

**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

**January 18, 2023**

Covington Park – MPR  
11165 Vale Drive  
Morongo Valley, CA 92256

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

*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 January 18, 2023, was called to order at 6:00 PM.

**B. ROLL CALL**

1. Jennifer Henning, President – Present
2. James Ronald Whitney, Vice-President – Present
3. Jonny Tolbert, Director – Present
4. Christina Gorke, Director – Present
5. Michael Emory, Director – Present

**C. PLEDGE OF ALLEGIANCE**

Director Gorke leads.

**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.

No Public Comment

**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 January 18, 2023.

Concerns were expressed by Director Tolbert on items H-9 and Public Employee Performance Evaluation in Closed Session.

**MOTION:** Vice-President Whitney to approve the agenda of the Regular Board Meeting of January 18, 2023, with proper formatting amendments made.

**SECOND:** Director Gorke.

**ROLL CALL:** Director Gorke – Aye, Director Whitney - Aye, President Henning – Aye, Director Tolbert – Nay, Director Emory – Aye.

**RESULT:** Motion passes 4/1 vote.

## F. AGENCY REPORTS

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

Sargent Scalise, there was Search and Rescue, we started a large-scale search with 40 volunteers, Sheriff's aircraft and California Highway Patrol's helicopter. Thanked the MV Fire Department for welcoming us into your station. Individual was found, flown to the Desert Regional Medical Center. Great corporative efforts between all departments. Operation Dust Devil is currently in its fifth week. During week four, large amount of time spent in the Morongo Basin; 615 citizen contacts and a dozen citations written, and several vehicles towed for various violations. We are now out of the area, but continuing to rotate weekly. Had a call for a missing person, was found after a lengthy search with minor injuries. Maintain Community awareness, statewide there are catalytic converter thefts, had 2 incidents where homeowners ran into armed suspects stealing their catalytic converters. Be vigilant and know your neighbor.

2. **General Manager / Fire Chief Report – James Brakebill**

Kitchen update, Captain Ryan McEachen: A hood inspection is scheduled for next Wednesday; will be cleaned, certified, and up-to-date; this is required and needs to be turned into County to become a Food Host Facility with catering options. Fly fan is above the door, do not need to purchase new one. Back door needs to be replaced, working on quote. We will probably do it as an in-house project, cut out the door and put in a pre-hung door from Home Depot. Part of the paperwork to the County involves a scale drawing of the kitchen, need something more detailed showing items in kitchen. Will research contractor or a designer to do drawing. Still trying to get the fire department auxiliary to move the stuff out of the kitchen. Still calling Ecolab for soap dispenser system above the three-compartment sink. Contacted Mr. Stogner to help us with electrical outlets that need to be switched out.

Chief Brakebill: Not here for the Christmas event, thanked Buddy Stogner for hosting. People had a great time. Talked to contact on the Marine Corps Base about getting Toys For Tots this year.

All the Full-Time Staff Performance Evaluations are done.

Calls for Service: Had a total of 69 calls this month. 3 for fires, 54 for rescue and emergency medical service, 1 for hazardous materials, 10 service calls and good intent and 1 false alarm.

3. **Cash / Check Disbursements & Credit Card Purchases for December – Director Tolbert**

Director Tolbert reported for December the CSD spent a total of \$107,659.97, \$26,489.67 less than the previous month. Bills outside of our normal monthly bills were \$8,097.97 to Fire App Solutions (engine repairs), \$2,500.00 Lexipol (grant writing), \$1,431.99 H&S Mobile Fire (annual inspection),

\$1,278.29 West Coast Fire Sales, \$490.00 Hi-Desert Air (new gas valve), \$434.99 Parker Lumber (chainsaw parts), \$60.00 Englander Investigations, for a total of \$14,293.24. Normal monthly bills were \$93,366.73. That is higher than usual, because of 3 pay periods last month instead of 2. As of December 31, \$623,646.89 in reserves, using 6 accounts. As of December 31, \$410,891.35 is in our bank account. Only one account draws interest, the Money Market account.

#### **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 December 21, 2022.

After some discussion, it was decided that the meeting minutes of December 21, 2022, be corrected and brought back for approval at the next Regular Board Meeting on February 15, 2023.

#### **H. NEW BUSINESS**

1. RESOLUTION 23-01 AB 361 RECERTIFICATION

The Board of Directors discussed and approved Resolution 23-01 recertifying remote Board meetings under AB 361.

