



Eastern Plumas Rural Fire Protection District

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MINUTES

For the Special Meeting of the Eastern Plumas Rural Fire Protection District's Board of Directors held at 141 Delleker Rd., Portola, CA 96122 On December 18, 2023 at 6:00 PM

Board Members: Vice Chairperson Angelina Sutcliffe, Director Teresa Whitfield and Director
Donna Carpenter

1. **Call to Order:** Meeting was called to order at 6:00 PM by Vice Chairperson Sutcliffe.

2. **Roll Call:** Directors Sutcliffe, Whitfield and Carpenter were all present.

3. **Pledge of Allegiance:** The Pledge was recited by all.

4. **Public Comment**

Members of the public present at the meeting asked questions regarding how and where to find information announcing EPRFPD Board meetings. The secretary explained that agendas are posted to the District's website, outside of the Delleker Station and downtown Portola on the community board outside of City Hall. Ashlee Sims spoke via Zoom and expressed that she is glad to see EPRFPD holding meetings again and thanked all who serve to protect our community.

5. **Consent Agenda**

None

6. **Oath of Office**

Directors Teresa Whitfield and Donna Carpenter took the Oath of Office. Welcome, Donna!

7. **Intent to cure alleged Brown Act violations raised by Aaron E. Doyle in a letter dated June 23, 2023 and to cease and desist from such alleged violations.**

Members of the public present at the meeting asked for clarification on this item. The secretary stated that the letter from Mr. Doyle is on the District's website and was an attachment distributed along with the agenda for this meeting. Vice Chairperson Sutcliffe verbally provided a brief synopsis. Ashlee Sims spoke via Zoom and expressed concerns related to events that led up to the alleged violation and her opinion that EPRFPD's Board was set up by Beckwourth Fire members to violate the Brown Act. Nonetheless, there was a violation and it needs to be cured.

There was no Board discussion. Director Sutcliffe made a motion to declare the Board's intention to cure the violations alleged from June 23, 2023. Director Whitfield seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

8. **Rescinding all items for which action was taken or direction was given by the Board during its June 23, 2023 Emergency Board Meeting.**

A member of the public present at the meeting asked what items were on the agenda that were being rescinded. Director Sutcliffe quickly read aloud all of the agenda items from the June 23, 2023 meeting. Beckwourth Fire Department's Acting Chief, Kenny Osburn spoke in response to Ms. Sims' comments regarding her opinions. Daniel Smith and Ashlee Sims also provided further public comment.

Director Whitfield made a motion to rescind all items from the June 23, 2023 Emergency Meeting. Director Sutcliffe seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

9. Discussion regarding future of District and available options for continuation of District services

Lindsey Shaw spoke via Zoom and expressed her support for “Western” Plumas Rural Fire District being annexed into the new Beckwourth Peak Fire Protection District.

Director Sutcliffe provided information she obtained after speaking with Jennifer from LAFCO. She and Jennifer discussed four options that would make the most sense for the District. Option #1: The District tries to restructure and restart services. A realistic timeline in the best interest of the community would be needed. Option #2: As a Board, EPRFPD could vote to put in an application to be annexed into the Beckwourth Peak Fire District, which will become a functioning unit as of July 1, 2024. The cost to the District would be \$12,000 and LAFCO would be willing to work with EPRFPD to reduce that amount, possibly by half. Option #3: If EPRFPD’s Board does not vote in favor of the annexation, the community could start a petition to obtain signatures from 25 percent of the voters in the District in favor of the annexation. The petitioners would then be charged with the fees. If all else fails, Option #4 would be for LAFCO to initiate an annexation of their own. This would be their last resort/choice.

Daniel Smith provided public comment and clarification as to what LAFCO is. Another member of the public spoke and stated her support for annexation into Beckwourth Peak Fire District.

10. Discussion of contractual negotiations with Graeagle Fire and Beckwourth Fire for past/current/future coverage of the District.

