

**MORONGO VALLEY COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
11207 Ocotillo Street
Morongo Valley, CA 92256**

REGULAR BOARD MEETING MINUTES

Phone Conference via "Zoom"

Call: 1 (669) 900-6833 **Meeting ID:** 913 6249 4500 **Password:** 514515

In an effort to keep all public input/questions organized and to ensure that each person's input/question is heard, please use this Google form to ask a question or provide input. [Gov. Code Section 54954.2(a)(2)] for Public Comments on Agenda Items and Public Comments on Non-Agenda Items use the following link.

<https://docs.google.com/forms/d/e/1FAIpQLSd3NSqx F96p7XhFGvmiGTh6m5kCAGuGOSM QWWzrTquOQpjAgg/viewform?ts=5ebc5e59>

The questions and comments will be read aloud during the May 20, 2020 MVCSD Zoom board meeting. Public input/questions will be conducted through this written Google Form method in alignment with the Order of the Health Officer of the County of San Bernardino for the Control of COVID-19 dated April 23, 2020 and still in effect. More information on how to join a Zoom Meeting or access Public Comments is on our website. morongocsd.specialdistrict.org

6:00 p.m. Regular Business

May 20, 2020

The Morongo Valley Community Services District complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call (760) 363-6454.

Materials related to any items on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection during normal business hours at the CSD Main Office, 11207 Ocotillo Street, Morongo Valley, CA 92256.

Government Code Section 54954.2 (a)(3) [Brown Act] – States that,

"No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda".

A. CALL TO ORDER

President Swarat called the Regular Board Meeting of May 20, 2020 to order at 6:01 PM. President Swarat read the memo written above to inform the public how the public questions and comments will be handled during the Regular Board Meeting of May 20, 2020.

B. ROLL CALL

1. Gayl Swarat, President **X**
2. Kristina Brook, VicePresident **X**
3. Matthew Campos, Director **X**
4. Laurie Klimowicz, Director **X**
5. Johnny Tolbert, Director **X**

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Swarat.

D. APPROVAL OF THE AGENDA

The Board generally considers items in the order listed on the agenda. However, items may be considered in any order as established by the direction of the Board. Under certain circumstances, new agenda items may be added by a two-thirds vote of the Board. [Gov. Code Sec. 54954.2(b)(2)]

1. Agenda for the Regular Board Meeting of May 20, 2020

It was recommended that Item E.2 to the first item on the agenda, G.1 to the second item on the agenda, and remove the report out for the Anticipated Litigation per the attorney's advice. It was stated that Agenda Item G.1 be scratched from the agenda.

MOTION: Director Campos motions to remove Item G.1 from the agenda.

SECOND: Director Tolbert Seconds.

RESULT: Does not pass with a 2-3 Vote.

ROLE CALL: Gayl Swarat, President **NAY**, Kristina Brook, VicePresident **NAY**, Matthew Campos, Director **AYE**, Laurie Klimowicz, Director **NAY**, Johnny Tolbert, Director **AYE**.

MOTION: Director Brook motioned to moved Item E.2 to the first item on the agenda, G.1 to the second item on the agenda, and remove the report out for the Anticipated Litigation per the attorney's advice.

SECOND: Director Klimowicz Seconds.

RESULT: Pass with a 5-0 Vote.

ROLE CALL: Gayl Swarat, President **AYE**, Kristina Brook, VicePresident **AYE**, Matthew Campos, Director **AYE**, Laurie Klimowicz, Director **AYE**, Johnny Tolbert, Director **AYE**.

E. AGENCY REPORTS

1. Sheriff's Report – San Bernardino County Sheriff's Representative

The Sheriff's Department was not present during the Regular Board Meeting of May 20, 2020.

2. Smith Marion & Co. Financial Statements and Independent Auditors' Report for the Fiscal Year Ended June 30, 2019 – Smith and Marion Co. Representative Kendra Dockham

Kendra Dockham was present, she reported the Smith Marion and Companies Financial Statements and the Auditor's reports.