**MOTION:** Director Tolbert motioned to approve Resolution 23-01 AB 361 recertification.

**SECOND:** Director Gorke.

**RESULT:** Motion passes 5/0 vote.

2. MID-YEAR BUDGET REVIEW

Director Tolbert presented the Mid-Year Budget stating that the MVCSD is currently operating \$229,000 over the six-month budget. There were a lot of expenditures that we are making up for in the last few years including deferred maintenance, things were left to expire that were not brought to the Board. SCBAs and fire turnouts have a shelf life, unfortunately, those needed to be replaced. After further discussion, the Board of Directors decided to table this item for the next board meeting.

3. MVCSD DRIVER SAFETY POLICY

Chief Brakebill presented the Board of Directors with the Mongo Valley Community Services District Driver Safety Policy after discussion the Board of Directors approved and voted to implement this policy.

**MOTION:** Director Emory, approve the Driver Safety Policy.

**SECOND:** Director Gorke.

**RESULT:** Motion passes 5/0 vote.

4. FIRE CHIEF / GENERAL MANAGER PRESENTATION AND DISCUSSION REGARDING RECOMMENDED CSD PRIORITY ACTION ITEMS

Chief Brakebill presented the Board of Directors with the top ten priorities for the MVCSD during 2023. After learning that the MVCSD phones and voicemail have not been working, for over one year, connecting our voicemail to google voice was suggested. The Board asked to make a promise to have the phones fixed by the end of day on January 19, 2023. The Board discussed and requested Chief Brakebill to audit his list and prioritized it with what needs to be done immediately and comeback with costs to implement these items. Director Emory requested the powers of the CSD Board be emailed to everyone. It was also requested that the CSD powers list be on the next Agenda and Chief make a recommendation to the Board regarding this item and what needs to be done.

5. FIRE CHIEF/GENERAL MANAGER PRESENTATION FOR ON-CALL GRANT SUBMISSION AND PROJECT MANAGEMENT SERVICES; DISCUSS DEVELOPING A REQUEST FOR PROPOSALS

Currently, using Lexipol which specializes in Fire grants. I am applying for the AFG to get new self-contained breathing apparatus. If awarded, grant will reimburse the CSD with \$1,500 of the grant writing cost. It was further discussed to have Chief Brakebill bring his top 3 grant writing firms, in addition to Lexipol, and present it at the next Board meeting.

**MOTION:** Vice-President Whitney, develop an RFP to solicit grant-writing firms for CSD-related matters.

**SECOND:** Director Emory.

**RESULT:** WITHDRAWN.

6. SELECT STUDY SESSION DATES AND AGENDA TOPICS

President Henning stated it would be wise to have a Study Session, a Special Meeting for the public to weigh in and address goals and outcomes. After discussion, the Board agreed to hold a Study Session on February 8, 2023, at 6:00 pm via Zoom. Agenda items should be given to Chief Brakebill by January 30, 2023. Director Gorke will share on Facebook.

7. RESOLUTION 23-02 SCHEDULE OF FEES

Chief Brakebill presented Resolution 23-02 schedule fees which is the County Fire comes out with new response costs.

**SCOPE OF RESOLUTION:** Director Tolbert reads the first 3 whereases, waiving further reading.

**MOTION:** Director Emory , approve the Resolution proposed by Chief Brakebill to adopt San Bernardino County's new fee schedule.

**SECOND:** Vice-President Whitney.

**RESULT:** Motion passes 5/0 vote.

8. REVIEW OF SUNSHINE ORDINANCE NO. 2014-01

After a brief discussion the Board agreed this item was redundant and unnecessary since the Brown Act governs Public Meetings and Elected Boards.

**MOTION:** Director Emory, dismiss this item.

**SECOND:** Director Tolbert

**RESULT:** Motion Passes 5/0 vote

9. DISCUSSION AND SELECTION OF NEW LEGAL COUNSEL FOR THE CSD

President Henning presented the board with a Proposal from Best Best & Krieger to review, there was Board discussion. Director Tolbert expressed his concern about not needing new Legal Counsel. Members of the public commented; Bobbi Tolbert, praised the work of the current CSD attorney, spoke very highly of Steve Kennedy. Director Gorke questioned the lack of other proposals. President Henning stated three bids were not necessary for retaining new Legal Counsel. Concerns were also expressed about the price increase compared to what is currently paid.

**MOTION:** Vice-President Whitney, bring BB&K on with Shauna Amon as Lead Counsel, starting immediately, subject to an Advanced Deposit or Trust account not to exceed \$2,500 and/or a retainer in excess of \$500 a month

**SECOND:** Director Emory

**ROLL CALL:** Director Gorke – Nay, Vice President Whitney- Aye, President Henning – Aye, Director Tolbert – Nay, Director Emory - Aye

**RESULT:** Motion passes 3/2 vote

I. CONTINUED BUSINESS

1. WEST COAST ARBORIST PIGGYBACK CONTRACT

During the last meeting, it was discussed by the Board to have the attorney review the contract. Once a finalized contract with BB&K is in place Chief Brakebill will move forward.

