



Eastern Plumas Rural Fire Protection District
141 Delleker Rd. Portola, CA 96122 Phone: 530.832.5626 Fax: 530.832.5446
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Special Meeting Agenda
Eastern Plumas Rural Fire Protection District's
Board of Directors

141 Delleker Rd., Portola, CA 96122
On January 24, 2022 at 6:30 PM

THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC

In response to the Coronavirus cases in the County, and continuing concerns of the Governor of the state of California and the Plumas County Public Health Officer about potential community spread of Coronavirus from prolonged indoor gatherings, members of the public will not be permitted to physically attend the Special Board Meeting, but are allowed to participate telephonically in accordance with California Government Code Section 54953 (AB-361).

To attend the Board meeting login to

<https://us02web.zoom.us/j/81038854737?pwd=a2hseW0xKytMa3g4M1JnaTJLS0Erdz09>

By phone (669) 900-9128 Meeting ID: 810 3885 4737 Passcode: 441989

Board Members may be participating in the meeting by video or telephone consistent with the Order. Members of the public who wish to speak should so indicate by virtually raising "your hand" in Zoom by pressing *9 and waiting to be recognized. When you are recognized to speak, you will be instructed to unmute by pressing *6. Please do not press *9 if your hand is already up as it will lower your virtual "hand".

All video and telephone callers will be limited to two (2) minutes apiece, which time shall not include time for members of the public to register and be recognized for public comment. The Board Chair may reduce the amount of time allotted per video or telephone caller at the beginning of each item or public comment period depending on the number of calls and the business of the day. Your patience is appreciated.

- 1 Call to order**
- 2 Roll Call**
- 3 Pledge of Allegiance**
- 4 Public Comment:**

Members of the public are invited to address the District on any matter of interest to the public that is not on the agenda. Comments are welcome. Pursuant to the Brown Act, members of the Board or staff may briefly respond to statements made or questions posed by members of the public. The District cannot take any action on items not listed on the posted agenda, but may add to a future agenda, matters brought up under public comments for appropriate action at a future meeting. Public Comment will be limited to two (2) minutes apiece.

5 Consent Items

These items are expected to be routine and non-controversial. The Board of Directors will act upon them at one time without discussion. Any Director, staff member, or interested party may request that an item be removed from the consent agenda for discussion.

- a) Minutes Special Board Meeting January 3, 2022.**
- b) Resolution 2022-002, continued remote meetings.**

Recommendation: Adopt the consent items.



6 Regular Calendar

- 6.1 Update on Budget and Approve warrants: Presentation, update and direction regarding current budget balance, projected tax deposits, and total of warrants submitted during the current period (November 15, 2021 to January 17, 2022).**
Recommendations: Review, discuss, provide direction.
- 6.2 Annual Statement of Economic Interest (700). Staff to provide information and web link for board members to fill our form 700 and turn into the District Secretary. <http://www.fppc.ca.gov/Form700.html>**
Recommendations: Receive information, discuss, and provide direction.
- 6.3 2020-21 Special Districts Financial Transactions Reports to California State Controller. In all previous years this has been done by the County as part of our fees paid for bill pay etc. Staff to present letter and information from the County on why the change and what needs to be done and any other issues.**
Recommendations: Receive information, discuss, and provide direction to staff.
- 6.4 Update from and direction to Director Kevin Sankey on negotiations with “C” Road’s water tender use on Office of Emergency Services (OES) fires.**
Recommendations: Receive update, discuss, and provide direction.
- 6.5 Receive Monthly Report from Chief Frank or Captain Turner including the number of calls for service in the last month, equipment, station, and personnel status, and any related issues.**
Recommendations: Receive update, discuss, and provide direction.
- 6.6 Receive update from staff on COVID-19, including any new recommendations/mandates from OSHA, NorCal or Provident and any related issues.**
Recommendations: Receive update, discuss and provide direction on how to implement new recommendations or mandates.
- 6.7 Update from staff on status of Forest Service requests on 2021 contract and any related issues.**
Recommendations: Receive update, discuss, and provide direction.
- 6.8 Intent to cure alleged Brown Act violations raised by Aaron E. Doyle from a letter dated January 2, 2022 attached hereto and to cease and desist from such alleged violations.**
Recommendation: Motion to declare the Board’s intention to cure the violations alleged in the January 2, 2022 letter, and to unconditionally commit to cease and desist from and not repeat the challenged past actions, subject to the applicable requirements and limitations of the Ralph M. Brown Act regarding public comments at meetings.
- 6.9 Rescinding all items for which action was taken or direction was given by the Board during its November 15, 2021 Regular Board Meeting, Agenda attached hereto.**
Recommendation: Motion to rescind all items.
- 6.10 Readoption of all items for which action was taken or direction was given by the Board during its November 15, 2021 Regular Board Meeting, Minutes attached hereto.**
Recommendation: Motion to readopt all items.



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6.11 Direction to staff to add additional language to future agendas and to conduct two training / rehearsal sessions for interested members of the public on how to be recognized via Zoom for public comments at Board meetings.

Recommendation: Motion to provide direction to staff.

7 Closed Session

7.1 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

7.2 Report out from closed session

8 Request for Future Agenda Items:

Next scheduled Regular Board Meeting February 21, 2022 at 6:30 pm

9 Adjournment.



Statement of the Board Chair Regarding Items 6.8, 6.9, 6.10 and 6.11

The Board received the attached letter from Aaron E. Doyle, of the Doyle Law Firm, dated January 2, 2022 that alleges violations of the Brown Act by this Board, namely that during that meeting, the Board called for public comment and on a number of items, despite raising his “hand”, Mr. Fatheree was not unmuted so that he could address the Board or make public comment.

The Board has been, and remains committed to transparency in its service to the public, and is 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.

The Board has looked into this matter. The practices that the Board employs to take public comment via Zoom are similar to those employed by other jurisdictions, including at least one city in the Tahoe basin.

Nevertheless, tonight we will propose to take certain actions to cure or correct the violations alleged in Mr. Doyle’s January 2, 2022 letter, and to cease and desist from preventing or obstructing any member of the public from commenting during the time the public is invited to address the Board or make public comment regarding any item that is on the agenda for the meeting, before or during the Board’s consideration of the item, or on any item of interest to the public that is within the subject matter jurisdiction of the Board, subject to the applicable requirements and limitations of the Ralph M. Brown Act regarding public comments at meetings.

I am recommending that the Board cure and correct the alleged violations by (i) rescinding and readopting the actions on the November 15, 2021 agenda, (ii) updating its standard agenda language to provide additional instruction to the public about how to be recognized, and (iii) providing two training / rehearsal sessions open to the public outside of Board meetings to learn about and practice being recognized at public meetings.

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).)