

NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

REGULAR MEETING MINUTES OF May 23, 2023, AT 6:00 P.M.

The Meeting was called to order after an Invocation by President Unger at 6:12p.m.

Flag Salute was led by Ted Stimpfel.

Roll Call: Present: Directors Unger, Matson, Roberts, Deel Absent: Director Springer

Also present: Fire Chief Lanier and members of the public.

1. Approval of Agenda

Director Deel corrected Item 2.A, B, C, D should read draft minutes.

Motion by Director Matson; 2nd by Director Roberts

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

Noes 0

2. Approval of Minutes

Ted Stimpfel made a point of order, in regards to Special Meeting Minutes on May 1st, under public comments Ted Stimpfel had commented on policy but his comments aren't in the minutes. Ted also stated he wants to have the meetings recorded for a complete record of what has transpired of past meetings.

A. Regular Board Meeting 4/25/2023

B. Emergency Meeting 4/25/2023

C. Special Meeting 5/1/2023

D. Special Meeting 5/9/2023

Note: No Vote was taken to approve minutes.

Director Unger made a comment in regards to submitting public comments in writing and requesting that those be included in the official minutes of the meeting. Attorney states "if you submit written comments it is at the discretion of the board to include them in the minutes."

Director Unger then goes on "so moving forward if you request to submit your written comments and want those included in the minutes, I'll ask the board whether they wish to include them or not. You may still submit your comments by email, you can still talk to the directors, and you can also make your comments known to the board."

Public comments pertaining Director Unger's statement: Robert Shaw "if we read the comment that's written, is it going to be attached in the minutes?" Director Unger says "he would ask the board if it will go into the minutes and that it will be the board's decision."

PUBLIC COMMENTS: General Public:

Virginia Padilla thanked Daphne for codes for the food commodities.

Rose Beardshear announced that the entire Chamber Board was nominated again for another year serving the community and the Chamber of Commerce. She also commented questioning Director Springer's absence, wants to know what the rules are for his absence.

Ron Beardshear wants to make another comment in regards to the written comment. "I want the public comments included somewhere" then suggest a policy stating what the board does to public comments.

a. Community Reports-

(1) County Supervisor-Elaine Villareal None – Rose Beardshear suggested we change our

meeting time if the Supervisor's rep cannot make it. Director Unger said he would put it on the agenda.

(2) Sheriff Captain Ron Markegard – Systems still compromised even after paying ransom.

(3) CHP – Lt. Ron Burch gave us an overview of CHP responsibilities and coverage.

3. Reports

- A. General Manager – Chief Lanier - Fire Department Administrator has collected all CSD items and has all codes and keys secured. Thank you, Chief Lanier.
- B. Fire Department Chief Lanier attached
- C. Financial Reports – Chief Lanier attached
- D. Air Quality Monitors Director Unger –One monitor is showing 60% blew air in it now it shows close to 100%

4. Agenda Items- Discussion/Possible Action

- A. Status of CSD Re-Staffing - Discussion/Possible Action**, Proposed by Directors Unger and Deel

Director Matson moved to accept the June 21, 2023 GM application deadline, the hourly pay suggestion will be based on experience of said applicant and applicant will serve by General Manager/Treasurer; 2nd by Director Roberts;

Vote: Ayes 4 Directors Deel, Matson, Roberts, Unger
Noes 0

- B. Authorize Fire Department Admin to be paid for staffing the CSD office.**

Discussion/Possible Action Proposed by Director Deel

Director Roberts made the motion pay of \$25/hr for Daphne Lanier as Temporary CSD Admin.

Vote: Ayes 4 Directors Deel, Matson, Roberts, Unger
Noes 0

- C. Newberry CSD and Chamber of Commerce Collaboration for July 3; Approve \$13,500 for Fireworks** Discussion/Possible Action,

Rose Beardshear, Chamber President, reported everything is in order: parking, bathrooms etc. 6 vendors. Giant water slide – they have their own insurance and the Chamber and CSD are listed as additional insured. Parade is on the 4th; theme is "Life on Route 66.

- D. Approve Final Payment of \$14,835.31 for Exercise Equipment.,** Discussion/Possible Action, Check for payment 1st.

Director Deel made the motion to pay the vendor the balance for the exercise equipment; seconded by Director Roberts.

VOTE: Ayes 4 Directors Deel, Matson, Roberts, Unger
Noes 0

- E. Sign for Fitness Park, Discussion/Possible Action** We need to order and erect the sign. Will a Director work with Fire Chief on this? Requirements for sign are in the office. Daggett has a sign and has given us a contact. The park and sign will then be inspected and final Grant payment made to NCSD. Chief Lanier and Director will work together to see how or if we need a permit and the details of how the sign needs to be presented.

F. Fire Department Refurbishment Update and Third District Board Discretionary Fund \$68,985 – Newberry CSD Discussion/Possible Action Chief Lanier

Contract was received by San Bernardino County. Supervisor Rowe will be at our July 3rd event to present a check to our CSD.

G. Support the Transformative Climate Communities Program for the Newberry CSD Building and Park for Planning or Project Development Funds. Discussion/Possible Action : Report from Committee : Application due in August .

Rose Beardshear: "We have a meeting set up on Thursday May 5th at 6pm at Patrick's residence.

