



## Cemetery Advisory Committee Quarterly Meeting

**Date:** Monday, June 15, 2015

**Time:** 1 p.m. to 2:30 p.m.

**Location:** Metro Regional Center, 600 NE Grand Ave, Room 370A/B

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12:45 p.m. **Coffee and Fruit**

1:00 p.m. **Welcome** Verne Duncan

- Adoption of Meeting Summary
- Approval of Agenda

1:10 p.m. **Update: Program overview** Melisa McDonald

- Multnomah Park platting

1:20 p.m. **Update: Resolution of Burial Right Ownership** Michelle Bellia

1:35 p.m. **Update: Memorialization Focus Group** Terry McCall

1:45 p.m. **New: Committee Formalization** Verne Duncan

2:10 p.m. **Comments from Council** Councilor Craddick

- Introduce Kathleen Brennan-Hunter

2:30 p.m. **Adjourn**

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## 2015 WORK PLAN - DRAFT

### March 2015

Review work plan of Memorialization Focus Group  
Define expectations of public input process  
Review Memorial Day plans

### June 2015

Review progress of Memorialization Focus Group  
Formalize future of committee  
Update on resolution of burial rights held in conflict

### September 2015

Approve Annual Report  
Review proposals from Memorialization Focus Group

### December 2015

To be determined based on decision of committee whether to formalize or sunset



## Cemetery Advisory Committee

June 15, 2015

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**Committee members in attendance:** Verne Duncan (Committee chair), Hannah Allan (Committee co-chair), Councilor Shirley Craddick, Terry McCall, Meg McCauley, Bo Nevue, David Noble, Laurel Smith

**Committee members excused:** Marie Henry

**Metro:** Paul Slyman, Kathleen Brennan-Hunter, Michelle Bellia, Joel Morton, Kimberly Palmero, Matthew Herbert, Phyllis Cole

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### WELCOME

Committee Chair Verne Duncan welcomed the Committee and thanked them for coming, noting that Paul Slyman would be facilitating the meeting in Melisa McDonald's absence.

- Paul gave a review of the March 16, 2015 summary:
  - Implementation of Metro's strategy to remedy twice-sold graves continues and would be addressed more fully later in the meeting;
  - Stone Orchard is still meeting the program's basic needs, and analysis of the next step in Metro's software needs is ongoing;
  - Memorial Day in the Metro cemeteries was very successful and Paul thanked staff for all their hard work to make it so;
  - Paul announced that Macbeth will be starting at Lone Fir on June 18<sup>th</sup>, and that OLCC and Metro permits were being sought that would allow wine to part of the picnic basket dinners available to play-goers;
  - Paul left the work of the Memorialization Focus Group for Terry McCall to report on later in the meeting;
  - Public outreach will not be as robust as hoped with the non-acceptance of the \$30,000 budget proposal, but outreach in the new Parks and Nature Department will help fill this need to see how the region's citizens view the cemeteries and their use as public places.
- The summary was approved as submitted.

### PROGRAM UPDATES

Program updates were provided by Paul Slyman, Director, Parks and Environmental Services; Michelle Bellia, Office of Metro Attorney and Terry McCall, Chair of Memorialization Focus Group.

#### **Program overview: Multnomah Park platting**

- Staff estimates that in Multnomah Park there are approximately 500 spaces with historic owners that have been resold to modern purchasers. To begin rectification of these conflicts, Metro has placed notification for several weeks in the press and posted lists of historic owners at the cemetery. To date 15 families have responded regarding about 50 graves. Rectifying historic ownership with modern purchasers is a complex issue, and it is Metro's intention to resolve these issues before modern owners request a burial.
- The Committee received aerial maps and survey information showing the entire cemetery and highlighting the four parcels, known as Tract A, recently transferred to Metro from Multnomah County. These spaces are free and clear of past burials, as shown by Ground Penetrating Radar (GPR), and represent one aspect of the burial rights recovery process. David Noble pointed out that the newly platted spaces could be designated for double depth burials only, which would generate

additional revenue and meet a cultural need of the public we serve. He also stressed the importance of considering non-standard sized spaces as opportunities for cremation burials.

- There was discussion on the empty area at the western end of Tract A, and a possible cremation garden was suggested as a likely use. Paul shared that the Chestnut Grove Cremation Garden in Lone Fir has provided many valuable lessons on what sells and what doesn't sell.