Kendra Dockham reported two different financial statements. She started by stating that the financial statements included information about revenues and expenditures. Auditor said they had an unmodified opinion there were no reasons to disclaim any disclosures. Mrs. Dockham did a screen share with the Board of Directors and public explaining Smith Marion and Companies report. She recommended that since the District has such a high turnover rate on employees, that the District implement policies for a filing system to help the District in future audits. President Swarat thanked Kendra for the presentation and stated the Morongo Valley CSD and Fire Department cannot wait to see her next year.

MOTION: Director Klimowicz motioned to approve the Auditors Report from Smith Marion and Company.

SECOND: Director Brook Seconds.

RESULT: Passes with a 5-0 Vote.

3. Director of Operation's Report – Gerald Yearsley

Director of Operations Yearsley reports for the Months of March and April. He stated that during the month of April the Morongo Valley CSD and Fire Department hired a new Paramedic. He welcomed

Paramedic Garcia to the Morongo Valley CSD and Fire Department family. He also reported that Engineer Sundahl and Engineer Murphy accepted job offers at another department. He wished them both the best of luck during their future endeavors. Director of Operations Yearsley reviewed the run report and training logs for both months, explaining the extra precautions the Fire Crew is taking due to COVID – 19.

MOTION: Director Tolbert motioned to approve the Director of Operations report for the months of March and April.

SECOND: Director Klimowicz Seconds.

RESULT: Motion to pass with a 5 – 0 Vote.

4. Risk Management and Public Relations Ad Hoc Committee Report – Directors Klimowicz and Brook
There was nothing to report at this time.
5. Director of Operations Ad Hoc Committee – President Swarat and Director Brook
Director Brook stated that President Swarat and herself met with Director of Operations Yearsley, both stated that they saw a white binder with Mr. Yearsley’s certifications in it. It was mentioned that the certification binder is in the office if any community members wanted to see it.
6. Fire Apparatus Driving Parameters Ad Hoc Committee - Directors Brook and Tolbert
There was nothing to report at this time.
7. Morongo Valley Community Services District and Fire Department Funding Ad Hoc Committee – President Swarat and Director Campos
Director Campos stated that the Morongo Valley CSD and Fire Department needed to be highly creative in their funding. We should listen to the expertise of others and see what we can do to expand our revenue stream. One suggested that has been proposed is the Morongo Valley Fire Department have its own ambulance services. He stated that he has been in contact with another department that is comparable to ours, there are upfront cost, but it is something we should look into. It was stated that it would be a lot of work, however, it would not be impossible it would greatly help the community.
8. Morongo Valley Sport’s League – Carl ‘Buddy’ Stogner
Buddy reported that he is waiting for the park to reopen it so they can get down there and maintain it, he is also waiting for a call back from his insurance company to make sure he properly moves forward with this year’s softball league. They did mention that they are unsure if they will be able to serve prepped foods. He is just waiting for the call back. Director of Operations Yearsley stated that they can go down and maintain the ball field, however, the park is not open for them to hold games and such. Buddy stated that he will wait for the Morongo Valley CSD authorization to get the teams back out there, but he will be down maintaining the fields until then.

F. CONSENT CALENDAR

Items on the consent calendar are routine matters or formal documents covering previous District Board instruction. Items may be acted on by one motion of the Board unless a Board Member requests a separate discussion and/or action on an item.

1. Minutes of the Regular Board Meeting of March 18, 2020
Director Brook stated she would like the word insisted changed to urged under Item number G.5.2.
MOTION: Director Brook motioned to approve the March 18, 2020 Minutes with the corrections.
SECOND: Director Tolbert Seconds.
RESULT: Motion to pass with a 5 – 0 Vote.

2. Minutes of the Special Board Meeting of March 25, 2020
There were no corrections to the March 25, 2020 Minutes.
MOTION: Director Brook motioned to approve the March 25, 2020 Minutes.
SECOND: Director Campos Seconds.
RESULT: Motion to pass with a 5 – 0 Vote.