Kenny Osburn spoke and addressed BFD’s letter and invoice asking for reimbursement to Beckwourth Fire for covering calls in EPRFPD’s district. He went over methods used in coming to the amount that they did. Elaine Frank spoke via Zoom and reminded everyone that when the City of Portola lost their fire department, EPRFPD jumped right in and covered their district as well as Gold Mountain without initial reimbursement. She pointed out that Beckwourth Fire is being paid \$50,000 by Eastern Plumas Health Care to pay their volunteers for responding to medical calls in the City. EPRFPD was not paid anything by the hospital for handling these calls and further stated that once you start paying volunteers, they are no longer technically “volunteers”. She expressed her belief that an MOU should have been negotiated immediately with both Beckwourth Fire and Graeagle Fire and that the requested amount from BFD for reimbursement is high. Director Sutcliffe pointed out that EPRFPD’s Board being unable to meet due to a lack of quorum prevented any MOU discussions from happening. Elaine Frank lastly expressed her belief that the “Mutual Aid” letter written and distributed by Director Whitfield caused a lot of problems and hard feelings between departments. Jeanne Graham spoke via Zoom and expressed that she agrees both Beckwourth Fire and Graeagle Fire should have some form of reimbursement for covering calls for EPRFPD, however, nothing can be paid without a budget. She stated that tax revenues are not just for calls, but also for staff and maintenance. Trying to take 2/3 of the Districts tax revenue does not make sense. Additionally, she would like to see the number and type of calls responded to, the number of people that responded to each call, the rigs that responded and if the level of response was appropriate before any monetary reimbursement is decided. Ashlee Sims spoke via Zoom and stated that she believes the Fire Protection District Law of 1987 states that if you do not adopt a budget for the current year, it would go off of the budget from the previous year. She also addressed a comment to Beckwourth Fire that records she has requested from them do not indicate 60 calls answered in the EPRFPD’s District. Her records indicate approximately 17 calls. She recommended contacting dispatch to research true call number information as well as other districts outside the area for perspective and not just blindly pay the

invoice presented. Kenny Osburn spoke again and referred to their spreadsheet indicating 48 calls and that the majority of the calls responded to are lift assists.

Board discussion ensued. Director Whitfield expressed that she agrees reimbursement is warranted and she apologized for EPRFPD's Board being unable to engage in contract negotiations sooner, but were delayed for reasons that only the County Board of Supervisors can answer. Director Sutcliffe stated that she had initiated contact with Seth Preston and Chief Russell to begin negotiations but had to stop before anything really was discussed. Director Whitfield made a motion to form an ad hoc consisting of 2 Board members to negotiate and put in contract for coverage for this area and for past, current and future coverage. Director Sutcliffe seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

Director Whitfield made a motion that she and Director Sutcliffe be the negotiating team and make a contract with Graeagle Fire and Beckwourth Fire both, for past, current and future coverage of this District. Director Carpenter seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

Director Whitfield asked for a brief restroom break

Meeting was called back to order by Vice Chair Sutcliffe at 7:42

Roll Call: Director Sutcliffe, Director Whitfield and Director Carpenter were all present

11. Discuss immediate needs of District fire stations and equipment

The secretary informed the Board that all truck batteries have likely died and if water is in any equipment, the temperatures of each station are important. Several members of the public present in person spoke and asked questions regarding equipment, inventory, etc. Elaine Frank spoke via Zoom and said that when she and former Chief Frank came back in May, they offered to come in and do a new inventory because it was known at that time that things were missing. She put these offers in writing as well as spoke at several meetings. Her offer was accepted, but no one ever followed up with her. The last time she was at the Delleker station, she walked through the bays with the secretary and Director Sutcliffe and pointed out a lot of things including evidence that someone had climbed on top of the lockers and climbed through the window to the Chief's office. She said she warned the Board about the kind of people that were being allowed to be in command. Director Sutcliffe asked about a piece of equipment that Elaine pointed out that needed to be serviced in October. Elaine clarified that it is the air fill station and it must be serviced. Elaine reminded the Board that pages and pages of inventory were left along with a turn over binder before Chief Frank left. Director Whitfield stated that the Board does have that binder. Leah Turner, former District Medical Training Officer spoke via Zoom and agreed with Elaine Frank that inventories had been done. She had tasked Chris White with inventorying the entire District's AED's. That inventory sheet was never returned to her. She pointed out that there are medical supplies that are likely outdated that need to be inventoried as well. There was further public comment from Ashlee Sims regarding inventories and the responsibilities of the Board to publicly discuss the hiring of someone to perform them, whether that is former employees or someone else. Elaine Frank spoke again and stated that the only vehicle parked behind the Delleker Station as of October 15, was the rescue rig #9851 that apparently now has a broken transmission. She reminded the Board that former Chief Frank had recommended to the Board that they dispose of that piece of equipment.

