



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

7552 Lake Davis Rd., Portola, CA 96122 On

December 19, 2020 at 2:50 PM

Board Members: Chairperson Jeanne Graham, Director Lydia Acosta, Director Rhonda Williams and Director Kevin Sankey

1. Meeting was called to order at 3:00 PM
2. Roll Call: Director Sankey, Director Acosta, Director Couto and Director Graham were all present.
3. Pledge of Allegiance
4. Board Chair Message regarding the intent to cure alleged Brown Act issues raised by Aaron E. Doyle from letters dated November 20, 2020 and December 13, 2020.

The Board received letters from Aaron E. Doyle of the Doyle Law Firm, dated November 20, 2020 and December 13, 2020. The letters allege violations of the Brown Act by this Board, among other contentions.

The Board has been, and remains committed to transparency in its service to the public, and are continually working to ensure it complies with all laws and regulations, including the Brown Act. Accordingly, the Board takes any accusation of a violation of the Brown Act seriously, and the primary purpose of this meeting is to address the alleged violations from Mr. Doyle, by performing cure actions as prescribed by statute.

I would like to state for the record that the fact that the Board takes the proposed actions to cure or correct its prior actions shall not be construed or admissible as any evidence of a violation (*Gov't Code 54960.1(f).*)

6. Public Comment: None
7. Regular Calendar
 - 7.1 Approval of a comprehensive Brown Act training for Board members and designated staff at its January 18, 2021 regular board meeting in open session, and legal review of all agendas for Brown Act compliance, prior to training.

The recommendation is for Meyers Nave, Special Counsel to provide the mandatory comprehensive Brown Act training for Board members, the Board secretary, and the fire chief. The comprehensive training will be recorded for future mandatory training of the Board and district staff.

Chairperson Graham asked legal counsel for a brief description of what the training will consist of. Adam Lindgren stated that he envisions an hour to an hour and a half training to supplement Ethics and Brown Act training. This will cover noticing, agendas, closed sessions and public comments. This training should be taped and periodic mandatory updates made to it. This recorded training can be also be used to train any new staff.

Chairperson Graham asked for any public comment. Brian Attama had questions about Board compliance in Brown Act training. Legal Counsel, Adam Lindgren clarified that there is no mandatory Brown Act training and that Chairperson Graham has asked for specialty training that Meyers Nave will be providing.

Chairperson Graham asked for any Board discussion. There was none. Ms. Graham asked for a motion and a second. Director Acosta made a motion that the Board does Brown Act training with legal counsel. Director Sankey seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.2 Rescinding all items for which action was taken by the Board during its November 2 and 16, 2020 Regular Board Meetings, and its November 6, 2020 Special Board Meeting.

Chairperson Graham asked for any public comment. There was none.

Chairperson Graham asked for any Board discussion. There was none.

Chairperson Graham asked for a motion and a second.

Director Couto made a motion to approve rescinding all items. Director Acosta seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.3 Appointment of labor negotiators: Jeanne Graham, Chairperson; Kevin Sankey, Director, Chief Bob Frank. Labor negotiators shall serve as the Board's representatives in labor negotiations with the District's employees.

Chairperson Graham asked legal counsel for a brief description of what the role and purpose of labor negotiators are.

Adam Lindgren explained that the Brown Act requires for certain topics before the Board goes into closed session, that it identify the people who will be working on these topics. This is to identify the individuals who on behalf of the Board will be working with the affected unrepresented employees on any issues that the Board directs that relate to the terms, scope or organization of their employment. The labor negotiators would be reporting back to the Board on those issues before any final action was taken.

Chairperson Graham asked for any public comment. Assistant Chief, John Fatheree asked special counsel to further clarify the role of labor negotiators.

Mr. Lindgren further explained that their role (labor negotiators) is when there are any issues that affect working conditions or compensation, reimbursement, those sorts of things; these negotiators would go talk to the affected personnel, gather information and bring it back to the Board. If there are negotiations/conversations, it's a way of allowing conversations to occur that decides conditions under which employees work. John asked whether this would only apply to people receiving compensation from the district or volunteers as well. Adam explained that this matter specifically has not been discussed as they are still learning more about the structure of the district. John asked how the 3 individuals were chosen to be labor negotiators. Chairperson Graham stated she would not be commenting at this time.

Chairperson Graham asked if there were any further public comment, Jose Avalos asked why 2 Board members were chosen to be labor negotiators and asked whether or not Board members are allowed to be labor negotiators.

