

NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

SPECIAL MEETING MINUTES

July 7, 2020

Call the meeting to order- 6:17 p.m.

Pledge of Allegiance

President Springer asked all present recite the Pledge of Allegiance.

Roll Call.

Present:

President Springer
Director Deel
Director Clark
Director Paulsen
Director Unger

Absent:

Also Present: General Manager Jodi Howard and members of the public.

1. Approval of Agenda

Motion Director Unger to approve agenda. Seconded Director Deel.

Vote: Unanimous

Motion Passed

2. Public Comments:

3. Agenda Items- Closed Session

a. a. Closed Session with Legal Counsel- Existing Litigation Newberry Community Services District, et. al. v. County of San Bernardino, et. al. (S.B. County Superior Court) CIV DS 2000745.

Government Code 54956.9(a)

Went into closed session- 6:25 p.m.

Motion Director Springer before the Board is a Settlement Agreement with Daggett Solar Power 1 LLC to resolve the litigation in case number CIVDS2000745. The proposed final settlement agreement will be entered into the record. Resolved: that the NCSD Board authorize and approve entering into the

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settlement agreement before it; that the NCSD Board authorize and approve Jodi Howard, GM, to sign the settlement agreement on behalf of the Board; and that the NCSD board authorize its counsel to take all steps necessary to effectuate NCSD's duties under the agreement that is part of the record, including filing the required documents with the court. Seconded Director Unger.

Vote: Unanimous

Motion Passed

Came back from closed session 6:46 p.m.

Report from Closed Session:

Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

So he will have to announce (1) that the Board accepted a settlement offer, and that the substance is the following 10 items:

- We secured a setback from solar panels from residences.
- We secured a special much larger setback for batteries from residences
- The solar company will train all area firefighters at their expense
- The Board gets to comment on Dust Control plans
- Special measures will be taken for roads to minimize dust
- Strict speed limits in place on project roads for the same
- Dust barriers will be erected
- Noise barriers will be erected
- A financial settlement of over 200k, some of which will go to state of the art air monitoring equipment
- Commitment that the company will urge the County and AQMD to accept the air-monitoring equipment and help monitor it so local residents can be better informed

4. Adjournment- 6:57 p.m.

Board Secretary

Board President