



UKIAH VALLEY FIRE DISTRICT BOARD OF DIRECTORS

JENIFER BAZZANI – PETER BUSHBY – BOBBY BANKS – MICHAEL GRAHAM – DAVID B. HAAS

Special Meeting

AGENDA

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November 9, 2021

6:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ANNOUNCEMENTS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

If you wish to speak on a matter that is not on this agenda, you may do so at this time. Please limit your comments to 3 minutes per person and a total of 10 minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

4. APPROVAL OF MINUTES

5. CONSENT CALENDAR

- 5.a. Adoption of the Resolution for the Continued Teleconferencing Requirements for the District Board During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

Recommended Action: Adopt the Resolution for Continued Teleconferencing Requirements for the District Board During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

Attachments:

1. Resolution to Continue Teleconferencing Meetings

6. UNFINISHED BUSINESS - DISCUSSION/ACTION

7. NEW BUSINESS - DISCUSSION/ACTION

8. COMMUNICATIONS RECEIVED AND FILED - INFORMATION

9. CHIEFS REPORTS AND VOLUNTEERS REPORT

10. DIRECTOR'S REPORT for FEC AND LAFCO

11. CLOSED SESSION

- Closed Session may be held at any time during the meeting

12. ADJOURNMENT

Please be advised that the Ukiah Valley Fire District complies with ADA requirements and needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services

are needed in order for you to attend. Materials related to an item on this Agenda submitted to the Ukiah Valley Fire District after distribution of the Agenda Packet, are available for public inspection at the front counter at the Ukiah Valley Fire District Office, 1500 South State Street, Ukiah, CA 95482, during normal business hours Monday through Friday, 8:00 am to 4:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at the following location: Ukiah Valley Fire District Office - 1500 South State Street; Ukiah, California; and online at <http://www.cityofukiah.com/meetings> not less than 24 hours prior to the meeting set forth on this agenda.

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Stephanie Abba, Clerk of the Board

Dated: November 5, 2021



AGENDA SUMMARY REPORT

SUBJECT:Adoption of the Resolution for the Continued Teleconferencing Requirements for the District Board During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

DEPARTMENT: Fire

PREPARED BY: _____

ATTACHMENTS:

1. Resolution to Continue Teleconferencing Meetings

Summary:

Following the Governor's declaration of a state of emergency in March 2020 due to COVID-19, The Ukiah Valley Fire District (UVFD) switched from in-person board meetings to fully remote UVFD meetings. The transition was authorized by Executive Orders N-25-20, N-29-20, and N-35-20, which collectively modified requirements of the Ralph M. Brown Act, the State's local agency public meeting law. On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the prior executive orders modifying the Brown Act effective September 30, 2021.

Pursuant to Assembly Bill 361 (AB361), which was signed into order on September 21, 2021, in order for the Ukiah Valley Fire District to continue to conduct its meetings remotely, it must adopt a resolution every 30 days indicating that a State of Emergency still exists and the Ukiah Valley Fire District Board of Directors has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and staff. Attachment 1

At this time, the State Department of Public Health website "*recommends universal mask use/for indoor public settings, regardless of vaccination status.*"

To provide the Committee with the greatest flexibility to conduct its business in a safe manner, Staff is recommending the Ukiah Valley Fire District Board of Directors adopt " Resolution 2021- , that the COVID 19 pandemic state of emergency remains in effect and continuing to allow Ukiah Valley Fire District meetings to be conducted remotely.

Background:

The Governors existing Executive Orders (N-25-20, N-29-20, N-35-20) allowing for modifications to the Brown Act to address COVID pandemic concerns terminated on September 30, 2021. These modifications allowed local agencies to conduct remote meetings with minimal restrictions. In response to the continued pandemic health and safety concerns, as well as other potential emergencies such as fires, earthquakes or floods, Assembly Bill 361 (AB361) was signed by the Governor effective October 1, 2021, and allows for local agencies, under specified circumstances, to continue utilizing remote meetings under Brown Act modifications as previously done, provided they adopt a resolution declaring such. The current process can be distilled as follows:

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety (pandemic, fire, floods, earthquakes, etc.)

