

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

ADJOURNED REGULAR BOARD MEETING MINUTES

Phone Conference via "Zoom"

Call: 1 (669) 900-6833 **Meeting ID:** 5069667982 **Password:** 629875

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/1FAIpQLSd3NSqx96p7XhFGvmiGTh6m5kCAGuGOSMQWWzrTquOQpjAgg/viewform?ts=5ebc5e59>

The questions and comments will be read aloud during the June 24, 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

June 24, 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

The Adjourned Regular Board Meeting of June 24, 2020 was called to order at 6:04 PM.

B. ROLL CALL

1. Gayl Swarat, President **X**
2. Kristina Brook, Vice President **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.

Director Tolbert stated that using Google Docs for public comments was outside the Brown Act. The attorney stated this to both President Swarat and Director of Operations Yearsley. He would like to ask Chief Brakebill if he can unmute the public when they raise their hand. President Swarat stated that she did not remember the

attorney stating this but they will proceed with this method throughout the night.

Public Comment from Daniel Madden, "Where are fire engine me 461 and why don't we have a backup type 1 engine in place?" Director of Operations Yearsley stated that our engine came back tonight, it's been in for maintenance and repair. It had to go in before strike teams. We don't have a backup engine; however, we do need to preform yearly maintenance.

Public Comment from Don Krouse, "As a resident of Morongo Valley I became concerned that there was a great deal of disfunction on the Community Services District Board. Having worked, unsuccessfully to convince the Morongo Valley citizens to approve a tax, designated primarily to fund our fire department, I feel that I have a reasonable understanding of the challenges facing the CSD. Therefore, in light of the CSD board's inability to conduct business in an orderly manner I took it upon myself to speak with four members of the CSD Board, Chief Yearsley, and Deputy Chief Brakebill to draw my own conclusions.

The bottom line is that Morongo Valley cannot afford a fire department except through extraordinary efforts made by underpaid employees, the generosity of donations, volunteerism, and plain dedication to the well-being of our citizens.

Who did I speak with?

CSD

Board President Gayl Swarat

Director Kristina Brook

Director Matthew Campos

Director Johnny Tolbert

Employees

Fire Chief Gary Yearsley

Deputy Chief Jim Brakebill

I have summaries of my conversation with each of the afore mentioned. Although I took notes, I recognize that sometimes when something is said it can be mis interpreted. In an effort to correct any errors I spoke with each person a second time or invited them to review my notes for correctness. Of the four board members, I spoke with President Swarat, director Brook, and director Tolbert a second time. Director Campos made an attempt to contact me again, but I did not reply due to other things happening personally. Tonight, I will not be summarizing the comments of each person I spoke with. The entirety of my discussion summaries is available if you would like to receive them by email. Observations and please note, these are personal opinions but summarizes many of the points of contention I heard from those with whom I spoke The Morongo Valley CSD operates a budget that is stretched to the limits. The Fire Fighters are paid minimum wage. The position of Fire Chief and General Manager were combined into one position instead of two. In the past the General Manager was primarily tasked with financial oversight and the Fire Chief was responsible for fire operations. In order to save the CSD from paying two full time salaries, the board voted to consolidate the Fire Chief and General Manager positions into one where both the fire department supervision and financial oversight could be handled by the same person. The board voted to task Chief Yearsley with the two assignments and save money. I think that saving money is a great idea, but there is a good argument that this structure does not provide adequate checks and balances. There are too many cooks in the kitchen. I conclude that there is one boss over the fire fighters and any administrative staff as currently structured. For anyone else to inject themselves into the day to day operations creates questions of authority from those supervised, especially when it involves discussions about any grievances or complaints. This is particularly true whether the administrative assistant is told to cut back hours due to California mandate for closing. This should be done by the Chief /General Manager, not a member of the CSD board. If the Chief is not complying with State law then should it not be brought to his attention by the whole board? It is not appropriate for board members to visit with employees seeking feedback about how they are being treated by superiors. If there is not a formal grievance process in place then one should be installed and made known to all CSD employees. It is counterproductive to have the Chief supervising operations and then be second guessed by any board member. There is going to be some dissatisfaction due to our fire fighters being paid well below others in the profession. It is also problematic if a superior is the subject of a grievance but then the same supervisor is handed the grievance to resolve alone.