3. Minutes of the Regular Board Meeting of April 15, 2020
Director Brook stated that she would like a motion added to the minutes. Director Campos mentioned he would like the word stated changed to accusation. He stated that the word attempted needed to be stricken due to there being no attempt.

MOTION: President Swarat motioned to approve the amended April 15, 2020 Regular Board Meeting Minutes.
SECOND: Director Brook Seconds.
RESULT: Motion to Pass with a 5-0 Vote.

4. Minutes of the Special Board Meeting of April 23, 2020
There were no corrections for the April 23, 2020 Minutes.
MOTION: Director Campos motioned to approve the April 23, 2020 Minutes.
SECOND: Director Brook Seconds.
RESULT: Motion to pass with a 5 – 0 Vote.

5. Cash/Checks Disbursements & Credit Card Purchases for March - \$78,956.32
MOTION: Director Tolbert motioned to approve the Cash/Checks Disbursements and Credit Card Purchases for March 2020.
SECOND: Director Klimowicz Seconds.
RESULT: Motion to pass with a 5 – 0 Vote.

6. Cash/Checks Disbursements & Credit Card Purchases for April - \$84,343.91
MOTION: Director Klimowicz motion to approve the Cash/Checks Disbursements and Credit Card Purchases for April 2020.
SECOND: Director Tolbert Seconds.
RESULT: Motion to pass with a 5 – 0 Vote.

G. CONTINUED BUSINESS

1. Conflict of Interest Issues

Director Brook refreshed the Board of Directors and the publics memories, stating that there was a motion on the table calling for a vote on Director Campos. This was based on Ethic Laws in California. She described the concerns she had regarding Director Campos wanting the General Manager position. Director Brook mentioned that Director Campos had three choices; recuse, resign, or go for the conflict of interest. Director Brook stated that she would like Director Campos to choose which he would like. She mentioned that if he would like her to go for the conflict of interest and the vote carried that she would be forced to turn her evidence to the Fair Political Practices Legal Division and let them investigate this issue. She stated that the Districts attorney went back and forth on the issue. She mentioned that she does not feel as if this is part of his expertise and instead, she will be turning all the evidence over. Director Tolbert stated that he had extensive conversations with the Districts attorney, who stated that there was never a conflict of interest and taken the time to write two different letters to the Board of Directors to state that there was no conflict of interest. He stated that this is no more than personal attacks, it is petty and wasting the publics time. Director Campos stated that he does not have a conflict of interest, he has never applied for the position nor has it ever been open. He does believe that there should be two different positions, however, he loves the job he has and does not want to work for the CSD. He stated that if Director Brook needs to pursue this than she can, but she is wasting much time,

resources and separating the Board instead of building unity.

MOTION: Director Brook motioned to vote for a conflict of interest in which Director Brook turns this issue over to the Fair Political Practices Legal Division with her evidence.

SECOND: Director Klimowicz Seconds.

RESULT: Passes with a 3-2 Vote.

ROLE CALL: Gayl Swarat, President **AYE**, Kristina Brook, VicePresident **AYE**, Matthew Campos, Director **NAY**, Laurie Klimowicz, Director **AYE**, Johnny Tolbert, Director **NAY**.

2. Chuck Osborne Volunteer of the Year for 2019 Award

President Swarat mentioned that the Morongo Valley Community Services District has been accepting nominations for the 2019 Chuck Osborne Volunteer of the Year Award since the Regular Board Meeting of February 18, 2020. President Swarat stated that Carl Stogner “Buddy” had the most nominations.

MOTION: Director Brook motioned to present the Chuck Osborne Award to Carl Stogner based on the nominations provided by the community.

SECOND: Director Tolbert Seconds.

RESULT: Motion passes with a 5 – 0 Vote.