### **Resolution of Burial Right Ownership**

- Michelle Bellia, Office of Metro Attorney, provided the Committee with background on burial rights ownership conflicts, predominantly at Multnomah Park. Difficulty interpreting historic records and non-adherence to the legal process for declaring spaces abandoned led to the re-sale of about 500 historically owned graves in that cemetery. It was discovered in 2008 that the existing legal procedure for declaring spaces abandoned, which required suing the historic purchasers, had not been followed.
- In 2012, Metro worked with the state legislature to pass Senate Bill 1537, which created an administrative process for declaring burial spaces abandoned. This law requires extensive public notice to contact original owners with whom Metro had not been in contact for 75 years or more.
- Metro used this process to resolve many burial right ownership conflicts in 2013-14, but many spaces were not eligible due to contact within 75 years. Metro also discovered more conflicts after the process was completed.
- To resolve the remaining ownership issues a validation action will be employed, which entails Metro filing a complaint that does not need to name historic owners. OMA expects to file the lawsuit in July or August 2015.
- This process does not require the extensive notification process of Senate Bill 1537 that was used in 2013-14, but Metro has voluntarily chosen to continue following the Senate Bill's requirements. It is Metro's intent to respond to families who make contact after the official notification period has ended.
- Most modern purchases were made "at need," and there will be no disinterments during this process.
- When family of historic owners of re-sold spaces come forward, there will be several options to "make them whole."
  - They can be offered another space at Multnomah Park in newly platted areas;
  - They can be offered a space in another cemetery;
  - They can enter into negotiations with Metro if they are adamant about a financial solution.
- It is anticipated that there will be enough room to "make whole" the claimants of the 50 burial rights now under review.

### **COMMITTEE FORMALIZATION**

- Joel Morton, of Office of Metro Attorney, discussed options for the formalization of the Committee going forward. He passed out a list of Metro's existing advisory committees. The Cemetery Advisory Committee is currently designated as a task force, and after three years a task force must disband or be reauthorized as a permanent "Advisory Committee" by ordinance. Ongoing committees have two-year appointments, and members may serve only four years.
- There are a number of options:
  - Keep the structure as it is
  - Disband
  - Change the makeup of the Committee
  - Add responsibilities
  - Reduce responsibilities
  - Change governance to a more formal structure, with could include by-laws and codification
  - A combination of the above

- Councilor Craddick assured the Committee that their dedication, diversity of expertise and significant guidance are valued by Council.
- Chair Duncan asked Meg McCauley to head a group of herself, David Noble, and Melisa McDonald to develop a proposal for the September meeting. The decision goes to Council in December 2015.

#### **MEMORIALIZATION FOCUS GROUP UPDATE**

- Focus Group Chair Terry McCall said the group had not met officially since the March Committee meeting. There was discussion of the history of the FOLF involvement with Lone Fir Cemetery and friends groups in general, and specifically the letter the FOLF sent to the Metro Council dated June 1, 2015. Paul Slyman acknowledged appreciation for Councilor Craddick's response of June 10, 2015, well within the short timeline requested in the FOLF letter.
- Councilor Craddick recommended that setting a timeline to work through the issues more quickly regarding the One Stone at a Time project, which would be helpful to all involved.
- Chair Duncan suggested that the Friends of Lone Fir could respond to a draft report before the September meeting, involving them more in the process, and Co-Chair Allan suggested that a FOLF member could be invited to a meeting.

#### **COMMENTS FROM COUNCIL**

- Councilor Craddick explained the reasons behind the current restructuring at Metro, and introduced Kathleen Brennan-Hunter, who is the interim director of the new Parks and Nature Department, and will oversee the Metro Cemeteries Program as of July 1, 2015. Kathleen shared the current activities of the natural areas and bond-related issues that she manages, welcomed the Cemetery Advisory Committee and expressed her eagerness in working with the program to meet its goals of public service.

#### **ACTIONS**

**ACTION ITEM:** Meg McCauley will head a group of herself, David Noble, and Melisa McDonald and present a proposal for the September meeting regarding the future of the Committee.

**ACTION ITEM:** Office of Metro Attorney will file a validation action lawsuit to resolve ownership of burial rights in July or August 2015.

**ACTION ITEM:** Set a timeline for resolution of One Stone at a Time issue.

**ACTION ITEM:** Develop course of action to increase communication with Friends of Lone Fir.

**NEXT MEETING:** September 21, 2015 1 p.m. – 2:30 p.m.

#### **ADJORNMENT**

The meeting adjourned at 2:40 p.m.

**Minutes recorded by Phyllis Cole**