It is also not the responsibility of any board member to give instructions to employees. If the board member is not happy with observations then it should be taken to the Chief /General Manager. In any event, the employee should not feel intimidated by any board member who could be perceived as creating a hostile work environment.

If the Chief /General Manager is not responsive to a concern of a board member, the board has other means to affect any needed action. Votes by the CSD board must be abided. It is the duty of all board members to accept the majority vote even if on the losing side of any vote. This does not seem to be the case currently. Any discussion about the required credentials for Fire Chief seem fairly clear to me. The only requirement is that the Chief must be a fire fighter. Otherwise, the CSD board can make additional requirements as they deem appropriate. Therefore, any discussion that the current fire chief does not have credentials is questionable. My

understanding is that the current Fire Chief/General Manager has credentials in terms of education and experience that give him a high degree of value to the community.

It appears that the ongoing hostilities revert back to when the General Manager's position was opened for a new General Manager. Whether there was a conflict of interest as has been stated is not for me to decide. However, hostile activities from any board member who may have felt that consolidation of the two positions was not to their liking has no grounds to stand on. If in fact, if there is continued resentment for this reason or simply because any board member does not like the Chief/General Manager's style and acts to undermine the chain of command, it would be up to the majority of the board to take appropriate action to censure a board member interfering with cohesive operations. An action to file a complaint with the Fair Political Practices Commission may be an option to silence a dissatisfied board member but I would personally avoid this action. I do not view the discussion of such action as blackmail, but rather a notice that the action is pending. Much has been discussed regarding "wrongful termination" lawsuits. It is alleged that 6 suits were filed, 1 complainant dropped out, and a settlement was made by SDRMA in the amount of \$250,000. These cases did not go to court. SDRMA settled out of court stating that the cost of investigation was more than simply writing a check. This concerns me because it sets a precedent for other disgruntled employees. My discussions leave me believing that those dismissed were for cause, while still in their probationary period. I have received different answers as to whether the CSD Board voted unanimously for the dismissals. There is also disagreement about whether the theft of belt buckles was reported to the police. My understanding is that there is a procedure for contacting the CSD's attorney. It seems that there is not an adherence to contacting the CSD's attorney. These contacts cost the CSD considerable amounts. Based on my discussions, the attorney seems willing to talk to anyone from the board. Various board members have drawn different conclusion from their individual discussions with the attorney creating more discord. Why not pay him to speak with the entire board only?

Although statements have been made that Chief Yearsley had a contentious relationship with the town of Yermo I have not been convinced of the credibility of the accusation. Furthermore, several members of the CSD board investigated Chief Yearsley's time in Yermo and voted to hire him. So, the question is why now? There has also been a statement about a recommendation for Chief Yearsley being something regretted. When asking the person who was asserted to have made the statement, the person in question categorically stated that was completely untrue. Further discussions with board members leave me believing that the intent of anything said was disappointment in what chaos anyone might want to avoid when asked about joining Morongo Valley. Strike teams are a way that the fire department can bring in substantial revenue. It was alleged that Chief Yearsley denied strike teams to respond and therefore kept much needed revenue from coming to the CSD. I cannot find anything to substantiate this assertion. Furthermore, my understanding is that Cal Fire, BLM, or County Fire contact the Morongo Valley Fire Department when assistance is needed. I cannot find any documentation that Morongo Valley Fire Department pulled out of the pool of available resources. With regard to bills not being paid by the CSD's bookkeeper that can be interpreted as interference with CSD board decisions. It would be highly inappropriate for any board member to influence the bookkeeper to withhold making payments as has been alleged. It is asserted that there are others to fill the position of Fire Chief and/or General Manager. This I find hard to believe when a search in the past did not produce a suitable person for the job. I sat in on a couple of those interviews. Again, who would want to come here once they discovered the dysfunction I find that job descriptions are not in place. It also seems that there are not employment contracts and lacking these seems full of pitfalls. The board voted to pay Chief Yearsley for duty officer work over and above his other two responsibilities. When engineers were offered the job as duty officer, which is mandated in the union's MOU, they supposedly declined taking that responsibility. This seems the most contentious of issues because the hourly rate being discussed creates an enormous strain on the budget. I am also unable to find where a \$25 per hour rate was written and voted upon. Listening to statements from the board members is amazingly contradictory. Someone is not telling the truth, but in the end, the majority vote is how things work in this country. If the Fire Chief decides to retire, I have no objection, but good luck making things better afterward in a community that cannot work together and has little money to spare. I am open to civilized discussions with anyone who has a different take on these matters.

