



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Finance and Administration Committee

Wednesday, November 9, 2022

4:00 PM

Via Video Conference

MEETING CALLED TO ORDER

ROLL CALL

PLEASE TAKE NOTICE

Due to state and county health orders and to minimize the spread of COVID-19, Committee Members and staff will be participating in this meeting via video conference. The Governor's executive Orders N-25-20, N-29-20, and N-15-21 suspend certain requirements of the Brown Act and allow the meeting to be held virtually.

The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made by joining the Zoom video conference and using the Raise Hand feature when the Chair calls for public comment. Any written public comments received after agenda publication will be forwarded to the Committee Members as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to Administrative Assistant, Diana Sanchez at dsanchez@fortbragg.com.

ZOOM WEBINAR INVITATION

You are invited to a Zoom webinar.

When: Nov 9, 2022 04:00 PM Pacific Time (US and Canada)

Topic: Finance and Administration Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88643430620>

*Or Telephone: US: +1 669 444 9171 or +1 253 215 8782 (*6 mute/unmute, *9 raise hand)*

Webinar ID: 886 4343 0620

TO SPEAK DURING PUBLIC COMMENT PORTIONS OF THE AGENDA VIA ZOOM, PLEASE JOIN THE MEETING AND USE THE RAISE HAND FEATURE WHEN THE CHAIR OR ACTING CHAIR CALLS FOR PUBLIC COMMENT ON THE ITEM YOU WISH TO ADDRESS.

1. APPROVAL OF MINUTES

1A. [22-565](#) Approve Minutes of October 12, 2022

Attachments: [FAC 10122022](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

- 3A. [22-570](#) Receive Report from the City's Sales Tax Consultant- Thomas Adams of Avenue Insights & Analytics on Quarter 2 2022 Sales Tax and Business Activity
Attachments: [Q2 2022 Sales Tax Update](#)
- 3B. [22-569](#) Receive Report and Provide Recommendation to City Council on the City's General Plan Maintenance Fee
Attachments: [11092022 General Plan Maintenance Fee](#)
[Att 1 - General Plan Maintenance Fee Analysis](#)
- 3C. [22-564](#) Receive Report on Policy Governing the Use of Electronic Devices during City Council and Other Public Meetings
Attachments: [11092022 Electronics Use Policy Staff Report](#)
[ATT 1. Policy Use of Electronic Devices](#)
- 3D. [22-566](#) Receive Oral Update from Staff on Departmental Activities

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on November 4, 2022.

Diana Sanchez, Administrative Assistant

NOTICE TO THE PUBLIC

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <http://city.fortbragg.com> subject to staff's ability to post the documents before the meeting*

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 22-565

Agenda Date: 11/9/2022

Version: 1

Status: Business

In Control: Finance and Administration Committee

File Type: Committee Minutes

Agenda Number: 1A.

Approve Minutes of October 12, 2022



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Meeting Minutes Finance and Administration Committee

Wednesday, October 12, 2022

4:00 PM

Via Video Conference

MEETING CALLED TO ORDER

Chair Albin-Smith called the meeting to order at 4:00 PM.

ROLL CALL

Present: 2 - Tess Albin-Smith and Marcia Rafanan

1. APPROVAL OF MINUTES

[22-528](#) Approve Minutes of September 22, 2022

The minutes were approved by the committee as presented.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. CONDUCT OF BUSINESS

3A. [22-509](#) Receive Asset Forfeiture Fund Year-End Report and Budget Reconciliation for FY 2021-22

Administrative Assistant Lesley Bryant gave a report on the FY 2021-22 Year-End Report Regarding Asset Forfeiture Discretionary and Education Fund Expenditures. It was noted that there are 4 funds, 2 State Funds and 2 Federal Funds. The discretionary funds for the state are broken down into State Funds and Education Funds. State Funds are not as restricted as to what they can be used for. Education Funds must meet Gang or Drug Prevention Education Programs for the community. Federal Funds are very restricted. We receive very little in the form of Federal Funds and we rarely spend from them. A detailed description was given on how the funds were spent from the general discretionary account.

Public Comment: None.

Discussion: Staff and Committee Members discussed on how to access Federal Funds. Chief Neil Cervenka stated that several years ago during the previous Presidential Administration our Governor said we are no longer going to accept Federal Asset Forfeiture Funds. He recommended that the funds in the Federal Fund be spent on one large purchase as to zero out the balance since we will not be getting funds into the account in the near future and in this way lessen the tracking and reporting from staff. There was also discussion on what State Funds will be used for in the future. In the plans are contributing to the new soccer fields. Training and rejoining the County Wide Swat Team.

3B. [22-532](#) Receive Oral Update from Staff on Departmental Activities

Finance Director, Isaac Whippy reported that the finance department's final trial balance for the auditors is due on November 4, 2022 as they will be here from November 7- November 10. The finance department has been working out the issues of taking over the CV Starr's finances for a month now. Mr. Whippy reminded that we can now take payments from customers over the phone with our new credit card terminal. During the month of December there will be no water shut-offs as this has been the practice in prior years per the direction from City Council. Water shut-offs will resume in January 2023. We still have the Utility Assistance Program available of up to \$500 through the CDBG Grant and also the Low Income Home Water Assistance Program (LIHWAP) Grant which offers up to \$2000 of Assistance.

Public Comment: None.