Board discussion ensued.

Director Whitfield made a motion to form an ad hoc committee of 2 Board members to complete an inventory and meet with a willing volunteer who knows equipment to visit each fire station. Director Sutcliffe seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

Director Whitfield made a motion that Directors Sutcliffe and Carpenter be on the ad hoc committee. Director Sutcliffe seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

12. Discuss recruitment of volunteers and receive any update on applications received and status of advertisements.

John Fatheree asked if the District has a process to evaluate volunteers who may apply. Director Sutcliffe explained that a DMV check and drug testing is required. John told the Board that he believes names can be submitted to the Sheriff's Department for a local check. Further public comment was provided by another gentleman present asking if the Board should even be recruiting volunteers until after a decision whether or not to join the new district it made. Director Sutcliffe explained that this was on the agenda just so that the Board could learn if any volunteer applications had been received since they were last able to meet and is just for informational purposes. Jose Avalos asked what expectations the Board has of any prospective volunteers since there is no structure currently. Director Whitfield expressed expectations would be that it is somebody of good moral character who can pass a drug test, has a current DMV and can be a viable member of any department, whether that is EPRFPD or a new department. She does not think that recruiting for the benefit of everyone in the community is a bad thing to do. Acting Chief Osburn spoke and gave advice regarding training opportunities he is aware of and offered his assistance in outlining those requirements. Leah Turner spoke and expressed that the District's first priority should be recruiting a new chief before any volunteers, someone to train volunteers must come first. She agreed with Kenny Osburn on the importance of being able to train volunteers. Elaine Frank spoke and stated that she agreed with Kenny regarding training and that it would be best to wait until a decision is made whether or not to annex into the new district. She again expressed her opinion that the District should annex into the new district. The secretary informed the Board that she has received one email from a gentleman approximately 6 months ago that showed an interest in volunteering. At the time the District did not have a Board and was not responding to calls for service. If the District decides to try to get up and running again, he can be reached out to again.

Board discussion ensued.

Director Whitfield made a motion to place recruitment banners at each fire station and look to recruit for people within this District willing to volunteer that can then be a part of a bigger district as we move forward and see where this District goes. Director Sutcliffe seconded the motion.

Roll Call Vote: Director Sutcliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

13. Policies

John Fatheree publicly commented that perhaps the Board should concentrate on the more immediate concerns, such as equipment and whether or not the District will annex into the new fire district. Ashlee Sims spoke and asked if everyone on the Board would be given access to draft policies and stated that she thinks it's good that the Board entertains writing policies whether the District annexes or not. A couple in attendance that lives near the Delleker Station spoke and expressed their concerns and willingness to help any way that they can. Another gentleman spoke and again expressed that he does not feel that the District has the luxury of time to restructure and should immediately vote to annex.

Board discussion ensued.

Director Whitfield made a motion to table this item until the next meeting. Director Sutliffe seconded the motion.

Roll Call Vote: Director Sutliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

- 14. Closed Session: Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(d)(1)). Name of Case: John Fatheree v. Eastern Plumas Rural Fire Protection District, et al. Case No.: CV20-00176.**

Ashlee Sims spoke and asked when this matter will be settled, it has been going on for a long time and it is depleting the District financially. She would like to see this done.

Director Sutliffe called the meeting into closed session at 8:31 PM.

- 15. Report on Closed Session**

Director Sutliffe called the meeting back into open session at 8:37 PM.

There is was no action to report.

- 16. Next scheduled Regular Board Meeting January 15, 2024 at 6:00 PM.**

- 17. Adjournment**

Director Sutliffe made a motion to adjourn the meeting at 8:38 PM.

Director Whitfield seconded the motion.

Roll Call Vote: Director Sutliffe – Aye, Director Whitfield – Aye, Director Carpenter – Aye.

The motion passed.

Meeting was adjourned at 8:38 PM.

ATTEST:

Katy Martinez, Secretary

Angelina Sutliffe, Vice Chairperson

APPROVED AND SIGNED AT EPRFPD'S 01/15/2024 REGULAR BOARD MEETING