3. Park Closure Information

It was stated that this is a reminder that the Morongo Valley Community Services District is abiding by San Bernardino County Orders as well as have passed their own Resolution closing the Covington Park completely. During the Regular Board Meeting of March 18, 2020, the Morongo Valley Community Services District passed Resolution Number 2020-01. This Resolution declared a state of local emergency and effectively shut down the Covington Park from March 19, 2020 until further notice. After some discussion the Board of Directors agreed to discuss the park closure at each meeting, until they decide to open Covington Park. Director Campos suggested we keep up with San Bernardino’s Policies as well, if they deem it appropriate, a special meeting be called to open it up to the public.

MOTION: Director Klimowicz motioned to keep Covington Park Closed and that the Board of Directors reassess Resolution 2020 – 01 at each meeting until it is safe to reopen Covington Park.

SECOND: Director Tolbert Seconds.

RESULT: Motion passes with a 5 – 0 Vote

4. Duty Officer Compensation and Extra Duty Review

Public Question were the overtime hours Chief Yearsley is claiming ever approved by the CSD Board. Director Brook stated that the short answer, yes at the March 18, 2020 Regular Board Meeting. It was stated that at the Regular Board Meeting of March 18, 2020, the Board of Directors approved to accept the Duty Officer Compensation and Extra Duty Agreement by a 4-1 Vote. After some discussion it was concluded that it was agreed upon by the Board to pay the settlement during a separate meeting, they were to discuss the settlement document. It was stated that per the attorney, this document would protect the CSD from any encumbrance.

MOTION: President Swarat motioned to approve the settlement agreement that was brought to the Board of Directors to compensate Mr. Yearsley.

SECOND: Director Brook Seconds.

RESULT: Motion to pass with a 5 – 0 Vote.

ROLE CALL: Gayl Swarat, President **AYE**, Kristina Brook, VicePresident **AYE**, Matthew Campos, Director **AYE**, Laurie Klimowicz, Director **AYE**, Johnny Tolbert, Director **AYE**.

H. NEW BUSINESS

1. **Update Board Resolution 01-11-2014 to Board Resolution 2020-02**

The scope of the resolution was read to the public. It was stated that a change should be made to this resolution stating that if a board member independently contacts the attorney, they should be responsible for those costs. After some discussion and a public comment, it was stated that these changes could not be made since the attorney represented the board as a whole and not the individual board members. It was also stated that per the attorney it should state general manager instead of operations manager or slash general manager. After some discussion it was ultimately decided that this agenda item would be tabled for the June regular board meeting regarding how to title past and future documents.

2. **Annual Resolution 2020- 03 for the Fire Suppression Assessment for the Upcoming Fiscal Year**

It was stated that this is the annual resolution to approve the assessment fee and ordering the levy and collection of annual assessments within Morongo Valley Fire Suppression Assessment service area for fiscal year 2020-2021. After little discussion it was agreed upon to sign the 2020 – 03 Resolution.

MOTION: Director Tolbert motioned to approve the Annual Resolution for the Fire Suppression Assessment for the upcoming Fiscal Year of 2020 – 2021.

SECOND: Director Brook Seconds.

RESULT: Motion to pass with a 5 – 0 Vote.

3. **Resolution 2020-04 agreement between Morongo Valley Community Services District and the California Department of Forestry and Fire Protection (CAL FIRE) for Dispatch Services during the fiscal years of 2020 - 2023**

It was stated that it is time to renew the agreement between the Morongo Valley Community Services District and the California Department of Forestry and Fire Protection. This agreement provides Dispatch Services from Cal Fire to the Morongo Valley Fire Department through State Fiscal Year 2020-2023.

MOTION: Director Brook motioned to approved the agreement for Dispatch Services between Morongo Valley Fire Department and CalFire.

SECOND: Director Klimowicz Seconds.

RESULT: Motion to pass with a 5 – 0 Vote.