Discussion: There was discussion between committee and staff about the taking over of the CV Starr's finance department, Mr. Whippy stated that it has just been a matter of getting the 50 plus CV Starr employees into our accounting software. There was also a question about why we have so much money in our Water Fund and we are still charging the public so much for water service, Whippy informed that the reason there is so much money is because it will be used for future capital improvements and operating expenses.

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

Chair Albin-Smith adjourned the meeting at 4:37 PM.



City of Fort Bragg

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Text File

File Number: 22-570

Agenda Date: 11/9/2022

Version: 1

Status: Business

In Control: Finance and Administration Committee

File Type: Staff Report

Agenda Number: 3A.

Receive Report from the City's Sales Tax Consultant- Thomas Adams of Avenue Insights & Analytics on Quarter 2 2022 Sales Tax and Business Activity

City of Fort Bragg Q2 2022 Sales Tax Update



Thomas Adams

November 9, 2022

Sales Tax Performance & Comparisons



Top 25 Sales Tax Producers (~ 66% of total local businesses sales tax revenue)

ARCO AM/PM MINI MARTS

NOYO HARBOR INN

BOATYARD TOBACCO

O'REILLY AUTO PARTS

CANCLINI TV & APPLIANCE

REDWOOD COAST FUELS

CHEVRON SERVICE STATIONS

RESTAURANTE LOS GALLITOS

CVS/PHARMACY

RINO SERVICE STATIONS

DENNY'S RESTAURANTS

RITE AID DRUG STORES

DOLLAR TREE STORES

ROSSI BUILDING MATERIALS

GEO AGGREGATES

SAFEWAY STORES

HARVEST MARKET

SINCLAIR SERVICE STATIONS

KEMPPE LIQUID GAS

SPORT CHRYSLER-JEEP-DODGE

MCDONALD'S RESTAURANTS

TACO BELL

MENDO MILL & LUMBER COMPANY

THE BREWERY SHOP

TRUE VALUE HARDWARE

City of Fort Bragg

Local Business Sales Tax Drivers

Primary Drivers

- **Food (Markets & Restaurants): 33%**
- **Transportation (Auto Sales & Gas Stations): 21%**
- **Retail: 19%**
- **Construction: 18%**
- **Business to Business: 8%**

