records and Cemetery Memorial Park" (on the Web at <<http://grandjury.countyofventura.org/Reports/04-05/publicrecords.pdf>>)
- Ref-02. Letter from City of Ventura to Judge John R. Smiley, dated September 13, 2005, with attachments: (a) memo from City of Ventura Public Works Director to City of Ventura City Manager, dated July 20, 2005, subject: Cemetery Memorial Park and (b) minutes of City of Ventura City Council meeting of July 25, 2005 (on the Web at <http://grandjury.countyofventura.org/Reports/04-05/GJ_Response_2004-5_8.pdf>)

Attachment

1. Letter to County of Ventura Grand Jury from City of Ventura Parks Division, dated February 23, 2006

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CITY OF
VENTURA

February 23, 2006

HAND DELIVERED
JK

County of Ventura Grand Jury
800 S. Victoria Avenue
L#3751
Ventura, Ca 93009

RECEIVED
FEB 27 2006
VENTURA COUNTY
GRAND JURY

Attention: James H. Dekker, Parliamentarian

Dear Mr. Dekker:

This letter is in response to the Grand Jury request for information on what actions the City of Ventura has taken with respect to the Grand Jury's investigation relating to Cemetery Memorial Park.

On September 13, 2005 the City Manager responded to the findings and recommendations in the 2004-2005 Grand Jury report entitled, *Public Right to Public Records and Cemetery Memorial Park*. Attached to the report was a copy of the City Council actions, which occurred on July 25, 2005. A copy of this packet is enclosed for easy reference.

Since that time we held sub-committee meetings to develop a draft Request for Qualifications from consulting professionals experienced in urban park design and public art for the development of a memorial(s) commemorating those interred in Cemetery Memorial Park. (Attached draft RFQ). The Parks and Recreation Commission on January 18, 2006 and the Public Arts Commission approved this draft on February 21, 2006. It is being prepared for distribution to prospective consultants. At this time the cost estimate for this project is \$435,000. This figure is expected to be refined during the design process. The costs of these markers will be born by the City at a price of \$190.00 plus tax each. These markers will be installed upon receipt estimated to be within the next few months.

We have received six requests to purchase and install a total of 27 grave markers. Our research indicates that we have locations for all but 2 of the gravesites. We are in the process of ordering the markers for installation.

In October 2005 IST Laboratory, Inc. was hired to conduct a ground penetrating radar survey of the eastern half of the existing parking lot to look for evidence of any graves. This area

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County of Ventura Grand Jury

February 23, 2006
Page 2

corresponds to the upper eastern half of the 110' area the City purchased from the Catholic Church for a recreation center. No evidence of burials was found in this area. This report is also attached. This will allow the consultants to consider the property as burial free in their final design plan.

We trust this information addresses the Grand Jury's request for an update since our last report provided in September 2005.

Sincerely,



Jerry Revard, Parks Supervisor

Cc: Rick Cole, City Manager
Sonia, Hehir, City Attorney

DATE

RECEIVED
FEB 27 2006
VENTURA COUNTY
GRAND JURY

Name
Company
Address
City/State/Zip

**SUBJECT: REQUEST FOR QUALIFICATIONS (RFQ) TO PROVIDE A
PRELIMINARY PLAN FOR CEMETERY MEMORIAL PARK IN THE
CITY OF SAN BUENAVENTURA**

Dear Mr./ Mrs.

The City of San Buenaventura is seeking Statements of Qualifications (SOQ) from consulting professionals experienced in urban park design and public art for the development of the Cemetery Memorial Park Preliminary Plan. Emphasis will be placed on a memorial(s) commemorating those interred in the cemeteries that make up Cemetery Memorial Park. Individuals may apply. The project budget is not to exceed \$35,000.

SUBMISSION DEADLINE

In order for your qualifications to be considered, this office must receive seven (7) copies of your SOQ no later than 4:00 p.m. on <date>.

PROJECT LOCATION

Cemetery Memorial Park is a 7.09 acre site located between Poli Street and Main Street and west of Aliso Street. It is bounded on the west by an alley and includes a small parking lot.

