

MORONGO VALLEY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
11207 OCOTILLO STREET. MORONGO VALLEY, CA 92256

REGULAR BOARD MEETING MINUTES

6:00 p.m. Regular Business

December 15, 2021

Conference via Zoom

Call: 1 (669) 900-6833 **Meeting ID:** 883 2266 3579 **Password:** 977374

<https://morongocsd.specialdistrict.org/>

Public input/questions will be conducted through Microsoft Forms which can be found on our website under the "Board Meetings" tab. The Morongo Valley CSD is 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.

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.

A. CALL TO ORDER

The Regular Board Meeting of December 15, 2021, was called to order at 6:01 PM.

B. ROLL CALL

1. Gayl Swarat, President, Present
2. Kristina Brook, Vice President, Present
3. Laurie Klimowicz, Director, Present
4. Johnny Tolbert, Director, Present
5. Christina Gorke, Director, Present

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Director Tolbert.

D. PUBLIC COMMENTS

The Board of Directors now takes time to consider your comments on items which are on the agenda. The President will recognize you at the appropriate time to assist in the orderly and timely conduct of the meeting. When called upon to speak, please state your name and residence. Comments will be limited to three (3) minutes or less. If you wish to comment on an agenda item or non-agenda items during Public Comment, fill out the form on our website, or raise your hand. There will also be a one (1) minute Public Comment period before each agenda item.

Bonnie Miller – is the staff report going to be discussed at any point? I just wanted to make a comment on it, I want to make sure the information is correct. This states that it is costing the district over \$10,000 in overtime, which is incorrect. It would only be 1/3 of the cost. Also, the worker compensation is only charged on straight time not over time. I just want to make sure that information is accurate.

E. 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 December 15, 2021.

Director Gorke asked if they could address the old business before the new business items.

MOTION: Director Gorke motioned to approve the agenda with amending it by switching the new and old business items.

SECOND: Director Brook seconds.

RESULT: Motion passes with a 5-0 vote

F. AGENCY REPORTS

1. Sheriff's Report – San Bernardino County Sheriff's Representative
Not in attendance.

2. Director of Operation's Report – Gerald Yearsley
Director of Operations Yearsley reported that Operation Gobble went great. There was nothing else to report for the month of November

MOTION: Director Tolbert motioned to approve the Director of Operations Report as presented.

SECOND: Director Klimowicz seconds.

RESULT: Motion passes with a 5-0 vote

3. Risk Management and Public Relations Ad Hoc Committee Report – Directors Klimowicz and Brook
Nothing to report at this time.
4. Fire Apparatus Driving Parameters Ad Hoc Committee – Director Brook and Tolbert
Nothing to report at this time.
5. Morongo Valley Community Services District and Fire Department Funding Ad Hoc Committee – President Swarat and Director Gorke
Nothing to report at this time.
6. Morongo Valley Sports League – Buddy Stogner
Buddy Stogner had nothing new to report.
7. Community Relations Committee – Director Tolbert and Gorke
Nothing to report at this time.
8. Director of Operations Recruitment Ad Hoc Committee – Director Tolbert and Klimowicz
Nothing to report at this time.

G. 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 November 17, 2021.
2. Minutes of the Special Board Meeting of November 17, 2021.
3. Minutes of the Special Board Meeting of November 24, 2021.
4. Minutes of the Special Board Meeting of November 30, 2021.
5. Minutes of the Special Board Meeting of December 3, 2021.

MOTION: Director Tolbert motioned to approve the following minutes as presented; Minutes of the Regular Board Meeting of November 17, 2021, Minutes of the Special Board Meeting of November 17, 2021, Minutes of the Special Board Meeting of November 24, 2021, Minutes of the Special Board Meeting of November 30, 2021, and the Minutes of the Special Board Meeting of December 3, 2021.

SECOND: President Swarat seconds.

RESULT: 5-0

6. Cash / Checks Disbursements & Credit Card Purchases for November - \$101,310.24

MOTION: President Swarat motioned to approve the cash / check disbursements & credit card purchases as presented.

SECOND: Director Tolbert seconds.