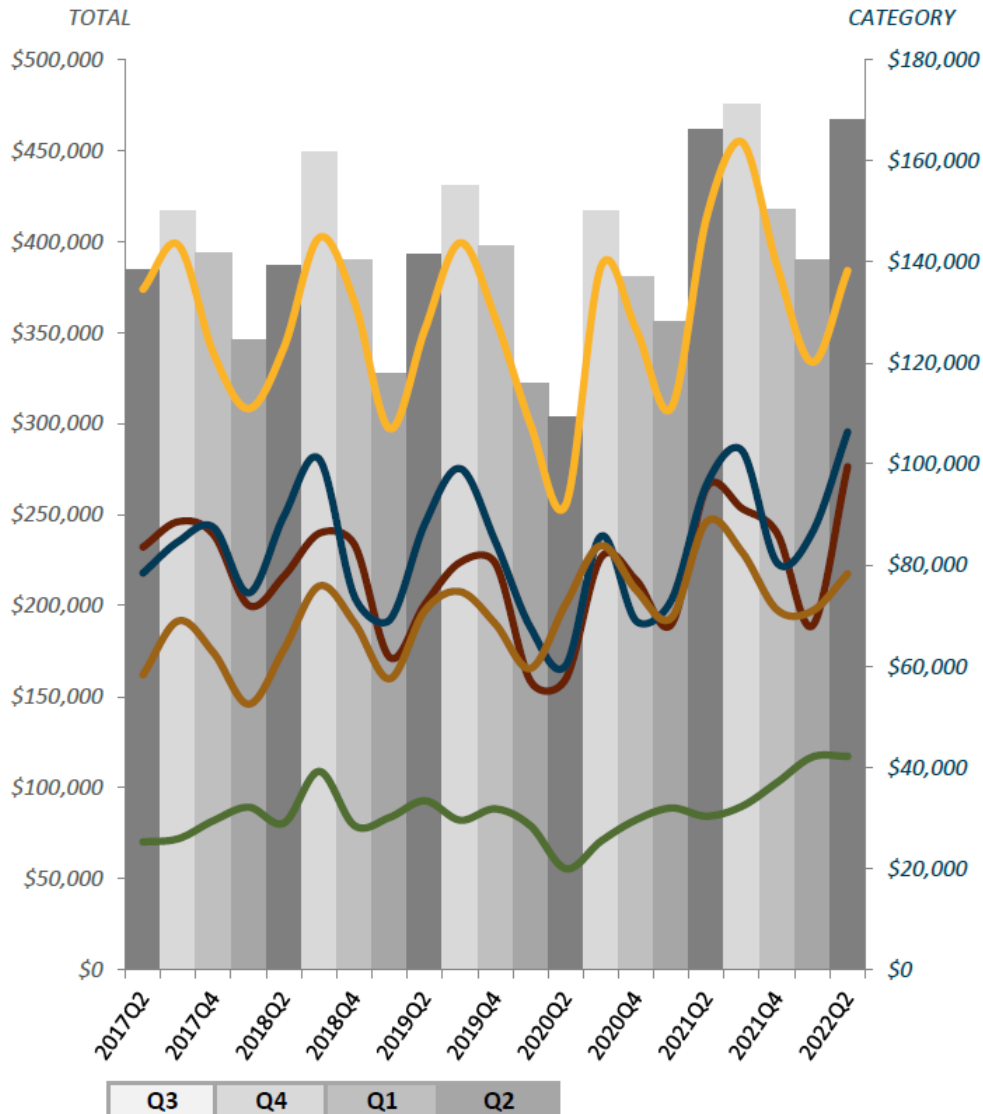
Others

- **Miscellaneous: 1%**

Fort Bragg 1% Sales Tax Performance

	YE 2019Q2	YE 2020Q2	YE 2021Q2	YE 2022Q2
Total Receipts	\$1,869,513	\$1,645,138	\$1,995,831	\$2,100,885
Net Pools/Admin/Adj	\$309,150	\$190,820	\$380,299	\$351,518
Local Businesses	\$1,560,364	\$1,454,318	\$1,615,532	\$1,749,366
General Retail	\$304,403	\$275,529	\$322,278	\$345,031
Food Products	\$510,490	\$472,340	\$525,611	\$561,168
Restaurants	279,626	234,191	267,813	309,345
Transportation	\$332,180	\$311,603	\$323,827	\$375,955
Service Stations	187,956	179,233	192,101	240,634
Construction	\$273,037	\$275,134	\$317,158	\$303,057
Business To Business	\$131,257	\$109,825	\$117,451	\$153,630
Miscellaneous	\$8,996	\$9,887	\$9,207	\$10,526

Fort Bragg – Q2 Economic Performance



TOTAL				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$466,976	1.1%	\$5,146	8.3%	\$133,865

GENERAL RETAIL				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$99,455	4.2%	\$4,041	7.1%	\$22,753
% of 2022Q2 Total:		21.3%		

FOOD PRODUCTS				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$138,218	-7.1%	-\$10,634	6.8%	\$35,557
% of Total:		29.6%		

TRANSPORTATION				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$106,337	10.8%	\$10,340	16.1%	\$52,128
% of Total:		22.8%		

CONSTRUCTION				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$78,294	-11.6%	-\$10,314	-4.4%	-\$14,101
% of Total:		16.8%		

BUSINESS TO BUSINESS				
2022Q2	QoQ %Δ	QoQ \$Δ	YoY %Δ	YoY \$Δ
\$42,199	38.9%	\$11,828	30.8%	\$36,179
% of Total:		9.0%		

QoQ = 22Q2 / 21Q2

YoY = YE 22Q2 / YE 21Q2

Sales Tax Future?



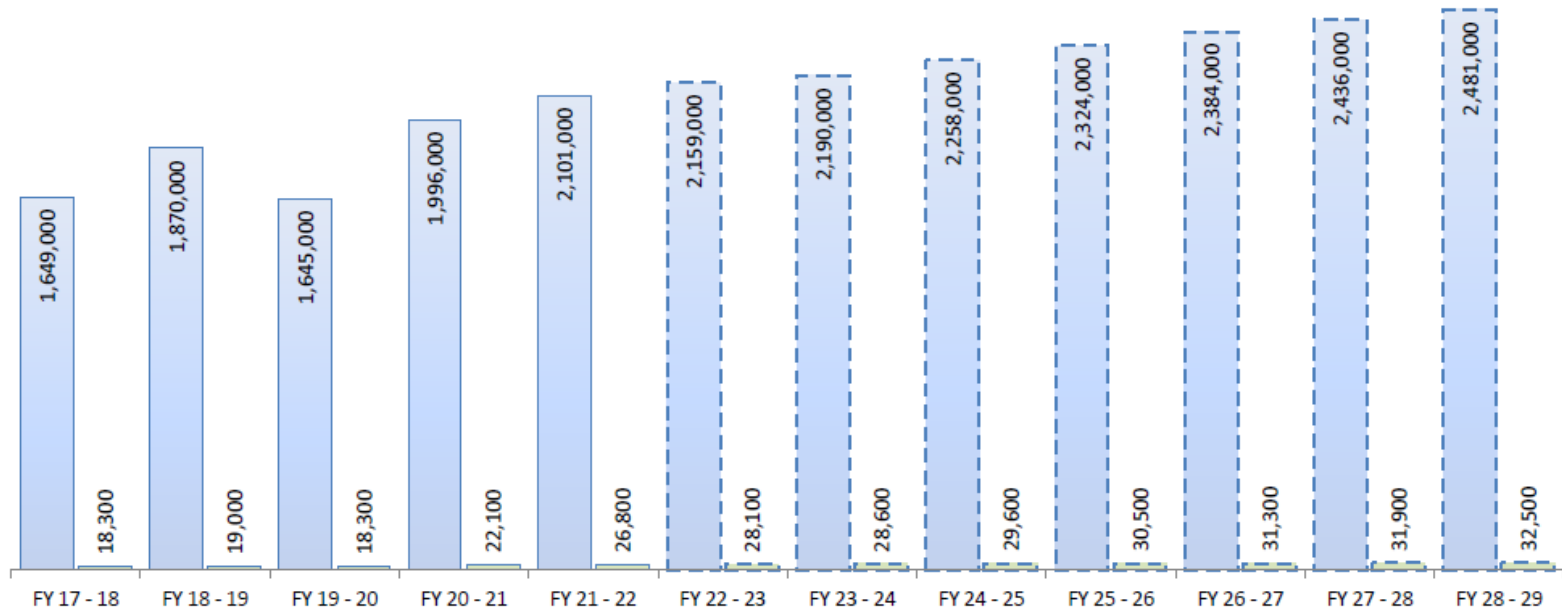
Fort Bragg 1% Sales Tax Forecast

City of Fort Bragg Sales & Use Tax Forecast Summary

Accrual through August Clean-up (Historical through Balance: September)