PROJECT DESCRIPTION

The project is to be designed in collaboration with the City's Public Art program wherein a Landscape Architect and Artist will prepare a preliminary design for the cemetery/park that would be limited to and include the future construction of a befitting memorial or a commemorating public area enhancement, including identification and directional signage; enhancing the Veteran's memorial flagpole area; repairing the rock wall and stairways; replacing and adding new perimeter landscaping and irrigation; adding benches in selective locations; repaving and reducing the size of the parking lot and establishing method(s) of vehicular speed control in the adjacent alley.

Name
Company

October 19, 2005
Page 2

Input will be sought from the Committee and selected representatives from the families of the deceased. The professional team is expected to develop a preliminary design, cost estimates and a prioritized phasing plan, if necessary, for Cemetery Memorial Park. It is expected that the Plan will include improvements that respect those who are deceased and buried there and that improvements be for the purpose of maintaining or enhancing the tranquility, quiet and passive nature of the cemetery/park.

The property has undergone a very diverse past. It is the City's desire to create a space that respects the deceased in a befitting manner and to maintain the space and views for passive park use. The collaborative team of landscape architect and artist will be expected to solicit a cross section of many pieces of information and translate that into an innovative composition.

PROJECT BACKGROUND

The future of Cemetery Memorial Park has been a matter of public discussion including discussion at the Parks and Recreation Commission at various times over the last year. The discussion was largely unfocused and not directed toward a community consensus. Several proposals were brought forth ranging from private development of the western 110 feet to the complete restoration of St. Mary's Cemetery. The range of proposals brought concern, fear and discontent about the future of the area. It became apparent that there was a need to focus the discussion toward the development of a community consensus and from that, the development of a plan for the future of this very important public space.

The planning process began with the establishment of a CIP in the CIP Plan. However, the proposed project description did not address many of the issues brought forth by various individuals, residents and descendants of those buried there. Also, it did not address the entire property – only the western 110 feet. A separate public art capital project was included in the CIP Plan. The Cemetery Park Public Art Project was developed to enhance the park through temporary wood sculptures carved from trees removed from the site and was developed before the community outreach process occurred.

In response to these apparent needs, the Park and Recreation Commission on October 20, 2004, approved the public engagement process.

It was the overriding consensus, evidenced by the survey results and public input, that any future improvements be designed to inform, interpret and recognize the area as a historic cemetery; but not restrict the public's ability to use the area for passive recreation; that activities that include dogs be on leash and that no off-leash areas be established. It was further considered that the public art component be integrated into plan development to assure creativity in capturing the unique significance of the history and importance of the area.

On July 25 2005 the City Council endorsed the Park and Recreation Commission and Staff Recommendations.

Name
Company

October 19, 2005
Page 3

SOQ REQUIREMENTS

1. Background: Provide a description of your firm's background and project qualifications relative to similar projects.
2. Firms' Experience: Provide a list of similar projects and clients for which your firm has completed work in the past 5 years.
3. Staff's Experience: Provide resumes describing the qualifications of the staff that will be working on this project. Provide a list of similar projects and clients that your proposed Project Manager and project team has completed work for within the past five years. Should include experience working with various interest groups and city boards and commissions.
4. Sub-Consultants' Experience: Provide a list of all proposed sub-consultants, their background and qualifications, and degree of involvement.
5. Project Understanding: Provide a brief statement of your firm's project understanding and a list of the project's critical element(s).
6. Slides or power point of firm's public art and or landscape projects.

Each SOQ should be limited to **no more than 40 pages**, including resumes.

Within one month following receipt of the SOQs, notification will be given to each participant as to the status of their SOQ. A selection committee will conduct interviews with only those consultants whose qualifications are most desirable for this project. Final selection will be made within two weeks after the interviews are complete.

If you have any questions, please contact Jerry Revard, Parks Supervisor at (805) 652-4554.

Sincerely,

Mike Montoya
Parks Manager

Cc: Jerry Revard, Parks Supervisor

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