RESULT: *Motion passes with a 5-0 vote*

H. CLOSED SESSION - 6:13 PM

PUBLIC EMPLOYEE APPOINTMENT

[Government Code Section 54957(b)(1)]

Title: Interim Director of Operations

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation [Government Code Section 54956.9(d)(2)]

Three potential cases

CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957.6)

District Designated Representatives: Directors Brook and Gorke

Employee Organization: Morongo Valley Professional Firefighters, IAFF Local 5028

I. ANNOUNCEMENT OF REPORTABLE CLOSED SESSION ACTIONS – 7:50 PM

Steve Kennedy reported that there was no reportable action out of closed session. He clarified that at no time did the Morongo Valley CSD hold an emergency meeting. They have held special meetings, which are very common, however, there have been no emergency meetings. All five members of this board are entitled to compensation, but each member of this board has chosen to not receive

compensation. All five board members serve these positions out of their love for the community they live in, not for the compensation.

J. OLD BUSINESS

1. Employment Agreement for Interim Director of Operations

The Board of Directors reviewed and discussed the approval of Employment Agreement with Chief James Brakebill for Interim Director of Operations due to pending retirement of Chief Gary Yearsley.

MOTION: Director Tolbert to motioned to approve the employment agreement with the exception that the employment agreement end at the next regular board meeting scheduled January 19, 2021.

SECOND: Director Brook seconds.

ROLE CALL: President Swarat; Nay, Vice President Brook; Aye, Director Klimowicz; Abstain, Director Tolbert; Aye, Director Gorke; Aye.

RESULT: Motion passes with a 3-1-1 vote

2. Temporary Services Agreement with San Bernardino County Fire Protection District

Director Brook reported that after meeting with union, the bargaining unit at the meeting were in full agreement with some minor clauses that needed to be discussed. We have hope that we can fully staff our fire department ourselves, however, we have this as a backup in case we don't get the applications we thought we were going to get. We are all going to work together, and I am confident we may not need to ask the county to help us. We also discussed relaxing some clauses in the MOU, to allow us to hire part time employees and EMR's. The union is willing to go back to their attorney and get an addendum. A fire services committee was developed with Director Gorke and Director Brook, their regular meetings will be before the CSD's regular meetings to ensure congruence.

K. NEW BUSINESS

1. Resolution AB 361 Recertification

During the Regular Board Meeting of November 17, 2021, the Board passed Resolution 21-02 to allow online meetings pursuant to AB 361. It was noted that for this Resolution to remain valid, it would need to be reapproved every 30 days. The Board of Directors discussed Resolution 21-03 recertifying remote Board meetings under AB 361 concluding that there was more community involvement online.

MOTION: Director Brook motioned to approve Resolution AB 361 Recertification due to more community involvement online than in person.

SECOND: Director Klimowicz seconds.

RESULT: Motion passes with a 5-0 vote

2. Reinstating Board Titles

The Board Members discussed having titles again, i.e., fire commissioner, park commissioner, and finance commissioner. It was mentioned that the community believed the district operated better with directors having these positions.

MOTION: Director Brook motioned to reinstate Board titles appointing Director Tolbert as the finance commissioner, Director Gorke the park commissioner, and the fire commissioner being an ad hoc committee with Director Gorke and Director Brook eliminating the fire commissioner position.

SECOND: Director Klimowicz seconds.

RESULT: Motion passes with a 5-0 vote

3. Director of Operations Retirement

The immediate retirement of Director of Operations Yearsley was discussed among the board, concluding that a good compromise between the board and community would be for Mr. Yearsley to work from home for his last two weeks with the Morongo Valley CSD.

MOTION: Director Brook motioned to have Mr. Yearsley work from home for the next two weeks due to the amount of transition that needs to happen, then retire as expected on December 31, 2021.

SECOND: Director Tolbert seconds.

RESULT: Motion passes with a 3-1-1 vote

4. Director of Operations Job Description and Salary Range

The Board of Directors discussed an updated Director of Operations salary range to post the position with. It was concluded that a \$10,000 range would be an acceptable start. The position is to be posted with a salary range of \$70,000 to \$80,000 for the Director of Operations (general manager and fire chief).

MOTION: Director Tolbert motioned to approve a salary range for the Director of Operations job posting as being \$70,000 to \$80,000.

SECOND: Director Brook seconds.

RESULT: Motion passes with a 5-0 vote

5. 2021 International HME Type 3 Model 34F Brush Engine

Tabled until mid-year budget review.

