

# APPLE VALLEY FIRE PROTECTION DISTRICT

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## MINUTES OF REGULAR MEETING BOARD OF DIRECTORS

May 17, 2022

- 1.0 CALL TO ORDER: Vice President Conley 6:00 PM.
- 2.0 INVOCATION AND PLEDGE OF ALLEGIANCE:
  - .01 Invocation: Chaplain Nate Garn
  - .02 Pledge of Allegiance: Director Hultquist
- 3.0 ROLL CALL:

Present: Vice President Conley, Director Hernandez, Director Hultquist, Director Salas  
Absent: President Leary
- 4.0 SPECIAL ANNOUNCEMENTS/PRESENTATIONS:
  - .01 Employee of the Quarter Second Quarter 2022. Chief Harrison called Chief Peratt forward and presented him the Employee of the Quarter award, noting his appreciation for all Chief Peratt has done over the past year.
  - .02 Retirement Presentation – Eric Padgett. Chief Harrison called Firefighter/Paramedic Eric Padgett forward noting that the District would like to honor him, thank him for his service and wish him all the best in his next chapter. The Fire Chief presented Eric with his duty helmet. Professional Firefighters Association (PFA) President Milson came forward to present Eric with a presentation ceremonial helmet. He thanked Eric for serving the community of Apple Valley and for walking part of his fire career path with Apple Valley Fire. Battalion Chief Mejia addressed Eric and the assembly noting how proud he is of Eric and how hard he has worked. He wished him congratulations adding that he will be missed.
- 5.0 PUBLIC COMMENT: Mark Milson distributed a document to Board members informing them that the letter was a cease and desist order in regards to the District's Modified Duty Policy. He gave some background on the letter citing disconnect with meet and confer meetings and changes made in the new policy that affect membership. He concluded his comments with the statement by referring to the Fire Chief as "not our guy".
- 6.0 DIRECTORS' RESPONSE TO PUBLIC COMMENT: None
- 7.0 CONSENT AGENDA: Vice President Conley asked if everyone had a chance to review the reports presented and if anyone had questions or comments. There was a short question and answer period between board members and staff regarding a debt services payment which was related to new vehicle payments.

M/S Hultquist/Salas to accept Consent Agenda items as presented.  
Directors Conley, Hernandez, Hultquist and Salas voted aye by voice vote.  
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

8.0 APPROVAL OF MINUTES:

.01 Minutes of the Regular Board Meeting held on April 19, 2022. Vice President Conley asked if everyone had a chance to go over the minutes presented and if there were any questions or discussion. There were no questions or comments.

M/S Hernandez/Hultquist to approve minutes of the April 19, 2022 regular board meeting.  
Directors Conley, Hernandez, Hultquist and Salas voted aye by voice vote.  
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

9.0 CORRESPONDENCE: Vice President Conley pointed out the thank you letter from CONFIRE for the District's participation in Dispatcher Appreciation Week

10.0 INFORMATION & DISCUSSION ITEMS:

.01 Information Only Items: None

.02 Discussion Items:

- a. Chief Harrison briefed that he would like to bring some items to the Board's attention including the finance officer recruitment process. He reviewed the events preceding Finance Officer Shaker leaving the Fire District including training of Accounting Technician Amber Exley, tax rates received, preparation of preliminary budget, grants applications, finance committee meetings concluding that the District was set up well prior to Mark's departure. He briefed that the District would need to recruit for finance officer but there was no urgency because the internal plan was to outsource to Eide Bailly. He noted discussion between him and President Leary about the internal plan and adding there were some separate conversations about concerns with other alternate plans.

Chief Harrison stated that he and President Leary met on three separate occasions to discuss plans after Mark Left. Subsequently he came into the office and President Leary was meeting with Finance Officer Shaker and Ms. Simpson which he stated caused confusion since an internal plan had already been made.

The Fire Chief stated that President Leary signed a contract with Ms. Simpson and had her reporting to the board adding that the content of the contract was vague for accountability and tracking expectations. He added that this contract was done against staff recommendations.

At this time Director Hernandez interrupted the Chief and remarked they could talk about the position itself for the discussion item but timeline of events themselves is not necessarily for the purpose of this meeting.

The Fire Chief acknowledged her remark and went on to say that as the Fire Chief he could not have a member of the board... at this point Director Hernandez stopped Chief Harrison again noting that this item would be discussed further in closed session.

