

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

REGULAR BOARD MEETING MINUTES

Video Conference via “Zoom”
Information on how to join a zoom meeting is on our website
(morongocsd.specialdistrict.org)
6:00 p.m. Regular Business
April 15, 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 Regular Board Meeting of April 15, 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.

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 April 15, 2020
President Swarat would like to move Item J1 to right after the approval of the Agenda.

MOTION: Director Brook motioned to approve the Regular Board Meeting Agenda of April 15, 2020 with the changes.

SECOND: Director Klimowicz Seconds.

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

E. PUBLIC COMMENTS ON AGENDA ITEMS

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 in order 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 a Request to Speak form and give it to the General Manager. There will also be a one (1) minute Public Comment period before each agenda item.

There were none at this time.

F. PUBLIC COMMENTS ON NON-AGENDA ITEMS

The Board takes time to consider public comments on items of concern not on the agenda. When you are called to speak, please limit your comments to three (3) minutes or less. The Board is prohibited by law from taking action or entering into active discussion or deliberation on items not listed on the agenda. [Gov. Code Section 54954.2(a)(2)]

Administrative Assistant Sydney Anderson stated, Good Afternoon, my name is Sydney and I work for the Morongo Valley CSD. I would like enough respect from the Board and the Public to let me speak without interrupting. I would also like to remind the Board, since this has been a reoccurring problem in the past, that responding to my comment is a violation of the Brown Act. Tonight, I am here just as a member of the public. I am not allowed to work this meeting and I will not be paid for it. Therefore, as a member of the public, I would like to ask a rhetorical question and make a statement. Let this be an official complaint against the District. According to the Special District Law (which has been brought up to this District many times) the Board of Directors, Especially the Board President alone, is not permitted to interfere with the Daily Operations of the District and District Employees. My question then, is how the Board President is allowed to cut the hours of the Office Personnel by 2/3rd in my case with the same workload. This has been explained to the Office Personnel countless times that Gayl, the Board President, was the person who cut our hours. This can be corroborated by the other office employee. I would also like to inform the public as well as the other Board Members that this happened shortly after I sent an official Complaint to the Board President about a major liability concern to the District. A settlement that I was forced to write, was being pushed through without the Board Approval and without the District's attorney going over it. According to California Business and Professions Code 6125 and Code 6126, you may not practice law in any way without a California State Bar. Therefore, making me write this Settlement Agreement was illegal. Furthermore, the job and purpose of a Board Member is to be an impartial member of the Morongo Valley Community in order to put the District's best interest first. It is readily apparent to me as well as the Community that this has not been the case. It does not appear that the District's best interest is being looked after, and instead it seems that the board members are putting their individual interests first. I know that by me making this complaint, it will create a hostile working environment for me, but this needs to be stated and the Board as well as the Public need to understand this. I have been a very dedicated employee for the District for years now and I even became friends with most of you before I became an Employee by helping at various Fundraisers. Please understand that I am only making this statement because I truly care about this District and this Community. I would also like to like this be known that this is not a resignation but a statement of facts.

An anonymous individual posted in the chat room and Director Campos reads "I have a lot of questions I live on Buena Vista Drive and would like to stay anonymous because I know I would be targeted from the board from what I know my question is why have I seen Gayl a member of the Board has met with Chief Yearsley alone multiple times while the Chief is on duty as well as seeing them at the MPR which I though was for the firefighters if they get sick?" President Swarat stated that this was hard to understand and thank you to whoever you are for your comment.

G. AGENCY REPORTS

1. Sheriff's Report – San Bernardino County Sheriff's Representative
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
3. Director of Operation's Report – Gerald Yearsley
4. Risk Management and Public Relations Ad Hoc Committee Report – Directors Klimowicz and Brook
5. Director of Operations Ad Hoc Committee – President Swarat and Director Brook
6. Fire Apparatus Driving Parameters Ad Hoc Committee -Directors Brook and Tolbert
7. Morongo Valley Community Services District and Fire Department Funding Ad Hoc Committee – President Swarat and Director Campos
8. Morongo Valley Sport's League – Carl "Buddy" Stogner

H. CONSENT CALENDAR

Items on the consent calendar are considered to be 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
2. Minutes of the Special Board Meeting of March 25, 2020
3. Cash/Checks Disbursements & Credit Card Purchases - \$78,956.32

I. CONTINUED BUSINESS

1. **Duty Officer Compensation and Extra Duty Review**
2. **Certifications / Information on Qualifications for Fire Chief**
3. **Chuck Osborne Volunteer of the Year for 2019 Award**
4. **Park Closure Information**

J. NEW BUSINESS

1. Conflict of Interest Issues

*This item was moved to the beginning by President Swarat. Director Brook stated the overview that I am about to provide is taken from the Fair Political Practices and the California Public Ethics Commission. And also includes console with our Morongo Valley CSD district attorney. Director Brooks connection was poor could not hear her. It was stated that Director Campos had a conflict of interest between being a Director and attempting to become the CSD's General Manager. This sparked much debate between the Board of Directors, Office Personnel, Fire Personnel and the Public. Director Campos stated he had no desire to become the CSD's General Manager. Director Brook stated that she would recall her statement if Director Campos would abstain from any General Manager topics. It was stated that this was blackmail and Director Campos should not be given this ultimatum. Director Brook stated that this was and is how politics worked. This caused many upset audience members to speak out. Ultimately this resulted in President Swarat motioning to canceling the meeting.

MOTION: President Swarat motioned to cancel the Regular Board Meeting of April 15, 2020

SECOND: Director Campos Seconds

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

RESULT: Motion to pass with a 3-2 Vote.

2. Social Distancing and Protective Covering Policy

3. Communication with District's Attorney and Any Private or Public Agency

4. Special Budget Meeting for 2020/20201 Fiscal Year

5. District Observed Holidays

6. Review of Fire Department Supply Necessities

K. CLOSED SESSION MEETING

1. Anticipated Litigation

Government Code Section 54956.9(d)(2)

1. Settlement Agreement

2. 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

1. Review Negotiations

L. REPORT OUT ON CLOSED SESSION MEETING

1. Report Out on Anticipated Litigation

2. Report out on Conference regarding Labor Negotiations

M. INDIVIDUAL DIRECTOR REPORTS

President Swarat-

Vice President Brook-

Director Klimowicz-

Director Tolbert-

Director Campos-

Morongo Valley Community Services District

N. ANNOUNCEMENTS

1. Next Regular Board Meeting: May 20, 2020

O. ADJOURNMENT

The Regular Board Meeting of April 15, 2020 via Zoom was canceled at 7:44 PM.