Bradley Burns	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26	FY 26 - 27	FY 27 - 28	FY 28 - 29
Cash Projection	2,101,000	2,159,000	2,190,000	2,258,000	2,324,000	2,384,000	2,436,000	2,481,000
Percent Change	5.3%	2.8%	1.4%	3.1%	2.9%	2.6%	2.2%	1.8%

Prop 172	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26	FY 26 - 27	FY 27 - 28	FY 28 - 29
Cash Projection	26,800	28,100	28,600	29,600	30,500	31,300	31,900	32,500
Percent Change	21.3%	4.9%	1.8%	3.5%	3.0%	2.6%	1.9%	1.9%

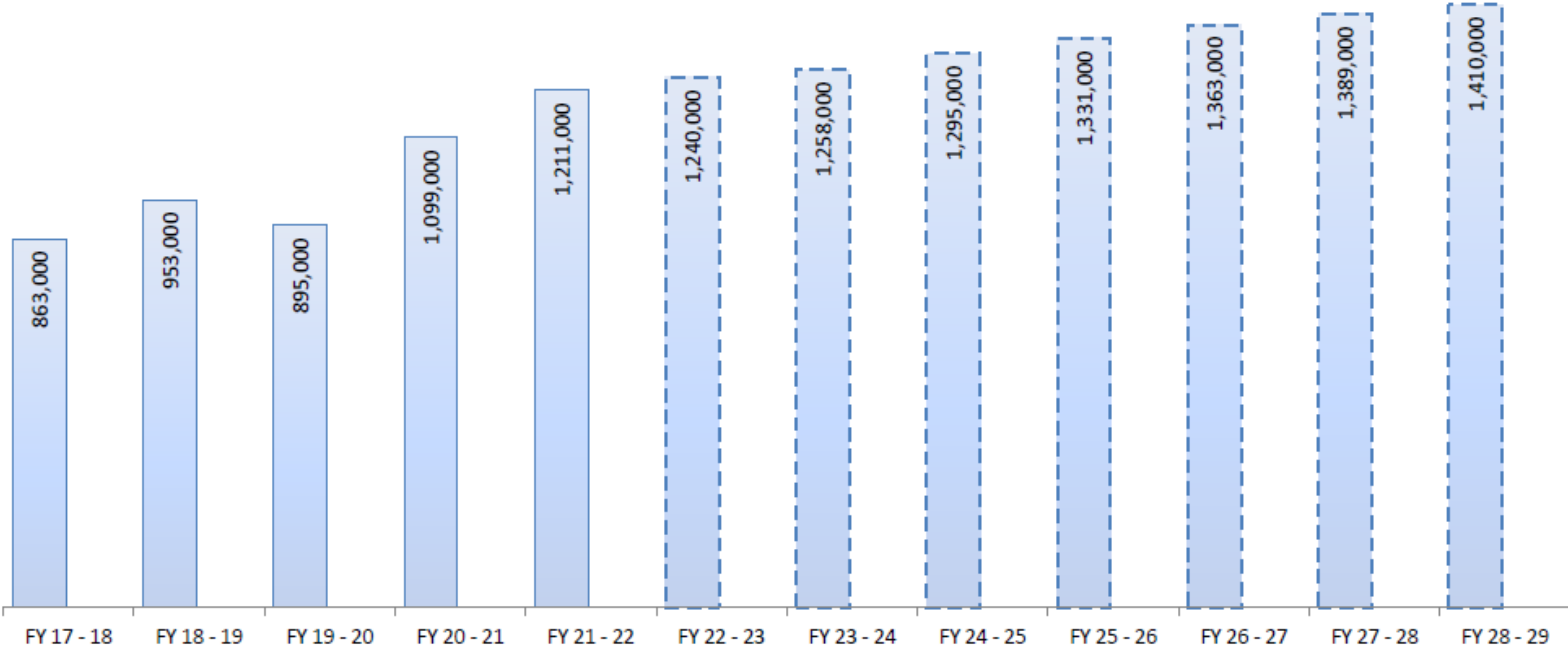


Fort Bragg 1/2% 'Add-on' Forecast

Fort Bragg 1/2% Sales & Use Tax Forecast Summary

Accrual through August Clean-up (Historical through Balance: September)

Voter Approved	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26	FY 26 - 27	FY 27 - 28	FY 28 - 29
Cash Projection	1,211,000	1,240,000	1,258,000	1,295,000	1,331,000	1,363,000	1,389,000	1,410,000
Percent Change	10.2%	2.4%	1.5%	2.9%	2.8%	2.4%	1.9%	1.5%



Sales Tax Future Caveats – Uncertainty...

- **The Pandemic Recession is Different – No Playbook**
Primary impacts to date: restaurants, gas, apparel
- **Regional Impacts Vary** – Greater Impact on areas reliant on International Tourism, Business Travel, Office Workers
- **Uncertain Virus/Health Impacts** – Variants etc. create future uncertainty
- **Uncertain Economic Pathway** – Inflation, Interest Rates, Consumer Behavior, Unemployment Trends, Supply Chains, Energy Markets, ‘New Normal’?

