

**From:** [Ducey, Peggy](#)  
**To:** [Lemos, June](#)  
**Subject:** FW: Public Comment re: Agenda for Special City Council on 01-03-2023 4:00 PM - Special Emergency Meeting on Tuesday, January 3, 2023 at 4:00 PM PST has been posted  
**Date:** Tuesday, January 3, 2023 2:54:27 PM

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>

**Sent:** Tuesday, January 3, 2023 2:51 PM

**Subject:** Public Comment re: Agenda for Special City Council on 01-03-2023 4:00 PM - Special Emergency Meeting on Tuesday, January 3, 2023 at 4:00 PM PST has been posted

Peggy & City Council [via BCC],

Please accept this public comment on the 1/3/2023 "emergency" special meeting of the Fort Bragg City Council called for 4 PM today. I didn't see the basis for this emergency meeting described on the agenda published online (not even the relevant Government Code Section) nor is there an agenda item for the City Council to take a majority vote to describe the emergency situation that justifies holding an emergency rather than a normal special meeting with 24-hours posted notice. Regardless, please don't forget to make sure the City Council takes a vote at the beginning to call the emergency meeting pursuant to Gov't Code § 54956.5. That is sometimes listed as the first item on an agenda for emergency meetings. I will expect an explanation of the circumstances that the City feels justify holding this special emergency meeting with so little public notice.

That said, I am not sure the City Council can make a finding of "emergency" in this particular context at this time because it appears City officials are trying to use this for a future speculative/potential emergency rather than an existing emergency situation that has actually occurred. These emergency meetings are for situations where City Council actions are required (i.e., the need to make decisions and vote on things like response-related expenditures) not just hear informational reports that could simply be a public workshop open to anyone where staff/relevant officials dispense information concerning the upcoming storm and available resources rather than a formal City Council meeting. In fact, the action requirement is explicit in § 54956.5(b)(1) "upon which prompt action is necessary due to the disruption or threatened disruption of public facilities" but the agenda doesn't describe any requested action. What action is contemplated in this case? The agenda description should always provide enough information so a reviewing member of the public can understand what actions are being proposed, in part, so they can decide if it is worth participating in this particular meeting.

In this case, the potential weather event hasn't already severely impaired public health and/or public safety and might not/probably won't, depending on what happens with the actual weather and resulting conditions on the ground. We literally just had a similar storm last week without a comparable emergency meeting and this storm is not predicted to be significantly more severe than that one other than possibly having relatively more rain here compared to further south in the Bay Area. Locally, there was nothing more than isolated and brief power outages, localized shallow flooding at some street and alley locations that quickly dissipated, and some trees and branches that fell. There were not significant injuries, unusual safety risks, or negative public health outcomes like cholera outbreaks from sewage spills and

contaminated water due to infrastructure damage during and after actual disasters. I am not aware of any significant public health or safety impacts from that similar weather event that would lead to a reasonable fear of "emergency" health and safety impacts from the storm expected for tomorrow and the following days...

IMO, an emergency meeting might be appropriate once the storm is actually active locally and causing the conditions that meet the statutory definition of "emergency", which are as described in the relevant code section below. It might be acceptable now if there were some requested action, like the City Council approving specific street closures or preventative service interruptions akin to PSPS events for windstorms to prevent expected negative health and safety conditions, but this agenda doesn't describe any contemplated actions that justify active involvement in what could simply be an informational workshop presented by staff that the Councilmembers can watch and participate in on the same footing as any other member of the public. In the absence of an agenda that describes the potential/requested City Council actions, holding this meeting with little more than two-hours notice may very well violate the Brown Act, and I object to the City Council proceeding without apparently following proper procedures that meet the Brown Act requirements for special meetings rather than the relaxed notice requirements that apply to emergency meetings.

Thanks,

--Jacob

**GOVERNMENT CODE - GOV**

**TITLE 5. LOCAL AGENCIES [50001 - 57607]**

*( Title 5 added by Stats. 1949, Ch. 81. )*

**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]**

*( Division 2 added by Stats. 1949, Ch. 81. )*

**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]**

*( Part 1 added by Stats. 1949, Ch. 81. )*

**CHAPTER 9. Meetings [54950 - 54963]**

*( Chapter 9 added by Stats. 1953, Ch. 1588. )*

**54956.5.** (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of

the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

----- Forwarded message -----

From: **City of Fort Bragg, CA** <[CityofFortBragg@public.govdelivery.com](mailto:CityofFortBragg@public.govdelivery.com)>

Date: Tue, Jan 3, 2023 at 1:34 PM

Subject: Agenda for Special City Council on 01-03-2023 4:00 PM - Special Emergency Meeting on Tuesday, January 3, 2023 at 4:00 PM PST has been posted

To: <[jacob.patterson.esq@gmail.com](mailto:jacob.patterson.esq@gmail.com)>

**LATEST MEETING AGENDA AVAILABLE**

**Special City Council on 01-03-2023 4:00 PM - Special**

# Emergency Meeting

Tuesday, January 3, 2023 at 4:00 PM PST

Town Hall, 363 N Main Street and Via Video Conference

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