

Lemos, June

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Monday, April 6, 2020 9:44 AM
To: Lemos, June; Paul Clark
Subject: FW: City Council 04062020 6A
Attachments: Council 04062020 6A.pdf

City Council

The population of Mendocino County 87,628 (2016) 4 known cases, all are in custody care or cured. Per the county website.

It is my opinion this item should be tabled and only brought back IF the need arises. It sends a bad message to the community business folks that they will now face prosecution. A kind word of warning if there are violations will go a long way. I do not think it is needed at this time. Let the County Health department enforce it if this becomes an issue. They have shut down one business for disregarding the order. It also does not address the State order, which is different than the County in essential business description.

Perhaps some statistics of violations would help in this situation. I see none in the report.

With any luck as the community and State have been very responsive this will be over soon for the most part.

Paul Clark



AGENCY: City Council
MEETING DATE: April 6, 2020
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
EMAIL ADDRESS: tmiller@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of Urgency Ordinance No. 961-2020 Establishing Administrative Penalties for Violations of the Mendocino County Public Health Officer's Orders Pertaining to the Coronavirus (COVID-19) Pandemic

ISSUE:

The Mendocino County Health Officer, Dr. Noemi Doohan, declared a local health emergency on March 4, 2020. The County Health Officer issued a Recommended Shelter-in-Place Order on March 16, 2020, a Mandatory Shelter-in-Place Order on March 18, 2020 and a Revised Mandatory Shelter-in-Place Order on March 24, 2020 (collectively referred to as "Orders"). The Orders require all persons in the County to shelter in place, except to perform Essential Activities and operate Essential Businesses, as defined in the Orders. Reports of violations of the Orders continue to be received throughout the County, including the City of Fort Bragg.

The Mendocino County Board of Supervisors approved an Administrative Penalty Ordinance at its March 31, 2020 meeting and the City of Ukiah followed suit and approved an Ordinance on April 1, 2020. The ordinances provide that any violation of the COVID-19 related Health Officer's Orders is also a violation of a local Ordinance and therefore allows Code Enforcement to impose administrative penalties to any person or business failing to comply with the Orders after receiving notice of non-compliance.

ANALYSIS:

Most businesses and individuals within the City of Fort Bragg have and it is expected will continue to comply with the Shelter-in-Place Orders. Efforts between the County Health Department, the County Sheriff's Office and the Fort Bragg Police Department have been coordinated and cooperative. An Ordinance establishing administrative penalties for violating the Shelter-in-Place Orders merely provides the City another tool, if it becomes necessary, and allows the City's actions to be consistent with the County's policies and practices.

The proposed Ordinance provides flexibility on the part of the designated Code Enforcement Officer in applying the amount of penalty, as it is set in an amount not to exceed \$500 for an individual violating the Orders and \$10,000 for a business violating the Orders. Thus, the Code Enforcement Officer has discretion to set the penalty as low as \$1.00 or at the maximum level. The proposed Ordinance requires that an individual and business receive a warning that they are violating the Orders twenty-four hours prior to a citation being issued which would include an administrative penalty, so there is ample opportunity to cure the violation prior to incurring any penalty. Any individual or business receiving a citation has the right and opportunity to appeal the citation to a hearing officer which includes the County Health Officer, City Manager or designee.

Police Chief Naulty supports establishing the Administrative Penalties as an additional means of enforcement, if necessary, and as an alternative to using sworn officers who may be needed for higher priorities such as controlling the peace and responding to emergencies.

Urgency Ordinances

Urgency Ordinances that are necessary for the immediate preservation of the public peace, health or safety, must contain a declaration of the facts constituting the urgency, and must be passed by a four-fifths vote of the City Council per Government Code Section 36937. Urgency Ordinances go into effect immediately upon adoption per California Government Code Section 36934. The proposed Ordinance contains the required findings.

RECOMMENDED ACTION:

Waive the reading of the Ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg establishing administrative penalties for violations of the Mendocino County Public Health Officer's Orders pertaining to the COVID-19 Pandemic.

ALTERNATIVE ACTION(S):

The City Council may choose to decline to adopt the Urgency Ordinance and provide other direction to staff.

FISCAL IMPACT:

Although there is no expectation that it will be necessary to levy penalties, any fees collected would offset the costs of enforcing the Shelter-in-Place Orders.

GREENHOUSE GAS EMISSIONS IMPACT:

Not applicable to enforcement actions.