ADDITIONAL COMMENTS

It would be helpful if all residents received a mailer informing them that there is a Morongo Valley CSD website and make a request for feedback from the community about whether the community really wants a fire department. If not, the county seems to be the backup for fire and paramedic responses.

If a board member cannot abide by the majority vote and causes ongoing disruption that person should consider resigning. Likewise, those in the majority should be willing to listen to the minority with respect unless objections are presented in a screaming and hostile manner. Everyone has a right to their opinion.

I wish other community members would take the time to speak with all sides of these arguments rather than taking the word of one or two people and posting hostile and disrespectful things on Facebook to denigrate one board member or others. I no longer have a Facebook account because I find it destructive. Therefore, I only hear some of what is being said on FB and do not have firsthand knowledge of the posts.

That is probably more than anyone wanted to hear from me, but I have inserted myself because I find it heartbreaking to see the bickering among people, all of whom I consider friends

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 June 24, 2020

There were no changes to the agenda for the Regular Board Meeting of June 24, 2020.

MOTION: Director Campos motioned to approve the agenda for the Regular Board Meeting of June 24, 2020 with no changes.

SECOND: Director Tolbert Seconds.

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

E. AGENCY REPORTS

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

The Sheriff was not in attendance.

2. Director of Operation's Report – Gerald Yearsley

Director of Operations Yearsley reported that the Morongo Valley CSD office had reopened to the public. He also stated that Over the past 3 years our Type 6 rig (BP461) has been out of service several times and cost the department a substantial amount of money. The unit is a 2008 model with a lot of miles on it. The mechanical components as well as the pump continuously break down due to the age and mileage. Ultimately in the last 2 years the unit has been out of service approximately 4 – 6 weeks, ultimately costing the department upwards of \$7,000.00 in repairs for a rig that cannot be used as a reliable front-line rig. Most recently we had to replace the injector for the turbo diesel engine as well as several major components to the pump, costing the Morongo Valley CSD and Fire Department \$6,193.90 as an emergency repair.

MOTION:

SECOND:

RESULT:

3. Risk Management and Public Relations Ad Hoc Committee Report – Directors Klimowicz and Brook

There was nothing to report at this time.

4. Director of Operations Ad Hoc Committee – President Swarat and Director Brook

Director Brook stated that there is continues to be accusations being stated of social media even though it was stated that Director of Operations Yearsley's certifications would be posted online. Director Tolbert stated that Mr. Yearsley could end everything simply by showing the camera his EMT License. Director Brook stated that all his credentials would be posted on the website. It was mentioned that a Cal CSD State Attorney said with his background to combine this position as one title. Director Brook would like to add to the agenda to review the job description at the July 15, 2020 Regular Board Meeting.

5. Fire Apparatus Driving Parameters Ad Hoc Committee -Directors Brook and Tolbert

Director Tolbert stated that last he heard there were a few maintenance issues that needed to be taken care of.

6. Morongo Valley Community Services District and Fire Department Funding Ad Hoc Committee – President Swarat and Director Campos

Director Campos stated that he is still investigating ambulance services, he knows there are still issues, however, you cannot move forward unless you try.

7. Morongo Valley Sport's League – Carl'Buddy' Stogner

Mr. Stogner stated that he is just waiting for the Board of Directors to reopen Covington Park so he can resume the Sport's League and hold his Easter Egg Hunt for the children. President Swarat stated that the Board of Directors would be discussing this later during the meeting.