L. INDIVIDUAL DIRECTOR REPORTS

1. **President Swarat** - and just let me make this comment that the board can appoint someone to take that position so if anyone in the community is interested, please contact the office, and put in your application to be considered. My friends and neighbors it is with us and heart that I tender my resignation to the Morongo Valley CSD board of directors on this day December 15th 2021. I have worked for many years donating my time along with my husband bill to help make Morongo Valley a safe and beautiful place to live. Since we arrived here in 1979, we have participated in many facets of our rural community we have worked to protect big Morongo Canyon preserve and our underground water supply from large scale developments that could put us in overdraft of our aquifer. We have spent many months still studying and compiling a

map of Morongo Valley that has provided the community and the fire services with an accurate way to find those who need their help. Phil and I have donated our professional science services for park signage and lettering on most of the fire vehicles Phil and I designed the current fire department and CSD logos all these things at no charge to the community and our limited CSD budget as our way of helping Morongo Valley and its residents we have also been members of Morongo Valley firefighters auxiliary since its inception and I've worked many pancake breakfasts and other fundraisers I have now and have always had the safety and security of Morongo Valley at the center of my decisions regarding my votes on the CSD board as Laurie said there are many things that we cannot divulge to the community because of laws and those are the things we have to abide by. Unfortunately it hurts the community as well as myself it is clear to me that the majority of people who are attending these meetings have made up their minds about what others are telling them I know I have many folks who do not attend who nonetheless understand the issues and believe I am doing what my moral and conscience are telling me I must do to keep the Morongo Valley Fire Department viable I have been in this dilemma before while serving on the CST board in 2006 to 2008 some of the same folks are giving the community biased and uninformed counsel if it had not been for myself and one other board member at that time the assessment that now provides paramedic service would likely not be an issue as we would not have paramedics we would likely have EMT's only to serve us for our medical. Whoever takes over will serve the community well and faithfully as I have tried to do in the past sincerely Gayl Swarat. Thank you all for coming to this meeting and now there are two positions open on the board and so all of you people who have great ideas and lots of enthusiasm and lots of time please put in your application to be on the board the board needs you thank you undo

2. **Vice President Brook** – A question that came in via chat, would we have a consideration of putting a five-year plan together? Me as one board member I would say five-year strategic plan is always a great idea so I'm writing it down as something to put on an agenda for future consideration. Another question coming in which is does anyone else think the board needs to separate the director of operations in the Fire Chief not at this point the union and us were talking about that and we were in agreement to leave that be for right now so we are not talking about that at this point so I think I can answer that question for you so keep her keep her questions rolling align still on the platform anyway no anyway I think I answered two simple questions. I just want to thank Chief Brakebill for everything he is doing.
3. **Director Klimowicz** – Happy holidays, please be safe. Chief Yearsley, I appreciate all the things that you have done for the community. I hope the community is truly listening I was raised to always do the right thing even its difficult. The truth always wins. I was raised believing that you should not judge people that everyone deserves a chance and that actions speak way louder than words. I was raised and grew up in eight different states from coast to coast and in between and that reality has enabled me to meet and learn life lessons from thousands of different people. I'm sad, disappointed, disheartened and, disgusted when I hear people make accusations, jump to conclusions, tell lies or simply be mean to others for no valid reason. I have a strong version to lying, please don't judge me I'm not stupid I know the world is not a nice place I just wonder why it is so much that way. I was appointed to the CSD directorship almost four years ago and in that time, I've contributed the best I can to the causes of improving our community for everyone. I've been hindered in my pursuit of that goal by restrictions put upon us by the law I have attended these meetings hardly ever having the full

story on anything status because the law does not allow members of the board to discuss business items with more than one other board member outside of a meeting the board must put items on the meeting agenda and discuss them only at the board meetings. Unfortunately, not all of us have the same information coming into them meetings at which we are expected to discuss understand and make decisions about various topics such is the design of government. I know that I already contribute to this community in many other positive ways, and I will continue to do so. However, I am unable to comfortably continue in this position because I have lost trust in many people, in processes. I hereby resign my position of director of the Morongo community services board and hope that a suitable and honest replacement can be made soon. Thank you to all of those who have supported the CSD the fire department and me.

4. **Director Tolbert** – Thank the men and women of the Morongo Valley Fire Department welcome aboard Chief Brakebill. Mr. Yearsley, in the past four years you and I may have butted heads, but I respect you, thank you for everything you have done in the last four years. Members of the board we had some tough issues tonight that we worked out very well together.
5. **Director Gorke** – Follow up and say thank you to everyone who has been working to get these issues resolved things are moving in the right direction. I also appreciate that I have been appointed as the park commissioner I am excited.

M. ANNOUNCEMENTS

1. Next Regular Board Meeting: January 19, 2021

N. ADJOURNMENT – 8:45PM

Moved: Director Tolbert Second: Director Gorke Vote: 5-0