CONSISTENCY:

The proposed urgency ordinance is consistent with all state laws, city ordinances, and emergency orders currently in effect.

IMPLEMENTATION/TIMEFRAMES:

If adopted by a four-fifths vote of the entire membership of the City Council, the proposed Urgency Ordinance will become effective immediately.

ATTACHMENTS:

1. Urgency Ordinance 961-2020
2. Governor's Order N-28-20

TYPO

NOTIFICATION:

1. Press Release, Notify Me subscriber list

Lemos, June

From: Gabriel Maroney <gabrielquinn@sbcglobal.net>
Sent: Sunday, April 5, 2020 4:55 PM
To: Lemos, June
Cc: Norvell, Bernie; Morsell-Haye, Jessica; Miller, Tabatha; Albin-Smith, Tess; Lee, Will; Peters, Lindy; McCormick, Sarah; Perkins, Scott; gjerde@mendocinocounty.org; williamst@mendocinocounty.org; haschakj@mendocinocounty.org; mccowen@mendocinocounty.org; browncj@mendocinocounty.org
Subject: Will the cure end up being worse than the disease?
Attachments: Cov-19, What determines how it will affect you, and What is the True Death Rate, article FINAL3.pdf

Greetings June,

can you possibly have the attached link and PDF file placed under Conduct of Business 6A as a public comment? They don't need to be read during the teleconference meeting.

Thank you!

Gabriel Quinn Maroney

<https://off-guardian.org/2020/03/24/12-experts-questioning-the-coronavirus-panic/>

Cov-19, What determines how it will affect you, and What is the True Death Rate?

Christopher Hobbs, Ph.D.

March 31, 2020

As of today, March 31, the death rate in the U.S. overall from Cov-19 is 2,860 deaths/163,539 = 1.7%. However, this is not accurate because of widespread under-testing and because of asymptomatic cases. **The newest estimate based on statistical modeling is now 0.15%**, about the same as seasonal flu. See the full article by clicking on the link for more details and references.

<https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

According to government estimates, the virus is in the rapid infectious state with acceleration of many new infections expected daily until the peak (if we continue to maintain social distancing and other protective measures), which is estimated to be on April 15, then new infections slowly declining until much lower levels of infections on June 1st, much lower on June 15th, and negligible levels on July 1st.

<https://covid19.healthdata.org/projections>

Many more interesting details and discussion in the full pdf article available by clicking the link.

Can we agree that the major problem with discussing this with any cogency is the lack of good data? Let's hope this comes with time and we will get a clearer picture of what we are facing with this novel virus if any scientists are left that are unspinnable.

In Wuhan, in the ground-central population of just over 80,000 people who were initially infected with the virus, the death rate was estimated to be 1.4%. These people had access to traditional Chinese medicine, and most people used TCM and herbs along with western medicine during their treatment. Underreporting was likely here as well. We can't begin to know how many cases are asymptomatic, unchecked, cases where people don't know if they have a cold or flu and are just resting and treating at home.

However, a very recent study (Siettos et al., 2020) used mathematical modelling, the accuracy which was confirmed by predictions for the Hubei, China initial outbreak which turned out to correspond well with the prediction from the model. They predict that 20x more people are infected than is evident from testing, and based on this, **predict an overall death rate of 0.15% (similar to the seasonal flu)**. They also determined the decline of infection should be at the end of February, which turned out to be true. Since the first reported cases were in late December, that means the first signs of decline should be about 2 months. For the U.S., that means declines in infections should occur in late April or early May.

A number of factors are involved with how someone who acquires an infection will fare. As always, the overall health status and present condition of the patient is the key to how things will go. This is evident in the wide range of outcomes being reported, including that 80% of people infected come through the course of the infection without major complications, and some hardly know they are infected. Considering a number of sources, the death rate for SARS-Cov-2 infections is about 0.2 to 0.5, and for the seasonal flu, about 0.15. Both of these statistics likely underestimate the influence of comorbidities in serious illness and death.

These factors include immune status, the presence of other infections, comorbidities, especially the health of the respiratory tract and cardiovascular system to begin with. For the cardiovascular system, "Coronavirus disease 2019 is associated with a high inflammatory burden that can induce vascular

inflammation, myocarditis, and cardiac arrhythmias" (Madjid et al., 2020). It's no coincidence that the highest incidence and burden of cardiovascular disease is among elderly men, as are drastic outcomes for Cov-2 infections. For respiratory tract health, breathing polluted air in the cities, smoking something for a lifetime, or shutting oneself up in overly-heated rooms with little access to fresh air, as well as lack of aerobic exercise all take their toll. One also has to consider nutritional status, overweight and obesity, pre-diabetes, diabetes, just to name some of the most notable factors.