Legislative Activity – Session Highlights

- Inflation Relief Program is Governor’s initiative to provide direct payments to taxpayers instead of freezing or temporarily eliminating gas tax
- AB 1951 (Grayson) – a bill to expand the exemption for research and development and manufacturing equipment was vetoed by the Governor
- SB 852 (Dodd) Climate Change Resilience District – new environmental program expansion of Enhanced Infrastructure Finance District program
- Various land use related bills with expedited approvals for housing projects passed – reduces local land use controls
- Governor will host special session on Oil and Gas Windfall Profits to start on December 5 concurrent with start of new legislative

Thank you...Questions?



City of Fort Bragg

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Text File

File Number: 22-569

Agenda Date: 11/9/2022

Version: 1

Status: Business

In Control: Finance and Administration Committee

File Type: Staff Report

Agenda Number: 3B.

Receive Report and Provide Recommendation to City Council on the City's General Plan Maintenance Fee



AGENCY:	Finance & Admin Committee
MEETING DATE:	November 9, 2022
DEPARTMENT:	Administration
PRESENTED BY:	Matrix Consulting Group
EMAIL ADDRESS:	smccormick@fortbragg.com

AGENDA ITEM SUMMARY

TITLE: Receive Report and Provide Recommendation to City Council on the City’s General Plan Maintenance Fee

ISSUE/BACKGROUND:

On November 8, 2004, the City of Fort Bragg adopted a General Plan Maintenance Fee equal to 1.5% of the total construction permit valuation. However, during the 2019 midterm budget process, City staff was unable to determine the estimated reasonable cost for preparing/amending plans and policies associated with the General Plan Maintenance Fee. In response, City Council directed staff to draft a resolution to temporarily waive this fee, and solicit proposals from qualified firms to conduct an analysis to determine the appropriate fee level for the City’s General Maintenance Fee.

The purpose of the General Plan Maintenance fee is to cover the costs reasonably necessary to prepare and revise the plans and policies that the City is required to adopt. The City utilizes these funds for the development and environmental review of amendments to the Coastal General Plan, the Coastal Land Use and Development Code, the Inland General Plan, and the Inland Land Use and Development Code. The City’s 1.5% General Plan Maintenance Fee was disproportional to what other jurisdictions charge and significant when compared the total amount charged in building permit fees.

The City released a Request for Proposals on November 24, 2021, and Matrix Consulting Group was selected as the responsive and qualified firm.

ANALYSIS:

Based upon General Plan components and in-house staffing costs, the Matrix Consulting team calculated the full cost of the General Plan Maintenance Fee as 0.53% of the Building Permit Valuation – nearly 1.00% lower than the current/suspended fee (**Attachment 1 – General Plan Maintenance Fee Analysis**). Updating the City’s General Plan Maintenance Fee would bring the City of Fort Bragg into alignment with other jurisdictions and better positioned to recover costs for long range planning efforts.

RECOMMENDED ACTION:

Receive report, review analysis conducted by Matrix Consulting Group and provide recommendation to City Council regarding how to set the General Plan Maintenance Fee.

ALTERNATIVE ACTION(S):

1. Request additional information.
2. Eliminate the fee and rely on General Fund tax revenue to fund the updates to the City’s Municipal Codes and major updates to its Coastal and Inland General Plans.

AGENDA ITEM NO. _____

3. Provide alternative direction to staff.

FISCAL IMPACT:

The cost of professional services to conduct General Plan Maintenance Fee Analysis was not to exceed \$12,000. The purpose of the General Plan Maintenance Fee is to offset the costs associated with the City's long-range planning efforts. Actual costs can vary significantly from year to year based on staffing costs, organizational needs and capacity, economy, and/or success of securing grant awards.

GREENHOUSE GAS EMISSIONS IMPACT:

The review of this report has little impact on greenhouse gas emissions.

CONSISTENCY:

The requirements to increase planning and development fees are set forth in Government Code Section 66014. Those fees may not exceed the estimated reasonable cost of providing the service, unless approved by a popular vote of two-thirds by election. Reasonable cost of providing the service may be based on an estimate such as a budget or other calculation. A City must be able to set forth a reasonable method for determining whether a fee exceeds the estimated reasonable costs of providing the service.

IMPLEMENTATION/TIMEFRAMES:

New fees are not effective until at least 60-days after adoption of Resolution pursuant to California Government Code Section 66017(a). Should the Finance and Administration Committee make a recommendation to City Council at the next meeting scheduled November 28, 2022, and Council decides to approve Resolution establishing General Plan Maintenance Fee the fee could be implemented on Monday, January 30, 2023.

ATTACHMENTS:

1. General Plan Maintenance Fee Analysis

NOTIFICATION:

1. "Notify Me" subscriber list: Finance and Budgeting

General Plan Maintenance Fee Analysis

CITY OF FORT BRAGG, CALIFORNIA

FINAL REPORT

November 2022



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3. Comparative Survey.....	7

1. Introduction and Executive Summary

The following report presents results of the General Plan Maintenance Fee Analysis conducted by the Matrix Consulting Group for the City of Fort Bragg (City).

1 Project Background and Overview

Prior to 2019 the City of Fort Bragg used to assess a General Plan Maintenance fee of 1.5% on all Building Permit fees. This fee was intended to recover costs associated with the City's long-range planning efforts, and most importantly any updates to its Inland and Coastal General Plan. As the City has not evaluated this fee in at least 10 years, in 2019 the City Council decided to waive the application of the General Plan Maintenance fee, due to the lack of available documentation outlining how the fee was calculated.

