

NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

Minutes of the Regular Board Meeting on November 18, 2025 at 6:00 P.M.

In compliance with the American with Disabilities Act and Government Code section 54954.2, if you need special assistance to participate in the District Meeting or other services offered by the District, please contact the District Office at (760) 257-3613. Normal office hours are Wednesday, Thursday and Friday from 12 p.m. until 4 p.m.

After invocation by Rose Beardshear, the meeting was called to order at **6:04 P.M.**

The pledge of allegiance was led by GM Vanek.

Present were: Directors Deel, Roberts, And Unger. Director Springer joined the meeting at 6:20 P.M. Director Matson was Absent.

Also present: General Manager Vanek , Fire Chief Lanier, District Secretary Plascencia, and members of the public.

1. Approval of Agenda

Motion by Director Unger and 2nd by Director Roberts to approve the agenda as presented.

Vote: Ayes: 3 Directors Deel, Roberts, Unger

Noes: 0

Absent: 2 Director Springer, Director Matson

2. Approval of Minutes

Motion by Director Unger and 2nd by Director Roberts to approve the regular meeting draft minutes from October 28, 2025 as presented.

Vote: Ayes: 3 Directors Deel, Roberts, Unger

Noes: 0

Absent: 2 Director Springer, Director Matson

3. Public Comments: *Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member may speak on any agenda item at the time the agenda item is discussed by the Board of Directors. (Comments will be included in the Supporting Documents if written Reports are submitted to the GM or Secretary by meeting time).*

A. General Public

Virginia Padilla- Commodities have been moved to 3rd Tuesday of the month from 3pm-5pm and Food Giveaway to Mondays at 4pm. Signs are posted with the updates. Requests Container on site for food storage.

Rose Beardshear- Pistachio Festival recap. Had a great turn out with 90 Vendors. Thanks Newberry CSD for the amazing venue. Apology for the miss communication on clean up. Main Street Murals will need to reserve building independently from Pistachio Festival. Trash Volume is an issue and would need to figure out a solution. Suggests Newberry CSD take over Pistachio Festival Vendors for next year's Pistachio Festival.

St Joseph's Monastery- Would like to know if the road maintenance for Harvard Rd could be taken over by the county. Seeking assistance with water request form.

Director Springer Joined the meeting at 6:20 P.M.

B. Agency Reports (Included in the Supporting Documents)

1. Sheriff Captain Ron Markegard
2. Lieutenant Eric Mellow

4. NCSD Reports (Included in the Supporting Documents)

- A. General Manager – GM Vanek
- B. Fire Department - Chief Lanier
- C. Financial Reports – GM/Treasurer Vanek - Balance Sheet, Budget vs Actuals
- D. Directors Comments (1 min.)

Break – at 6:59PM to Celebrate Director Roberts Birthday. Break ended at 7:16PM.

5. Agenda Items- Discussion/Possible Action

- A. **Establish Rates for Use of Park and Revise Facility use Agreement Policy; Discussion Possible Action; Submitted by Director Matson and Director Deel; Continued from October 28th Meeting**

Tabled until December 16th meeting

- B. **Cadiz Water Project, Discussion/Possible Action; Submitted by Director Deel and Director Matson**

IF the Cadiz Water Project is successful, Newberry Springs could benefit from their pumping water from Fenner Gap through Newberry Springs to Barstow, Victorville and beyond. We just have to figure out how. Confirmation of NCSD Standing Committee, Volunteers are Karen Grey, Mike Matson, Paul Deel, Robert Shaw, Robert Springer, and Ted Stimpfel.

Director Deel: If the Cadiz water project is successful, how can Newberry Springs a disadvantage community utilize water Cadiz pumps from Cadiz through Newberry Springs to Barstow, and Beyond and at what cost to Newberry Springs. When a plan is formulated, consult with Cadiz to see what Cadiz recommends and is willing to do, and what steps NCSD must take.

Motion by Director Deel 2nd by Director Springer

That NCSD Appoint a Standing Committee comprised of Directors Robert Springer and Mike Matson plus volunteers Karen Grey, Paul Deel, Robert Shaw, and Ted Stimpfel. Three more volunteers may be included. Director Robert Springer has been appointed as temporary Chairman. Written reports will be given to GM. This is an advisory committee. It cannot commit NCSD to anything without board approval. Staff will handle notification of meetings and post as required.