2. MAINTENANCE PERSONNEL TRUCK USAGE

Fire Chief/GM Brakebill provided the Board of Director's with four options for a Maintenance Vehicle. After months of conducting research Chief Brakebill presented: A lease for a new Ford Ranger at a cost of \$385/month, an amount recommended by Chief to be reasonable; Buying a new Ford Ranger at a cost of \$33,080; Buying a used 2006 Chevrolet Silverado Truck, found by Buddy Stogner for \$7,500; Or approving a raise in personnel salary to use his personal vehicle.

The Board discussed various options and concerns with costs to the District if a new vehicle was purchased. Vice-President Whitney suggested the Board defer to Chief Brakebill, allow him to decide and report back at the next meeting, if a vehicle could be leased for an agreed dollar amount Chief Brakebill should be able to move forward.

**MOTION:** Vice-President Whitney, lease a vehicle at Chief Brakebill's discretion not to exceed \$389 per month

**SECOND:** Director Emory

**ROLL CALL:** Director Gorke – Nay, Vice-President Whitney – Aye, President Henning – Aye, Director Tolbert – Nay, Director Emory – Aye.

**RESULT:** Motion passes 3/2 vote.

**The Board provided Director Reports before going into Closed Session.**

L. INDIVIDUAL DIRECTOR REPORTS

1. **President Henning** - Nothing to report.
2. **Vice-President Whitney** - Nothing to report.

3. **Director Tolbert** - Thank you to the men and women of the Morongo Valley Fire Department. Thank you to Chief Brakebill and Ms. Chavez for the hard work to keep this District running. In the last week, I witnessed bad time management from members of this Board. The agenda was not put out prior because it was not signed by President Henning until three hours prior to when it needed to legally be posted. Members of this Board are not doing their job. Members of this Board are overstepping their authority and if things don't change this District and this Board are going to be in a lot of trouble.
4. **Director Gorke** - We have our first crochet club meeting on February 5<sup>th</sup> from 2 pm to 4 pm. It is open to professional crocheters, newbies, and people who just want to come and have snacks and chat. I'm hoping to have more things happening at the Community Center. I've reached out to Kirsten Miller who is a Morongo Valley resident helping me do that because I am not a crocheter myself, but she had an interest in doing that. Hopefully, we'll find other activities to bring to the Community Center.
5. **Director Emory** - I have comments. First, I too would like to thank the Fire Department and members of the Administrative Staff and everybody who contributes, not just that's paid to do so but who dedicates their time to this Board. That's everybody on this Board. I think we serve at the pleasure of this Community, and I think everyone has passion and I applaud everyone's passion. I recognize that passionate proclivities tend to exert themselves at different times and I would just ask and strongly recommend that A) I know that we are new, but everyone's spirit is here for the right reasons. B) that we show respect to each other because we are all putting in the time and regardless of the difference of opinions were here to drive the best outcomes. And the last point would just be there are a lot of cleanups that have to be done but I think, even though we have a difference of opinions we can certainly get there if we all work together and that is the prevailing spirit.

**President Henning** – Responded to Director Tolbert's accusation regarding signing of the agenda, she stated that Director Tolbert pay closer attention to what time the agenda was signed and the Time Zone being used by the program, the signature time on the agenda is listed in GMT time. The agenda was signed 6:59AM PST not three hours prior as falsely stated.

#### **J. CLOSED SESSION**

The Regular Closed Session of the Board of Directors of January 18, 2023, was called to order by President Henning at 9:43 PM, with Vice-President Whitney, Director Tolbert, Director Gorke, Director Emory, and Chief Brakebill present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

##### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

[Government Code Section 54957(b)(1)] Title: General Manager/ Fire Chief

##### **CONFERENCE WITH LABOR NEGOTIATORS**

(Government Code Section 54957.6)

District Designated Representative: Steven M. Kennedy, General Counsel Employee  
Organization: Unrepresented Employee: General Manager / Fire Chief

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation [Government Code Section 54956.9(d)(2)} One potential case

**K. ANNOUNCEMENT OF REPORTABLE CLOSED SESSION ACTIONS**

The Regular Meeting of the Board of Directors of January 18, 2023, reconvened and was called to order by President Henning at 10:12 p.m.

Chief Brakebill reported that the Board of Directors did not take any reportable action.

**M. ANNOUNCEMENTS**

1. Next Regular Board Meeting February 15, 2023.

**N. ADJOURNMENT**

The CSD Board of Directors adjourned at 10:13 PM

Moved: Director Tolbert      Second: Director Gorke      Vote: Unanimous