With the recent emphasis of State guidelines on long-range planning activities for local communities, it is imperative that this fee be evaluated to ensure that it is compliant with legal regulations and sufficient to meet the City's needs. The results of this study provide an understanding of the current costs associated with long-range planning activities and the calculation of a current General Plan Maintenance fee.

2 General Project Approach and Methodology

The Matrix Consulting Group accomplished the requested scope of work by applying a thorough project approach that included:

- **Reviewing Long-Range Planning Activities:** Reviewing information provided by the City regarding the types of long-range planning activities that can be covered under the fee such as Housing Element Update, Land Use Elements, and other components of Inland and Coastal plans.
- **Collecting Building Permit Information:** Working with City staff to collect information regarding the types of building permits being issued and overall development activity.
- **Evaluating Staffing Costs Associated with Long-Range Planning:** Determining the estimated hours spent by in-house City staff in support of long-range planning activities.

- **Reviewing Legal Regulations:** Ensuring appropriate compliance with state and local guidelines regarding the calculation and application of the General Plan Maintenance Fee.
- **Discussing Draft Results:** Reviewing draft results with City staff to ensure that they are reflective of appropriate costing assumptions.
- **Documentation of Results:** Documenting the calculation methodology and nexus between general plan costs and fee application for transparency.

These steps enabled the project team to ensure that all components were reviewed and discussed to allow for the most fair and defensible calculation of the General Plan Maintenance fee.

3 Legal Summary

The General Plan Maintenance fee is governed by Government Code Section 66014(b) which states that fees “may include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and recommendations.” This code states that fees can be charged against zoning changes, zoning variances, use permits, building inspections, and filing applications.

It is important to note that unlike other fees, the General Plan Fee cannot be considered a “user fee” or a “fee for service”. There is no “service” that is being provided. Rather the fee is meant to be charged against user fees to recover the costs associated with development and preparation of the overall General Plan. It is more similar in nature to an impact fee. The fee is most typically charged in the Building Phase, as it is during that phase when there is an actual impact that is made to the footprint of the community, which will impact the land use, housing, circulation, and all other elements of the General Plan.

It is proposed that this fee be charged as a percentage of the construction valuation, due to the relationship between the construction valuation and the impact on the City’s long-range planning and general plan efforts. Projects that have a lower dollar value tend to be smaller projects in nature (i.e., remodels, renovations, etc.) and do not have as much of an impact on General Plan elements such as the housing element or transportation element. However, adding a new house or replacing an existing house, with a completely different house, which is generally valued higher, has a much larger impact on the overall zoning and housing density of the City and therefore on the larger General Plan. By

utilizing valuation as the metric for the fee, the City ensures that the fee scales proportionately to the project and its impact on the overall General Plan.

4 Summary of Results and Recommendations

Based upon the General Plan components and in-house staffing cost, the project team calculated the full cost of the General Plan Maintenance fee as 0.53% of Building Permit Valuation. The following table shows the current fee, the full cost calculated, and the resulting difference:

Table 1: Comparison of General Plan Maintenance Fee

<u>Fee Name</u>	<u>Current (Suspended) Fee</u>	<u>Full Cost Fee</u>	<u>Difference</u>
General Plan Fee - % of Valuation	1.50%	0.53%	0.97%

As the table indicates, the full cost fee calculated for the General Plan Maintenance Fee is 0.53% of the Building Permit valuation. The City’s current (suspended) General Plan Maintenance Fee is 1.50% of the valuation. The full cost fee of 0.53% is almost 1.00% lower than the current (suspended) fee. It is important to note that this fee has not been reviewed in over 10 years and costs associated with many of these activities have changed. It is critical for the City to re-implement this fee as there has been an uptick in these activities due to new state regulations and updates to the policies and plans.

The 0.53% calculated is the maximum justifiable fee that can be assessed. If the Council were to assess a lower fee, it would result in a subsidy, with remaining costs needing to be funded through alterative mechanisms.

The display of the cost recovery figures shown in this report are meant to provide a basis for policy development discussions among Council members and City staff, and do not represent a recommendation for where or how the Council should act. The setting of the “rate” or “price” for services, whether at 100 percent full cost recovery or lower, is a policy decision to be made only by the Council, with input from City staff and the community.

The City already follows best practices by collecting the revenue associated with this fee in a separate fund and account. This ensures that the funds for the General Plan can only be used to help fund the updates to plan elements and offset staff costs. The City should continue to follow this practice. Furthermore, unlike other fees, there should be no annual increase applied to this fee, as this is a fee based upon a calculation that already considers the most recent economic environment.

2. General Plan Fee Calculation

Up until 2019 the City of Fort Bragg assessed a General Plan Maintenance Fee as part of its building permit process. The fee was meant to account for updates to the general plan, zoning ordinance, housing elements, and other long-range planning activities that are part of the larger General Plan. This is a typical fee charged by many jurisdictions. The following subsections discuss the annual costs associated with the General Plan Maintenance Fee, the calculation of the fee, a comparison of the fee, and overall fee recommendations.

1 General Plan Fee Annual Costs

Fort Bragg has historically charged its General Plan Maintenance fee as a percentage of anticipated building valuation, calculated at the time of building permit submittal. The concept behind charging this fee during the building permit phase is to recoup costs incurred by the City for conducting zoning code and general plan updates as a result of future development.