Isn't it clear that these are more at play when determining the outcome of a Cov-2 infection than simply one's age?

More details and references in the full article I'm posting on my Facebook page later today, "Cov-19, What determines how it will affect you, and What is the True Death Rate?"

I will argue that overall, the median death rate (median meaning a value lying at the midpoint of a frequency distribution of observed values) from various countries, cities, communities is likely to be about 0.15-0.5% of total cases. Based on a number of papers I've reviewed, the median death rate for the seasonal flu is about 0.15%, and the data is from multiple cold and flu seasons adjusted for age, comorbidities, and other factors. **As noted above, Anastassopoulou et al., 2020 concludes the actual death rate is likely to be 0.15% overall when considering widespread under-testing.**

According to the previous papers mentioned, the chance of dying of influenza or a Cov-2 infection is about 5x higher among those >60 years of age or so. Another recent paper (Yuan *et al.*, 2020) determined that based on 27 patients with severe lung disease that were hospitalized associated with the virus (mostly older adults with comorbidities), 63% recovered and 37% died).

The point I'm trying to make is that the Cov-2 virus is not likely to be inherently more lethal or infectious than some strains of flu we face each year, statistically-speaking. It's spreading so fast because it's novel and very few had any immune interactions with it previously. As with other seasonal pathogens, we will see a peak and decline for infections once enough people have developed antibodies and other immune strategies to deal with it.

Our immune system is quite capable since it has been refined and has co-evolved with countless pathogens, some of them amazingly virulent, as long as animals have been on the planet. A recent article describes the segmented and mobile tiny "yiling bug" which is thought to be about half a billion years old (Xiao et al., 2020). In other words, our immune systems have seen it all. Since (at least to virologists) viruses are a living entity, one wonders "what's their agenda anyway?" I'm going to argue again that their "agenda" is to be part of the homeostasis-maintaining mechanisms for the giant biosphere that is planet earth. When one species gets out of control (yes, I'm talking about us), checks and balances have to check and balance.

What invigorates my ire is when the media reports that "older people" are more at risk of having serious illness and more likely to die than others, and then go on to say that this is because elderly people have weaker immune systems. Based on some data, the media is reporting that older men are the most likely to have serious consequences of the viral infection and also die from it.

But is this really true that elderly people have inherently weaker immune system? Perhaps to a small degree as we become very old. If we think of the

"Acute cardiac injury determined by elevated high-sensitivity troponin levels is commonly observed in severe cases and is strongly associated with mortality. Acute respiratory distress syndrome is also

strongly associated with mortality. Coronavirus disease 2019 is associated with a high inflammatory burden that can induce vascular inflammation, myocarditis, and cardiac arrhythmias" (Madjid et al., 2020).

If you get a chance, please read through the following article on the Off-guardian website: Some readers of it objected to the article, calling it irresponsible and vague in some of its facts. However, based on statistics I've presented and referenced, I think some of what these medical experts are saying bear considering.

https://off-guardian.org/2020/03/24/12-experts-questioning-the-coronavirus-panic/?fbclid=IwAR1LBAOIwVsog19FGbMqACQ_xPdTvhibi5rpyYvi37tr3RA68n9EViOfH3mA&_cf_chl_jschl_tk=__=1df2ad7f1f09041657cbcbf9a67861e1ba8e4847-1585688763-0-AeVttstxig4ucPJsMVZMfyEQkANG1eEct65B1k4qEapWLNvz3kM0tVWs3k41icu00aXumAedAHvLvMxlcng7ff6E7O62K5o4CW4ipggfAbit8ZACyoe787indWo4HlyVNJJNUR5dI3yEND64nW81u4fZOREJj1Zm4FhsC371uEHVNjk3_AeniKf5PoSDXGkI90qXObu1HOxSpE308mJwLpSuiDg_U_wzA_zGT1fvmCg1GuOMbMBE5MLly6ikt8RkRVWzy7rv5OcGL3SludM2gRI50YZeRbcuGDWRJcTN_xA8IkS8rZOBYMNO-6rAF9nIR5gWx5vvnoGQZJ785ydSC_0sWWOGkco8hWTcgKwv7HxsQRri-ONuMLoY3PJI7ZR-0yBhYdxJ9zjWvDmRyRXyP66y4e9_jhZdW32VO2VHHqEAHsYH3g

I highly recommend reading this article on the premise that what humans are doing on this planet now is unsustainable—economically, environmentally, and politically.

https://medium.com/@franzallmayer_96499/we-are-in-the-uncharted-of-a-world-becoming-new-b335b5fc0a92

More articles will follow.