At this meeting there will be a presentation by Vanessa and Zeffar about this project. We found out today the county conducted a climate change vulnerability assessment that was finalized in November of 2018. In Summary discussed the climate change vulnerability in San Bernardino County. This assessment has assessed our entire county. I asked them to look at rural areas since this assessment has been completed to see what is being done in our county like ours. They included in their language all of the community action plans that were done. This meeting and all the other meetings will be public meetings and open to the community."

Director Matson stated "he needs another director to step into his place for the meeting this Thursday due to a family event and will not be there to attend."

No motion just discussion

H. Scoreboard Installation Discussion/Possible Action Director Matson

2 bids received. Meeting needed with contractors to discuss their bid terms before negotiating a contract.

Director Matson We have two bids that we have received. Myself, Director Deel, and Chief Lanier will meet with two contractors and go over the terms and negotiations of the contract and then come back and publicly discuss and vote on the contractor we will be going with. Also stated the goal is to have it done before July 3rd.

Director Roberts suggests calling a special meeting to move things faster instead of waiting a whole month

Director Unger yes, after we meet with the two contractors

Director Matson asked Chief Lanier if she can schedule meetings with the contractors here at the CSD on Thursday to have a special meeting by the following Monday to vote.

Director Matson and Chief Lanier were asked to make a schedule on what day they can meet with the contractors after the meeting.

No motion just discussion

I. Revision of Policy 2300: Job Description - General Manager, Discussion/Possible Action, Proposed by Director Unger

Adds the requirement for a written monthly report.

Director Deel "under 2300.1.2 the first word in the line is 'district' and then there's red, the GM compensation should be set by the Board of Directors. To me it's out of place in the sentence and I want to delete both. In 2300.1.6 the bullet point list is overkill, it should be up to the General Manager how they want to create the report.

Director Matson 2300.2 should we add that in our ad for the 5 years' experience for the GM job listing? Director Deel "we are going to post the whole job description for the ad"

Rose B. comment - she likes the idea for the written report.

I motion to accept it as presented and with the bullet point stricken from the policy. Motion: by director Matson “

Paul D. commented “Director Deel had some questions about 2300.1.2 the whole sentence is irrelevant to the paragraph if the red paragraph is left in. It is technically incorrect.

Director Unger How so? Paul D. because the paragraph is regarding assistance to employees and then states the board is going to determine the compensation for the GM of the district. Therefore, the GM hires the employees, but the board establishes their compensation. There's a balance here and control of the board, when you say that the compensation is for the GM only then this paragraph is about employees and not about the GM. Director Unger I'm seeing your point, do you think we should strike the word 'GM'. Paul D. I think so.

Revised Motion: To accept policy and strike out 'gm' in 2300.1.2 and under 2300.1.6 strike out the bullet point and accept as presented. Motion by Director Matson; 2nd by Director Roberts

VOTE: Ayes 4 Directors Deel, Matson, Roberts, Unger
Noes 0

Break at 8:22 PM meeting started back up at 8:33 PM

Note: Items J,K,L,M will be tabled until next meeting

N. Status of Required Directors' Ethics Training as Required by California Law AB-1234.

Discussion Only Proposed by Director Unger Check with each Director regarding course completion.

Directors Deel, Matson, Roberts, Unger -- All completed

O. Status of Required Directors' Sexual Harassment Training as Required by California Laws AB=1825 and AB-1661. Discussion Only Proposed by Director Unger Check in with each Director regarding course completion.

Directors Deel, Matson, Roberts, Unger -- All completed

P. Budget Review for FY 2023-24, Discussion/Possible Action

Two Directors and Temporary CSD Administrator meet and finalize the budget for presentation to the full board; motion by Director Deel; 2nd by Director Roberts

5. Approve Bills Paid and Presented Discussion/Possible Action

6. Old and New Business

Director Deel is going to investigate having Liaisons as discussed between Temporary CSD Administrator and Director Deel.

7. Directors Comments (1 min.) -- None

8. Closed Session at 8:47pm

8.1 CONFERENCE WITH LEGAL COUNSEL
Potential/Threatened/Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
(One (1) Matter)

8.2 CONFERENCE WITH LEGAL COUNSEL
Potential/Threatened/Anticipated Litigation

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
Demand Letter/Tort Claim of Casey P. Jones

8.3 CONFERENCE WITH LEGAL COUNSEL Potential/Threatened/Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
(One (1) Matter)

8.4 PUBLIC EMPLOYEE APPOINTMENT (If necessary)
Government Code section 54957
Title: Interim General Manager

8.5 CONFERENCE WITH LEGAL COUNSEL Potential/Threatened/Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
Workers Comp Claim (One (1) Matter)

8.6 CONFERENCE WITH LEGAL COUNSEL Potential/Threatened/Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
(One (1) Matter)

9. Report out from Closed Session at 10:17 PM

Director Unger reporting out about closed sessions with only one item to report on. The letter from Mr. Jones is going to be rejected and the attorney will give notice to Mr. Jones.

10. Adjournment

Motion to adjourn by Director Matson; 2nd by Director Roberts;

VOTE: Ayes 4 Directors Deel, Matson, Roberts, Unger
Noes 0

Adjournment at 10:18 PM



President Jack Unger



Paula Deel, Vice-President and Acting Secretary