Adam Lindgren stated that yes, decision makers, Board members, city council members, who are on the body itself can be labor negotiators. You can also have other individuals that the Board appoints for that position. It is legally allowed and is a policy choice. Mr. Avalos continued to question the legality of 2 Board members being labor negotiators. Trevor Taniguchi of Meyers Nave spoke up and stated that he wanted to clarify that this isn't a Brown Act body that is being formed this is a group of individuals who are being authorized to perform labor negotiations. This is not an appointed body, these are individuals that are authorized to discuss with the labor of the district. They make no decisions. They are part of the negotiations. It is the Board that makes decisions. Special counsel explained that they have answered the question legally. Who the Board appoints to be labor negotiators is a policy choice.

Brian Attama asked that this item, labor negotiators be placed on a future agenda for further discussion. Adam Lindgren clarified that the Board can have further discussions and make changes to the individuals appointed as labor negotiators.

Director Couto had questions about how the appointees were chosen. Adam Lindgren explained that this item has not been decided. The requested action on tonight's agenda of forming and appointing individuals to be labor negotiators is a policy choice for the Board to make.

Chairperson Graham asked for a motion and a second. Director Acosta made a motion that the Board appoints labor negotiators as written on 7.3 on the agenda. Director Sankey seconded the motion. Director Sankey – Aye, Director Acosta – Aye, Director Couto Nay, Director Graham – Aye. The item passes.

- 7.4 Authorizing the Chairperson to enter into an agreement with High Desert of Reno, Nevada in an amount not to exceed \$1,000 for fire truck pump testing.

Chairperson Graham stated that this is for pump testing on trucks 9871, 9872, 9821, 9834 and retesting of 9823 to see how bad the pump actually was. This is an annual test that needs to be done.

Chairperson Graham asked for any public comment. There was none.

Chairperson Graham asked for any Board discussion. There was none.

Chairperson Graham asked for a motion and a second.

Director Couto made a motion to approve the agreement with High Desert not to exceed \$1,000. Director Sankey seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.5 Granting the Chairperson authority to execute purchase agreements in an amount not to exceed \$250 per month, warrants of which shall be presented to the Board on a monthly basis.

Chairperson Graham stated that this will help optimize time, especially at Board meetings, improve efficiency and it will include all purchases such as office supplies. This way we don't have to keep going to the Board to spend \$30 to buy a case of paper.

Chairperson Graham asked for any public comment. There was none.

Chairperson Graham asked for any Board discussion. Director Sankey asked for clarification as to whether this was an item limit or a period limit. Jeanne clarified it is a period limit.

Chairperson Graham asked for a motion and second.

Director Couto made a motion to approve purchase agreements not to exceed \$250 a month. Director Acosta seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.6 Authorizing the recertification of Self-Contained Breathing Apparatus in an amount not to exceed \$1,500.

Chairperson Graham stated that this is for the annual certification of SCBA's.

Chairperson Graham asked for any public comment. There was none.

Chairperson Graham asked for any Board discussion. There was none.

Chairperson Graham asked for a motion and second.

Director Sankey made a motion to approve item 7.6 as written, not to exceed \$1,500 to recertify SCBA's. Director Acosta seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.7 Approval of an agreement with Mountain Girl Grants in an amount not to exceed \$525 for grant writing services and authorizing the Chairperson to execute the agreement with Mountain Girl Grants.

Chairperson Graham stated this is to authorize Mountain Girl Grants to write regional grants for hoses and SCBA's in conjunction with Beckwourth Fire Department and other districts that want to join in.

Chairperson Graham asked for any public comment. There was none.

Chairperson Graham asked for any Board discussion. There was none.

Chairperson Graham asked for a motion and second.

Director Acosta made a motion to approve item 7.7 as written. Director Couto seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

- 7.8 Acceptance of government surplus property: fire hoses, from Marine Corps Logistics Base in Barstow, CA.

Chairperson Graham stated that we have been awarded 15 rolls @ 50' each of 1 1/2 " hose from Marine Corps Logistics Base in Barstow, CA.

Chairperson Graham asked for any public comment. Assistant Chief Fatheree wanted to clarify that he believes the department was awarded 24 not 15 hoses. Jeanne stated that she stands corrected, it was 24 not 15. Jose Avalos asked if the hose would be picked up or would the department pay to have the hose shipped. Jeanne clarified that the hose was picked up, not shipped.

- 7.9 Affirming the Assistant Fire Chief position remains a position of the District.

Chairperson Graham stated for the record, I would like to affirm that the Assistant Fire Chief position remains a position of the Eastern Plumas Rural Fire Protection District, and has not been eliminated.

Chairperson Graham asked for any public comment. Assistant Chief Fatheree asked if the Board had previously voted to dissolve the Assistant Chief position, or did the Board never vote to dissolve the position.

Adam Lindgren stated that at the beginning of the meeting, the Board rescinded all of the action items that were taken at preceding meetings. He believes it is the Chair's desire to leave the issue at that level of detail. Jose Avalos asked why the Board wanted to eliminate the assistant chief position. Chairperson Graham explained that is not part of this discussion.