Vote: Ayes 4 Directors Deel, Roberts, Springer, Unger

Noes 0

Absent 1 Director Matson

C. Does this CSD Board Need to Take a Class to Understand What the Brown Act (the Law in California) says? Discussion/Possible Action; Submitted by Director Unger

In the October 28, 2025 CSD Board Meeting, Director Deel accused Director Unger of a Brown Act violation during the October 20th Cadiz Water public meeting at the Assembly of God Church. At that meeting, Director Unger simply asked the program presenter if PowerPoint slides of the presentation would be available. Asking this question did not constitute a Brown Act violation because per Gov. Code §54952.2(c), a "meeting" does *not* include attendance at a community meeting that is open to the public so long as the CSD Board members do *not* discuss among themselves matters within the CSD's jurisdiction. The three CSD Directors did not do this. Further, Director Unger's question was addressed to the presenter and not to Directors Deel and Matson. Conclusion: There was no Brown Act violation by Director Unger. Why is this important? The Brown Act, which is the law in California, is intended to prevent public officials from making "backroom deals" in private, outside of official public Board meetings. CSD Directors, as public officials, are required to understand and to obey the Brown Act. The questions for this Board are 1) Do we, as CSD Directors, actually understand what the Brown Act says? 2) Do we, as Directors, intend to comply with the law? 3) Does this Board need to take another class to properly understand the Brown Act?

Director Deel: I did not accuse Director Unger of violating the Brown Act. I was informing our community of what steps we took to avoid violating the Brown Act as there had been concerns raised. I printed my comments; read directly from them in the meeting; and gave them to staff to record in the minutes - which we Just approved. I included our attorney's advice on how we should proceed. At the October meeting, Director Unger stated what he said in the Cadiz meeting and I verified that from the recording of the Chamber's Cadiz meeting. I saw no reason to contact our attorney again. So my answer to Director Unger's questions- 1) Yes; 2) Yes; and 3) Yes

The Government Code, including the Brown Act that governs Special Districts change. There is a CSDA Webinar on December 10th updating us with changes in the Brown Act. I hope all Directors will take advantage of this.

Director Unger: Suggests GM informs Directors on Webinar about Brown Act so the board can abide by it.

D. What options are available to a Newberry Springs Property Owner who has a neighbor with an excessive amount of trash visible on their nearby property? Discussion Only; Submitted by Director Unger

This question was asked by a Pistachio Festival Vendor who owns property in Newberry Springs and who is concerned about the negative impact to the value of his property.

Director Deel: Code Enforcement may be reached:

<https://lus.sbcounty.gov/code-enforcement-home/> Scroll down for link to file complaint. Monday Through Friday; 8:00 am – 4:30 pm; Phone (909) 884-4056 High Desert 15900 Smoke Tree St., Suite 131, Hesperia, CA 92345

Director Springer: County Code Enforcement is in charge of this type of matter.

E. Department of Forestry and Fire Protection Agreement; Discussion/Possible Action: Submitted by Fire Chief Lanier

Motion by **Director Roberts** 2nd by **Director Unger** to accept Department of Forestry and Fire Protection Agreement as presented and to make payments.

Vote: Ayes 4 Directors Deel, Roberts, Springer, Unger

Noes 0

Absent 1 Director Matson

6. Approve Bills Paid and Presented; Discussion/Possible Action; GM/Treasurer Vanek.

Motion to approve Bills paid and presented by **Director Deel** 2nd by **Director Roberts**.

Vote: Ayes 4 Directors Deel, Roberts, Springer, Unger

Noes 0

Absent 1 Director Matson

7. Unfinished and New Business

Parkland Implementation Committee named at the regularly scheduled December 16th meeting.

December 2nd CSDA GM Evaluation Webinar
December 10th CSDA Brown Act Webinar

8. Adjournment

Motion to Adjourn by Director Unger 2nd by Director Roberts.

Vote: Ayes 4 Directors Deel, Roberts, Springer, Unger

Noes 0

Absent 1 Director Matson

Meeting adjourned at 8:07 PM.

The next Regular Meeting is scheduled for December 16th 2025

Paula Deel
President Deel

1-8-2026
Date

Lillian Plascencia
District Secretary Plascencia

1/8/26
Date

Approved December 16, 2025
November 18, 2025