4. **Special Budget Meeting for 2020-2021 Fiscal Year**

The Board of Directors discussed setting a date to review the Budget Analysis for future financial projections of the Fire Department for the 2020-2021 Fiscal Year. After little discussion the Board of Directors agreed upon the date of Wednesday, May 27th, 2020 at 6:00 PM. It was asked that Director of Operations Yearsley send a preliminary budget out to the Board Members as soon as possible.

5. **District Observed Holidays**

Director Tolbert stated that the CSD is closed for different holidays each year. He believes that we should create a set day of holidays. It was discussed to eliminate Veterans day and Cesar day. Director Brook stated that the schools do not observe Cesar Chavez day, but they do observe Veterans day. After some discussion, the Board of Directors decided to discuss this more during the discussion of the MOU so that the holidays between the CSD and Fire personnel are uniform.

6. **Review of Fire Department Supply Necessities**

The Board of Directors reviewed a complaint made regarding the Fire Department not receiving necessities. It was stated that the Fire Department is not receiving the following items from the CSD, Toilet Paper, Paper Towels, Bleach, Laundry Soap, and other Cleaners. Director of Operations Yearsley stated that the Fire Staff are doubling their budgeted amount for supplies.

He also stated that it may be a good idea to give them a monthly budget and allow them to buy their own supplies. Director Tolbert stated that the Board of Directors bring this item back during the next meeting when they are discussing the budget.

Darrin Sander asked, “why was the public not notified of vacant board seats before the CSD board appointed open seats to those whose terms were expired.” Director Brook stated that so what happened was me for example, there was a board member who quit and so I was appointed by the board from 2012 to 2014. Then my term expired and in 2014 I put in papers, usually one must put the papers in by July or August to run for a board position that will go on the November ballot. Gayl and I won our seats in 2014 and when we stayed until 2018. Now I believe it might have been Mr. Sander who could not continue his term and when he left Director Klimowicz was appointed. In 2018 all three of us women’s terms expired, none of us filed papers except for President Swarat filed papers but because there was nobody running against her what happened was that the Board of Supervisors all of a sudden to our surprise appointed us. Simply because nobody in the community stepped up to the plate to want to run for it now we do have two open seats that will come up in November Johnny and Matthews positions will be voted on in November if there's anybody that wants to run for them you have to put your paperwork into the San Bernardino County board of registrars voters.

I. CLOSED SESSION MEETING

1. Conference Regarding Labor Negotiators

(Government Code Section 54957.6)

District Designated Representative: Gerald Yearsley, Fire Chief

Employee Organization: Morongo Valley Professional Firefighters, IAFF Local 5028

a. Review Negotiations

2. Anticipated Litigation

Government Code 54956.9(d)(2)

a. Settlement Agreement

J. REPORT OUT ON CLOSED SESSION MEETING

President Swarat stated that the report out of the closed session is that the Board of Directors will be looking over the documentation of the MOU and we will have a further review in upcoming meetings.

END OF ADMINISTRATIVE ITEMS

K. INDIVIDUAL DIRECTOR REPORTS

1. President Swarat - It was stated she would like to thank Chief Brakebill and Chief Yearsley for getting this meeting going and appreciates everyone’s support.
2. Vice President Brook – Had nothing to comment at this time.
3. Director Klimowicz – She would like to thank all the participants for being patient with the Board Members.
4. Director Tolbert – Would like to thank the Fire Department for all they do to serve the community. He also asked Chief Yearsley if he was planning to retire on June 1st, in which Chief Yearsley stated he did not plan to retire at this time.
5. Director Campos – Would like to thank the CSD and Fire Department. He hopes everyone stays safe and healthy, his thoughts and prayers are with everyone in the community.

MORONGO VALLEY COMMUNITY SERVICES DISTRICT

L. ANNOUNCEMENTS

1. Next Regular Board Meeting: June 17, 2020

M. ADJOURNMENT

The Regular Board Meeting of May 20, 2020 was adjourned at 9:48 PM.

Moved Director Tolbert Second Director Campos Vote 5/0