Fort Bragg staff track their time spent against General Plan or long-range planning activities. The project team worked with staff to collect and utilize a three-year average of time spent working on long-range planning activities. In addition to internal staff cost there are contracted costs associated with updates to the Inland and Coastal General Plans. The following table shows by cost component the total cost associated with each type of cost factor, the life of the cost factor, and the resulting annual cost:

Table 2: General Plan Maintenance Fee Cost Components

Cost Category	3 yr. Avg of Time (hours)	Cost	Life (Yrs.)	Total Annual Cost
Finance Director	3.00	\$158.73	1	\$476
Admin Assist (CDD)	17.75	\$130.00	1	\$2,308
Associate Planner	3.50	\$128.68	1	\$450
CDD Director	67.50	\$168.03	1	\$11,342
Assistant Planner	142.75	\$125.03	1	\$17,847
Assistant to City Manager	67.00	\$141.83	1	\$9,503
City Manager	15.58	\$209.12	1	\$3,259
Asst. Dr. – Eng.	5.00	\$158.73	1	\$476
Sr. Planner	100.75	\$130.00	1	\$2,308
		Subtotal Staffing Costs		\$59,773
Inland General Plan		\$500,000	20	\$25,000
Coastal General Plan		\$750,000	20	\$37,500
Housing Element		\$250,000	8	\$31,250
		Subtotal Non-personnel Costs		\$93,750
Total General Plan Maintenance Annual Cost				\$153,523

The total annual costs associated with updating the General Plan are approximately \$153,523; of which staff costs represent \$59,773. It is important to note that the staff costs in the table are representative of fully burdened hourly rates and billable time.

2 General Plan Fee Calculation

The General Plan fee is currently assessed as a percentage of the building valuation. Therefore, to calculate the General Plan Fee, the project team collected the City’s annual building valuation recorded by Mendocino County. The following table shows by Fiscal Year the total Building Permit Valuation.

Table 3: Building Permit Valuation

Fiscal Year	Annual Building Valuation
2018	\$21,297,447
2019	\$23,372,467
2020	\$33,698,613
2021	\$134,116,603
2022	\$37,980,428
Average Annual Building Valuation¹	\$29,087,239

In order to assess this fee as a percentage of the building valuation, the project team took the annual cost associated with general plan upkeep calculated in table 2 and divided it by the average annual building permit valuation calculated in table 3. The following table shows this calculation:

Table 4: General Plan Maintenance Fee Calculation

Category	Amount
Total General Plan Annual Maintenance Cost	\$153,523
Average Building Permit Valuation	\$29,087,239
General Plan Maintenance Fee	0.53%

Based upon the above table, the City’s full cost fee for the General Plan is 0.53% of building permit valuation. This indicates that if a building valuation is \$100,000, it’s General Plan fee would be \$530. The following table compares the city’s previous fee to the full cost fee:

¹ Due to the extreme outlier nature of the FY21 valuation, this valuation was excluded from the annual valuation calculation.

Table 5: General Plan Maintenance Fee Per Unit Result Comparison

Category	Current (Suspended) Fee	Full Cost	Difference
General Plan Maintenance Fee	1.50%	0.53%	0.97%

The City’s current (suspended) fee is 1.50%, meaning that a permit valuation of \$100,000 would result in a \$1,500 fee. In comparison, the full cost fee calculation of 0.53% would result in a fee of \$530.

Utilizing valuation as the proxy for a project’s impact on the General Plan creates proportionality. Smaller projects with less of an impact on the footprint of the community have a lower valuation (i.e., remodels and additions), while larger projects (i.e., new construction) that have a greater impact on the General Plan have a much larger valuation. Therefore, assessing the General Plan Maintenance fee on a project’s valuation will ensure that all projects pay a fee proportionate to their impact.

3 Summary

Overall, the purpose of the General Plan Maintenance Fee is to set aside funds to be used to update the next general plan. The previous fee of 1.5% exceeds the cost of covering in-house staff and consulting expenses related to maintaining the General Plan. The City’s full cost fee of 0.53% more accurately reflects the support that is needed based upon the current fiscal environment. The City should review the analysis conducted and determine where and how to set the General Plan Maintenance Fee.

The proposed fee should continue to be collected and accounted for in a separate fund in compliance with accounting best practices.

3. Comparative Survey

As part of this analysis, the project team conducted a comparative survey of other local jurisdictions and their assessment of the General Plan Maintenance Fee. Like other comparative efforts, the survey below simply shows the fees charged by the jurisdiction and does not include the basis upon which the other jurisdictions calculated or developed their fee. General Plan Fees are typically assessed in two different manners:

1. **% of Building Permit Fee:** This is when the fee is charged as a proportion of the building permit fee, similar to a Plan Check Fee. For example, if the fee is 1% of the Building permit fee, if the building permit fee is \$100, the General Plan Fee is \$1.
2. **% of Building Valuation:** This is similar to Fort Bragg where the fee is charged as a proportion of overall building valuation. For example, if the fee is 0.01% of the Building valuation fee, if the building's project valuation is \$10,000, the General Plan Fee is \$100.

