

City of Ukiah / Ukiah Valley Fire District Ukiah Valley Fire Authority Fire Executive Committee Special Meeting

AGENDA

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Zoom Instructions

1. Via Computer as an Attendee: To raise your hand, click the Raise Hand Icon on the bottom of the Zoom window. When you click the Raise Hand Icon, a hand icon will appear in the Top Left Corner of the Zoom window. When you want to lower your hand, you can click the hand icon again and your hand will be lowered. When you are called upon to speak you simply click on the Mic icon. When done speaking please Mute your Microphone.

2. Via phone call using cellphone or landline: When the meeting begins, and they begin to discuss the item you wish to comment on, Press *9 to raise your hand. When you are called upon to speak, you will be prompted to unmute your mic, press *6 to unmute.

Please note: Each Zoom meeting has a unique meeting ID and Passcode. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again.

December 8, 2021 - 4:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. CONSENT CALENDAR

- 2.a. Adoption of Resolution 2021- Continued Teleconferencing Requirements for the Fire Executive Committee Meetings During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

Recommended Action: Adopt Resolution 2021- Continued Teleconferencing Requirements for the Committee Meetings During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

Attachments:

1. Resolution 2021- To Continue Remote Teleconferenced Meetings

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. ADJOURNMENT

Please be advised that the Ukiah Valley Fire Authority 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. The Ukiah Valley Fire Authority complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Ukiah Valley Fire Authority after publication will be available online at the end of the next business day.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at the following locations: Ukiah Valley Fire District Office - 1500 South State Street; and 300 Seminary Ave. Ukiah, California, not less than 24 hours prior to the meeting set forth on this agenda.

Stephanie Abba, Clerk of the Board

Dated: December 3, 2021

AGENDA SUMMARY REPORT

SUBJECT: Adoption of Resolution 2021- for Continued Teleconferenced Meetings for the FEC During a Proclaimed State of Emergency Due to the COVID-19 Pandemic

Background: Following the Governor's declaration of a state of emergency in March 2020 due to COVID-19, The Fire Executive Committee (FEC) switched from in-person Committee meetings to fully remote FEC 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 Fire Executive Committee to continue to conduct its meetings remotely, it must adopt a resolution indicating that a Gubernatorial State of Emergency exists and the Fire Executive Committee 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, Fire Executive Committee and staff. Resolution 2021 - Attachment 1

Primary Differences

The primary differences between the Governors prior executive orders modifying Brown Act requirements and AB361 are:

- Local agency must allow the public to participate (listen/comment) in the meeting in real time. This means local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option. Fire Executive Committee meetings have consistently met this standard by allowing the public to view and comment on agenda items in real time via the GoToMeeting.com platform.
- An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate.

Fire Executive Committee meetings have consistently met this standard.

At this time, the Governor's Proclamation of a State of Emergency-COVID executed on March 4, 2020, remains in effect. Furthermore, the State Department of Public Health website "*recommends universal mask use/or 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 Fire Executive Committee adopt "Resolution 2021- To continue Remote Teleconferenced Meeting due to the COVID-19 Pandemic.

New AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361 provides local agencies with the ability to continue to meet remotely under modified Brown Act requirements during proclaimed state emergencies with the adoption of resolution finding that either:

- 1) Open physical meetings present imminent risks to the health or safety of attendees; or
- 2) State/local officials recommend/require measures to promote social distancing.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

Renewal

AB 361 requires that the renewal of the resolution 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.

FISCAL IMPACT:				
Budgeted Amount in 20-21 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☒	N/A
RECOMMENDED ACTION(S): <i>The FEC adopts Resolution No. 2021- To Continue Remote Teleconferenced Meetings for a 30-day period.</i>				
ALTERNATIVES:				
Prepared by/Contact: Stephanie Abba, Clerk of the Board Presenter: Attachment: 3a-1 Resolution 2021-				
BOARD ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____				
RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution _____ ☐ Ordinance _____				
<i>**Note: Please write Agreement No. in upper right corner of agreement when drafted.</i>				
Approved: _____ Doug Hutchison, Fire Chief				

RESOLUTION NO. 2021-**RESOLUTION OF THE FIRE EXECUTIVE COMMITTEE TO CONTINUE REMOTE TELECONFERENCED MEETINGS DURING A PROCLAIMED STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC****WHEREAS:**

1. The Fire Executive Committee is committed to preserving and nurturing public access and participation in meetings of the Fire Executive Committee; and
2. All meetings of Fire Executive Committee 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 Fire Executive Committee 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 Fire Executive Committee does hereby find that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees and the Fire Executive Committee desires to authorize continued remote teleconferenced meetings; and

12. As a consequence of the local emergency, the Fire Executive Committee 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 Fire Executive Committee 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 Fire Executive Committee 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 Fire Executive Committee 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 Fire Executive Committee, their 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 Fire Executive Committee is authorized 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 and shall be effective until the earlier of (i) [Date 30 days from date of adoption of Resolution], or (ii) such time the Fire Executive Committee adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Fire Executive Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of § 54953(b)(3).
6. The Fire Executive Committee 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 08TH day of December, 2021, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Jim O' Brown, Committee Chair

Stephanie Abba, Clerk of the Board