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 May 20, 2020
2. Minutes of the Special Board Meeting of June 3, 2020
3. Minutes of the Special Board Meeting of June 10, 2020
4. Minutes of the Regular Board Meeting of June 17, 2020
5. Cash/Checks Disbursements & Credit Card Purchases for May - \$101,155.67

MOTION: Director Campos motioned to approve the consent calendar with no changes.

SECOND: Director Tolbert Seconds.

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

G. CONTINUED BUSINESS

1. Smith and Marion Company Annual Audit Engagement Letter 2020

The Board of Directors reviewed the Engagement Letter provided by Smith and Marion Company for the Morongo Valley Community Services District's Annual Audit.

MOTION: Director Tolbert motioned to sign the Annual Audit Engagement Letter.

SECOND: Director Klimowicz Seconds.

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

2. Park Closure Information

Director of Operations Yearsley stated that there are some parks in the area open while others are not. The ones that are open are following all social distancing guidelines. Although, many are opening their ball fields to the public. After some discussion between the Board of Directors, Mr. Stogner, and Director of Operations Yearsley,uh it was stated that Covington Park would remain closed with a special exception for Mr. Stogner to hold a drive thru Easter Egg hunt for the kids.

MOTION: Director Tolbert motioned to make a special exception to have a drive thru Easter Egg Hunt at a date and time provided by Mr. Stogner to Administrative Assistant Brittany Chavez to post to the Morongo Valley CSD's website.

SECOND: Director Campos Seconds.

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

3. Updating Resolution 01-11-2014 / Titling Past and Future Documents

After some more discussion during the Adjourned Regular Board Meeting of June 24, 2020 it was motioned to adopt Resolution 2020-02.

MOTION: Director Campos motioned to adopt Resolution 2020-02.

SECOND: Director Tolbert Seconds.

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

4. Review of Fire Department Supply Necessities

There was no discussion on this topic as it was discussed in another meeting.

5. District Observed Holidays

After some discussion it was decided to strike Cesar Chavez Day and Christopher Columbus Day from the approved Holiday's list.

MOTION: Director Campos motioned to strike Cesar Chavez day and Christopher Columbus Day from the Morongo Valley CSD's approved Holiday's list.

SECOND: Director Brook Seconds.

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

6. Morongo Valley Community Services District & Fire Department By-Laws

During the Special Board Meeting of June 3, 2020 Chief Brakebill presented a set of by – laws for the Board of Directors to review and accept. It was agreed to bring the by – laws back during the next Regular Board meeting with Items nine and ten stricken.

MOTION: Director Campos motioned to accept the Morongo Valley Community Services District and Fire Departments By-Laws as presented.

SECOND: Director Tolbert Seconds.

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

END OF ADMINISTRATIVE ITEMS

H. INDIVIDUAL DIRECTOR REPORTS

1. President Swarat – **She would like to remind everyone that for the health and safety of everyone please refrain from visiting the Fire Staff.**
2. Vice President Brook – **Stated that at risk of repeating herself she would like to reiterate the social media accusations that she takes money to the CSD are not true. Chief Brakebill and Ms. Miller did verify this for her.**
3. Director Klimowicz – **Stated that she wishes that everybody would appreciate the Fire Department and social media has gotten out of hand.**
4. Director Tolbert – **Stated that himself and Director Brook have been here for years and I will say she's never taken any money. He would like to thanks the Fire Department and CSD staff for all they do.**
5. Director Campos – **Stated that he seconds everything stated my Director Tolbert. He would like to remind everyone about census. Also, please stay safe and healthy COVID-19 is not a joke.**

Director of Operations Yearsley stated that he would like Chief Brakebill to verify that it is not an NFPA requirement for a Fire Chief to hold a current EMT Certification. Chief Brakebill verified that it is not an NFPA requirement for a Fire Chief to hold a current EMT Certification or Paramedic Certification.

MORONGO VALLEY COMMUNITY SERVICES DISTRICT

I. ANNOUNCEMENTS

1. Next Regular Board Meeting: July 15, 2020

J. ADJOURNMENT

Moved: Director Tolbert Second: Director Campos Vote: 5/0