1. A state of emergency is declared by the Governor (pursuant to §8625} or state/local officials continue to impose or recommend measures to promote social distancing.
2. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings.
3. A resolution is passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees. **This resolution is valid for 30 days.**
4. 30 days later, if the state of emergency remains active, a local agency may act to **renew** its resolution effecting the transition to teleconferenced meetings by passing another resolution which includes findings that legislative body has both: **1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members or the public to meet safely in person.**

Discussion:

Renewal

AB 361 requires that the renewal of the resolution every 30 days effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

Recommended Action: Adopt the Resolution for Continued Teleconferencing Requirements for the District Board During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT:

PROPOSED BUDGET AMOUNT:

FINANCING SOURCE:

PREVIOUS CONTRACT/PURCHASE ORDER NO.:

COORDINATED WITH:

RESOLUTION NO. 2021-**RESOLUTION OF THE UKIAH VALLEY FIRE DISTRICT IMPLEMENTING TELECONFERENCING REQUIREMENTS FOR THE FIRE DISTRICT MEETINGS DURING A PROCLAIMED STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC****WHEREAS:**

1. The Ukiah Valley Fire District Board of Directors are committed to preserving and nurturing public access and participation in meetings of the Ukiah Valley Fire District; and
2. All meetings of Ukiah Valley Fire District are open and public, as required by the Ralph M. Brown Act, so that any member of the public may attend, participate, and watch the Ukiah Valley Fire District conduct its business;
3. The Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so; and
4. On March 17, 2020, in order to address the need for public meetings during the present public health emergency, i.e. the COVID-19 Pandemic, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and
5. On June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and
6. The State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and
7. AB 361, codified in part at Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and
8. Such conditions now exist in the County of Mendocino, specifically, the Governor has proclaimed a state of emergency exists for the state of California due to the conditions caused by the COVID-19 pandemic and the impact on the health and safety of its residents; and
9. The Delta variant is highly transmissible in indoor spaces, the California Department of Public Health is currently investigating how long vaccine protection lasts, and the Center for Disease Control and Prevention recommends avoiding indoor spaces that do not offer fresh air from the outdoors;
10. Current County health orders impose or measures to promote social distancing due to health and safety concerns; and
11. In accordance with Assembly Bill 361, the Ukiah Valley Fire District does hereby find that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, Staff, and the Ukiah Valley Fire District Board of Directors desires to authorize continued remote teleconferenced meetings; and

12. As a consequence of the local emergency, the Ukiah Valley Fire District Board does hereby find that it shall conduct its meetings without compliance with Government Code § 54953(b)(3), as authorized by § 54953(e), and that it shall comply with the requirements to provide the public with access to the meetings as prescribed in § 54953(e)(2); and
13. The Ukiah Valley Fire District has taken measures to conduct public meetings via virtual tools that allow its members and members of the public to join and participate in meetings remotely and provide public testimony in the virtual environment and via teleconference.

NOW, THEREFORE, the Ukiah Valley Fire District hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference; and
2. The Governor of the State of California issued a Proclamation of State of Emergency, which remains in effect; and
3. The Ukiah Valley Fire District Board of Directors has reconsidered the circumstances of the State of Emergency, and finds that:
 - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Ukiah Valley Fire District Board, the staff, and members of the public to meet safely in person; and
 - b. State and County officials continue to impose or recommend measures to promote social distancing.
4. The Ukiah Valley Fire District Board of Directors is authorized to continue to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code § 54953; and
5. This Resolution shall take effect immediately upon its adoption in accordance with Government Code section 54953(e)(3) to extend the time during which the Ukiah Valley Fire District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of § 54953(b)(3).
6. The Ukiah Valley Fire District Board of Directors will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

PASSED AND ADOPTED this 09th day of November, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

David B. Haas, President

Stephanie Abba, Clerk of the Board