Chief Harrison again acknowledged her remark and then added that he also has concerns that the finance meetings need to follow Brown Act and be done publicly adding that in the past year this has not happened. Vice President Conley stopped Chief Harrison at this point saying that this was not appropriate as this is not the discussion item listed on the agenda. Chief Harrison said, "then we can table it".

11.0 BOARD COMMITTEE REPORTS:

.01 Finance Committee. Director Hernandez briefed that the finance committee had not met.

12.0 APPROVAL OF REPORTS: None.

13.0 PUBLIC HEARINGS: None

14.0 ACTION ITEMS:

.01 Finance Consultant Contract for Approval by the Board

It was decided by consensus that this item would be heard after closed session.

Out of closed session Director Salas offered an alternate option to the agenda item presented

1. Offer Ms. Simpson compensation at Step B on the District's salary schedule for actual hours worked up until this point
2. The Board would not approve the contract presented
3. Direction to Fire Chief Harrison to post and fill the Finance Officer vacancy according to District Personnel Rules

M/S Salas/Hernandez to approve alternate direction as noted in comments above  
Directors Conley, Hernandez, Hultquist and Salas voted aye by roll call vote.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

.02 Resolution 22-009 to Amend the Fiscal Year 2021-2022 Operating Budget by \$111,064 for a Total Budget of \$15,680,496 and to approve the apportionment of \$111,064 to the renovation of Station 331. There was a short discussion about priority of renovations, CIP plan, COVID relief grant applied to the CIP and direction given by the finance committee.

M/S Hultquist/Hernandez to Approve Resolution 22-009 to Amend the Fiscal Year 2021-2022 Operating Budget by \$111,064 for a Total Budget of \$15,680,496 and to approve the apportionment of \$111,064 to the renovation of Station 331

Directors Conley, Hernandez, Hultquist and Salas voted aye by roll call vote.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

.03 Resolution 22-010 approving the Addendum to Master Lease Agreement in regard to the purchase and financing of one new Pierce Arrow XT Midship Pumper. Finance Consultant Simpson briefed the Board on the changes in the lease addendum and noted that all changes had been approved by the Fire District's legal counsel at BB&K.

M/S Hernandez/Hultquist to Approve the Addendum to Master Lease Agreement in regard to the purchase and financing of one new Pierce Arrow XT Midship Pumper.

Directors Conley, Hernandez, Hultquist and Salas voted aye by roll call vote.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

15.0 STAFF COMMENTS:

.01 Fire Chief Harrison:

- Thanked Administrative Staff, Amber, Silvia and Kati for stepping up, working hard and filling in where needed at Headquarters
- Thanked Chief Peratt, Fleet Services Manager Phillips and Dennis Petersen for their work on the improvements at Station 331
- Noted his appreciation to Captain Clemmer for his work on the EMS program

- Remarked that the Chaplains have been providing great on scene service to the community and District personnel

16.0 DIRECTORS' COMMENTS:

- .01 Director Hultquist:
  - a. Congratulated Chief Peratt on Employee of the Quarter
  - b. Congratulated Eric Padgett wishing him well in the future
- .02 Vice President Conley:
  - a. Congratulated Chief Peratt and Eric Padgett
  - b. Noted a job well done to Mark Milson on the Spring Fling event

17.0 CLOSED SESSION:

- .01 Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to litigation pursuant to Government Code Section 54956.9(d)(2)

Announcing the closed session item to the assembly Vice President Conley called for a motion to go to closed session.

M/S/P Hernandez Hultquist to adjourn to closed session at 6:53 PM.

The Board returned into Open Session at 7:20 PM.

18.0 REPORT ON CLOSED SESSION:

The Board gave Staff direction out of closed in regard to the finance consultant contract. Director Salas noted that the contract was not entered into using correct procedure, it is lacking foundational information to include work hours, daily wage, CalPERS implications, lack of qualification review, no indemnification language or bond to show financial recovery for the District should something happen and no reporting back to the Fire Chief. She added her appreciation to Ms. Simpson for the work she had done so far. Both Directors Hultquist and Hernandez agreed with Director Salas adding that it would be in the District's best interest to slow down a little make sure we are doing things the right way and follow procedures. The Board at this point re-addressed action item 14.01.

19.0 FUTURE AGENDA ITEMS: None

20.0 ADJOURNMENT:

The meeting was adjourned at 7:24 PM M/S/P Salas/Hultquist

ATTEST:

Original Signature on File  
KIMBERLY LOPEZ  
Recording Secretary

Original Signature on File  
AARON CONLEY  
Board Vice President