

NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

SPECIAL MEETING MINUTES

May 1, 2023

The Meeting was called to order after an Invocation by President Unger at 6:06 p.m.

Flag Salute: Ronnie Shaw

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

Also present: Fire Chief, Assistant Fire Chief, General Manager, District Secretary, Six Audience members.

1. Approval of Agenda

Motion: Director Matson. **Second:** Director Roberts

Vote: Unanimous Aye

2. Public Comments

Robert Shaw: Read a comment and gave to District Secretary to include in Minutes.

Rose Beardshear: Wants ARPA funds on next agendas. Complimented Fred Stearn for funds to allow people to attend a special meeting. The CSD Standing Committee chaired by Director Roberts will aid in this.

Ted Stimpfel: Commented on Policy memo available at meeting.

3. Agenda Items

A. Cure and Correct April 25, 2023, Emergency Board Meeting to Approve the Purchase of a Fire Engine.

The purchase was canceled because the Fire Chief received no data from the broker by the deadline. Director Unger asked if the Fire Chief wanted the Board to re-approve the amount to purchase another Engine. The Fire Chief said that if a Fire Engine is found, an emergency meeting could be called without a 24-hour deadline.

No motion was made.

B. CLOSED SESSION WITH BOARD ATTORNEY - CONFERENCE WITH LEGAL COUNSEL - Potential/Threatened/Anticipated Litigation. Significant Exposure to Litigation Pursuant Government Code Section 54956.9(b) (One (1) Matter). 6:39 p.m.

All, including General Manager, Board Secretary, and Fire Chief and Assistant, were required to leave the room. The Board returned at 7:40 p.m. No-one else returned. The Board President reported that the Conference with Legal Counsel had no reportable legal action.

Move to Adjourn: Director Matson. **Second:** Director Roberts. **Vote:** Unanimous Aye.

District Secretary



Board President



Robert Shaw

92365-0280
760.265.0332

May 1, 2023

To: Newberry Springs Community Service District
Attn: General Manager & Board of Directors
Newberry Springs CSD Office & Board Room

via: Hand Delivery by Author

Re: Tonight's Special Meeting
and Matters Raised at the
last regular meeting
Dated: April 25, 2023

Honorable Directors and Ms. General Manager,

a copy of this document is being handed to the District Secretary with a request that she include it, by reference, as an exhibit to the minutes to tonight's meeting.

Also this notice and request is being read by the author, Robert Shaw a long term resident of Newberry Springs, since these are serious matters before the Board and the Community. By reading this document it will lesson any chance of misstating or misunderstanding the issues that are brought forward.

In the past I sat on this board for 5 years and during that time I attended several conferences conducted by the California Small District Association and learned the ins and outs of the Brown Act and many of the issues involving the code of ethics.

When you were recently elected President of the Board, I explained to you what that meant and offered to hold a workshop for the Directors so they would understand scope of their involvement and the dangers associated with certain actions. But "NO" you dismissed the offer telling me you knew of those pitfalls and would not have any trouble.

Now we come to last Tuesdays meeting and you violated many issues from the Brown Act plus you allowed another Director to insult and disparage the General Manager as well as her fiance in open session. This event was recorded and it happened in front of the Sheriff's Captain and several leaders from our community. The end result being that you discredited yourself to the point that you have lost all respect of the community.

Continued on the next page

In addition you attempted to bring an issue before the Board that was not on the agenda, this being a clear violation of the Brown Act. In reviewing tonight's agenda I see that you are trying to do the same thing tonight.

So, please let me re-iterate some of the issues:

You seem to believe your title as President allows you Executive operating powers. This is not true you are a Director with the same powers as all other Director's with the exception that you have been elected to preside at the meeting's. You have no operating responsibility or function. All of the operating responsibility Lies with the General Manager. And while your board has the power to hire or fire the General Manager they have no right to interfere with her day to day activities. If you are displeased with her actions then you can address that issue at an open board meeting.

On receipt of a valid complaint the District Attorney will conduct an investigation and during that time you will not be allowed to serve as a sitting Director.

Once advised, if you continue it becomes a criminal violation.

All Directors are stewards and fiscal agents of "tax money" a serious responsibility.

The only way for you to resolve this issue amicably is for you to beg forgiveness and to resign your seat as a Director.

Arms length is a rule!

Perception is a rule!

You are correct in discussing this matter with your attorney, because, I for one, am preparing documents to file with all agencies involved with oversight.

Respectfully,

Robert Shaw, Resident