Chairperson Graham asked for any Board discussion. There was none.

Chairperson Graham asked for a motion and second.

Director Sankey made a motion to approve item 7.9 as written, affirming the Assistant Chief position remains a position of Eastern Plumas Rural Fire. Director Couto seconded the motion. Roll Call Vote: Director Sankey – Aye, Director Acosta – Aye, Director Couto – Aye, Director Graham – Aye. The item passes.

8. Closed Session

Secretary Katy Martinez read aloud the following items to be discussed in closed session:

- 8.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Fire Chief
- 8.2 CONFERENCE WITH LABOR NEGOTIATORS. Agency designated representatives: Jeanne Graham; Kevin Sankey. Employee organization: Unrepresented employees
- 8.3 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(3): One Case.
- 8.4 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One Case.

Chairperson Graham stated that before entering into closed session, she would like to state several items for the record:

- (1) The Board has not taken or kept meeting minutes of any closed sessions.
- (2) The closed session items listed for today's special meeting are to cure alleged previous violations of the Brown Act from the Board's October 26, 2020, November 2, 2020 and November 16, 2020 Board meetings.

Chairperson Graham asked for any public comment on the items to be discussed in closed session. John Fatheree asked for clarification on how the members of the public on conference call would be handled. Chairperson Graham explained that conference callers would be placed on hold. Jose Avalos again voiced his concerns about 2 Board members being appointed as labor negotiators. Adam Lindgren explained that this item will be further explained in the coming weeks and in training. The labor negotiators do not make decisions. Adam further clarified that in no closed session does the labor representative go into the closed session. Only the agencies appointed labor negotiators and the Board can appoint at broad discretion who they want to be their agency negotiators. John Fatheree asked Mr. Lindgren if there would be individuals on the labor side that would bring issues to the labor negotiators who would in turn take those issues to the Board. Adam stated that his assumption and understanding is that on the firefighter side, there would be people who would be talking to the 3 labor negotiators. John thanked him for the clarification.

Chairperson Graham asked for any other public comment. There was none.

Chairperson Graham called for the meeting to enter closed session at 4:00 PM.

Chairperson Graham reconvened the meeting at 5:00 PM.

Chairperson Graham asked Special Counsel to state any reportable actions from closed session.

8.5 REPORTABLE ACTIONS FROM CLOSED SESSION:

Adam Lindgren stated that the Board met in closed session and the following items were discussed:

8.1: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Fire Chief. The Board discussed the Chief's performance and managing of the overall operations of the District and the performance evaluation and conversation with the Fire Chief will continue in closed session in either January or February.

8.2: CONFERENCE WITH LABOR NEGOTIATORS. The Board discussed possible direction to its labor negotiators and decided to postpone giving that direction and to continue closed session conversations about potential direction at the Boards January meetings.

8.3: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(3): One Case. The Board received information from legal counsel and provided direction to its legal counsel and took no further action.

8.4: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One Case. This concerned a threat of litigation that was received from Mr. Doyle by the District on Friday and that concerned the alleged Brown Act violations and the Board received information from and provided direction to legal counsel with respect to that anticipated litigation and the Board's conclusion is that it has now fully complied with and cured the alleged violations of the Brown Act and the Board hopes that everyone in attendance here and who might listen to this conversation or read this agenda would share in the conclusion that the Board's attempting to fully comply with the Brown Act and has attempted to and believes it has fully cured all of the allegations and issues that Mr. Doyle raised and we hope and believe

there is not any basis for need for litigation on this topic. Everyone is invited to attend the Board's Brown Act training in January and learn more about this subject and how the Board intends to comply with the Brown Act in the future.

There are no further reports out.

Adam Lindgren voiced one item for a future agenda item topic. To clarify, at the beginning of the meeting when Brown Act training was discussed, he made a comment about AB1234 Ethics Training and he wanted to clarify that all Board members are required to take Ethics training every 2 years and the Board does not need to schedule any meetings to do that in the future because all of the Board members are up to date on that. The Brown Act training that the Board has directed Meyers Nave to give you in January, is in addition to that. So to the member of the public that questioned whether you were in compliance with that, the answer is that you are and it that it doesn't need to be the subject of a future meeting because you are all in compliance with that requirement.

Next Regularly Scheduled Meeting: January 04, 2021 at 6:00 PM

9. ADJOURNMENT: Chairperson Graham motioned for the meeting to adjourn at 5:07. All present voted Aye and the meeting was adjourned.

ATTEST:



Katy Martinez, Secretary



Jeanne Graham, Chairperson

APPROVED AND SIGNED AT EPRFPD'S 01/04/2021 REGULAR BOARD MEETING