The following table shows the results of this comparative analysis, broken out between the two types of fees:

Table 6: General Plan Maintenance Fee – Comparative Survey

Jurisdiction	% of Building Permit Fee	% of Building Valuation
Half Moon Bay		0.25%
Mendocino County		0.65%
Pismo Beach	5%	
Ukiah	15%	
Willits		0.14%

Most of the surrounding jurisdictions charge a General Plan Maintenance Fee, however not all of them charge the fee in a similar manner. For example, Half Moon Bay, Mendocino County, and Willits charge their fee as a percentage of valuation like Fort Bragg, whereas Pismo Beach and Ukiah charge their fee as a percentage of the permit fee.

The City's current (suspended) fee of 1.5% is well above all comparable jurisdictions who charge as a percentage of valuation. The full cost fee of 0.53% is below Mendocino County's fee but higher than the fees charged by Half Moon Bay and Willits.

Updating the City's General Plan Maintenance fee will allow Fort Bragg to be in alignment with other jurisdictions and better recover its costs for long-range planning efforts.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

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Receive Report on Policy Governing the Use of Electronic Devices during City Council and Other Public Meetings



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: NOVEMBER 09, 2022
TO: FINANCE AND ADMINISTRATION COMMITTEE
FROM: PEGGY DUCEY, CITY MANAGER & CRISTAL MUNOZ,
ADMINISTRATIVE ANALYST
AGENDA ITEM TITLE: Receive Report on Policy Governing the Use of
Electronic Devices during City Council and Other Public
Meetings

BACKGROUND AND OVERVIEW:

The ubiquitous use and popularity of electronic communications have changed the way people interact with each other, including with public officials during public meetings. Thanks to technology, residents and public officials can now have private access to public officials during meetings when a vote is being taken.

The continued expansion of e-communications has resulted in text and email communications during City Council and Planning Commission meetings, including intrusion during closed session discussions. These communications undermine the spirit of transparency during government proceedings, as well as potentially violate the Brown Act. A policy addressing the use of electronic devices for text messaging or e-mail messaging, during its meetings is necessary to support transparency during public meetings where official actions take place.

When e-communications happen during open public meetings, it undermines the integrity of the meeting since not all participants are hearing the same information. Furthermore, under the Public Records Act, public records include “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics,” (Govt. Code 6252(e)) and are presumed to be open to the public and must be disclosed unless a specific provision of the Act or other law exempts them from disclosure. This definition would include messages sent or received by public officials from electronic devices, including City Councilmembers, Planning Commissioners, and any other public official or City employee.

This Policy will address electronic communications between the following persons:

- Councilmembers or Planning Commissioners sending messages between themselves;
- Staff communicating between themselves or with Councilmembers or Planning Commissioners;
- Members of the public communicating with City Councilmembers, Planning Commissioners, or staff.

RECOMMENDATION:

Staff recommends that the Committee consider the importance that the public has the full and undivided attention of Councilmembers and Planning Commissioners during public meetings subject to the provisions of the Brown Act, all cell phones will be turned off. There shall be no electronic communication or any other similar platform for information gathering during City Council, Planning Commission, or other public meetings, including closed session meetings.

- a. For emergency purposes, there will be a landline available to communicate with Councilmembers and Planning Commissioners should an emergency arise.
- b. At the end of every public meeting, Councilmembers or Planning Commissioners who receive individual E-Communications such as texts or emails from the public shall forward the individual E-Communication to the City Clerk for distribution.

This policy will ensure the legal duty of Councilmembers and Planning Commissioners is not to violate the Brown Act, certifying that their communications do not violate the due process and fair hearing rights of parties or applications to quasi-judicial proceedings.

ALTERNATIVES:

Provide alternative direction to staff regarding policy.

ATTACHMENTS:

1. Use of Electronic Devices during City Council and other Public Meetings.



Use of Electronic Devices during City Council and other Public Meetings

The City of Fort Bragg understands that using Electronic Devices is necessary and useful for City Council and public meetings. Electronic Devices can be used to improve communication and to help City Council and others efficiently perform their duties. This policy will ensure that the use of Electronic Devices by the City Council and Planning Commission and other public meetings complies with applicable laws, including the Public Records Act and Brown Act.

Purpose.

To establish a policy governing the use of electronic devices during City Council, Planning Commission, and other public meetings.

Policy.

The City of Fort Bragg permits and promotes the utilization of technology to ensure efficient and effective conduct of the people's business, under applicable open meetings and records laws, due process rights of interested parties, and other applicable laws and city policies.

1. At a meeting during which a Councilmember and Planning Commissioners are subject to the provisions of the Brown Act, all cell phones will be turned off. There shall be no electronic communication or any other similar platform for information gathering during City Council, Planning Commission, and or other public meetings including closed session meetings.
 - a. For emergency purposes, there will be a landline available to communicate with Councilmembers and Planning Commissioners should an emergency arise.
 - b. At the end of every public meeting, Councilmembers or Planning Commissioners who receive individual E-Communications such as texts or emails from the public shall forward the individual E-Communication to the City Clerk for distribution.

2. This policy will ensure the legal duty of Councilmembers and Planning Commissioners is not to violate the Brown Act, certifying that their communications do not violate the due process and fair hearing rights of parties or applications to quasi-judicial proceedings.

Compliance with this Policy

It is the responsibility of every Councilmember or Planning Commissioner to ensure that he or she is in compliance with this Electronic Devices Policy.

Definition.

Electronic devices include desktop and laptop computers, smartphones, tablets, pagers, wearable technology, and similar devices.



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416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

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Receive Oral Update from Staff on Departmental Activities