Thanks for participating in the discussion!

Christopher Hobbs, Ph.D.

Lemos, June

From: Gabriel Maroney <gabrielquinn@sbcglobal.net>
Sent: Monday, April 6, 2020 2:14 PM
To: Lemos, June
Cc: Norvell, Bernie; Morsell-Haye, Jessica; Peters, Lindy; Miller, Tabatha; Albin-Smith, Tess; Lee, Will
Subject: Comments on Conduct of Business Item 6A 20-682
Attachments: Iron First Golden Hand.pdf

Good afternoon June,

attached is a letter of my comments for tonights special meeting item 6A 290682 (Establishing Administrative Penalties).

Thank you for your diligent work and adapting as our modern times require.

Essential,
Gabriel Quinn Maroney

From Iron Fist to a Golden Hand (6A 20-682)

Probably one of the most seductive gestures in the human experience is to grant oneself power over others. To have your will sternly enforced and to control mass behavior as you see fit. These types of gestures are always justified with logic and reasonable explanations, still at the core is the fear that authority will be diminished. Because of this, for all practical purposes I should not waste anyones time in attempts to convince the council to **withdraw from any and all** intentions to penalize the public related to the SARS-CoV-2 Health Mandate Order. I remain driven in this attempt, given what hangs in the balance.

I understand the compelling interest of saving lives and protecting health, yet establishing administrative penalties for violations of the Mendocino County Public Health Officers Orders pertaining to the COVID-19 Pandemic would be counterproductive means and not appropriately tailored for the current circumstance or threat level.

As I am sure you all realize, many of your constituents are deeply concerned with the precedent our state and county has set that now models more closely Communist China's method compared to the targeted approach, regions like Taiwan and South Korea took deliberately not instituting a mandate and not shutting down their economies. These success stories show in comparison that beyond all our rhetoric and propaganda, the United States of America is not currently the, "shinny city upon a hill whose beacon light guides freedoms-loving people everywhere."

Staff summary avers that these fines, "merely provides the City another tool," yet when some reports projecting the possibility of higher percentage of unemployment than during the Great Depression (historically a 10 year global economic crisis), why would the City move forward to create even more economic burden on people and businesses? That would be the line at which the cure becomes more detrimental than the disease and this action should never become necessary. The City's actions are already consistent with the counties policies and practices as the order states that, "the use of this Ordinance shall be at the sole discretion of the City, its officers, agents and employees." I was surprised to discover that Police Chief Naulty supported establishing the Administrative Penalties as an additional means of enforcement, yet I understand he probably is looking at it as practical logistically as an alternative to using sworn officers who may be needed for higher priorities. Still when we say something is the last resort, and then make it more readily available as a potential action, it then become a more likely scenario.

City analysis acknowledges that, "most businesses and individuals within the City of Fort Bragg have and it is expected will continue to comply with the Shelter-in-Place Orders." Please do not raise your iron fist against your citizens during a time of limited liberties and sky, crumbling economies, and sky rocketing fear. May you extend golden hands of relief as you are instilled with faith that freedom loving people will take proper actions in these challenging times.

Thank you for your contemplation on this important matter. Essentially, Gabriel Quinn Maroney

Lemos, June

From: Paul McCarthy <mendocinosportsplus@gmail.com>
Sent: Monday, April 6, 2020 6:30 PM
To: Lemos, June
Subject: PUBLIC COMMENT TO AGENDA ITEM ON SHELTER ORDINANCE

This is Paul McCarthy down in Elk - but I "identify" as a taxpaying large downtown Fort Bragg property owner/resident so I have "standing" in order to tell you how to run your town.

I was going to thank the council for all the new, throbbing 5G cell power boosters being placed on every pole in town but will save it for a later date. What concerns me is that violations of the shelter-in-place ordinance do NOT go far enough.

People do not have the money to pay fines for any violation - so I propose authorizing the Fort Bragg Police be allowed to "horsewhip" adults and "spank" children for violations. It would certainly make a more lasting impression than any financial loss and give "hit them where it hurts" a new meaning..

Thank you for doing a fine job during this crisis.