



# City of Fort Bragg

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

## Meeting Agenda Planning Commission

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Wednesday, September 28, 2022

6:00 PM

Town Hall, 363 N.Main Street  
and Via Video Conference

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### MEETING CALLED TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### ZOOM WEBINAR INVITATION

*This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.*

*You are invited to a Zoom webinar.*

*When: Sep 28, 2022, 6:00 P.M. Pacific Time (US and Canada)*

*Topic: Planning Commission Meeting*

*Please click the link below to join the webinar: <https://us06web.zoom.us/j/81857437000>*

*Or One tap mobile: US: +16694449171,,81857437000# or +12532158782,,81857437000#*

*Or Telephone: US: +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580*

*Webinar ID: 818 5743 7000*

*International numbers available: <https://us06web.zoom.us/j/81857437000>*

*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. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS**

*MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.*

*BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.*

*WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the*

Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, 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 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 emailed to [CDD@fortbragg.com](mailto:CDD@fortbragg.com).

## **2. STAFF COMMENTS**

## **3. MATTERS FROM COMMISSIONERS**

## **4. CONSENT CALENDAR**

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

- 4A. [22-502](#) Adopt Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**Attachments:** [RESO Authorizing Continuing Remote Meetings](#)

- 4B. [22-430](#) Approve Minutes of the July 27, 2022 Planning Commission Meeting

**Attachments:** [July 27, 2022 Planning Commission Meeting Minutes](#)

- 4C. [22-431](#) Approve Minutes of the August 17, 2022 Planning Commission Meeting

**Attachments:** [August 17, 2022 Planning Commission Meeting Minutes](#)

## **5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

## **6. PUBLIC HEARINGS**

## **7. CONDUCT OF BUSINESS**

- 7A. [22-501](#) Receive Oral Update from Staff Regarding Mill Site Activities

**Attachments:** [ATT. 1 - 09282022 PC Mill Site Update](#)

- 7B. [22-500](#) Receive Presentation Regarding City Council Anti-Bullying Policy

**Attachments:** [Anti-Bullying Policy staff report](#)

[Anti-Bullying Policy](#)

[COFB Anti Bullying Incident Report](#)

## **ADJOURNMENT**

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

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 September 22, 2022.

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Sarah Peters  
Administrative Assistant, Community Development Department

**NOTICE TO THE PUBLIC**

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City’s website at [www.fortbragg.com](http://www.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).



# City of Fort Bragg

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Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-502

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**Agenda Date:** 9/28/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** Planning Commission

**File Type:** Planning Resolution

**Agenda Number:** 4A.

Adopt Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**RESOLUTION NO. PC 21-2022**

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION  
MAKING THE LEGALLY REQUIRED FINDING TO CONTINUE TO  
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS  
DURING THE STATE OF EMERGENCY**

**WHEREAS**, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency; and

**WHEREAS**, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

**WHEREAS**, AB 361 added subsection (e) to Gov. Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

**WHEREAS**, as of September 14, 2022, the COVID-19 pandemic has killed more than 95,506 Californians; and

**WHEREAS**, social distancing measures decrease the chance of spread of COVID-19; and

**WHEREAS**, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

**WHEREAS**, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein;

**NOW, THEREFORE, IT IS RESOLVED** by the Planning Commission of the City of Fort Bragg as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

**The above and foregoing Resolution was introduced by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg, held on the 28th day of September, 2022, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

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**Jeremy Logan, Planning Commission Chair**

**ATTEST:**

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**Sarah Peters, Administrative Assistant  
Community Development Department**



# City of Fort Bragg

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## Text File

File Number: 22-430

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**Agenda Date:** 9/28/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** Planning Commission

**File Type:** Minutes

**Agenda Number:** 4B.

Approve Minutes of the July 27, 2022 Planning Commission Meeting



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, July 27, 2022

6:00 PM

Town Hall, 363 N.Main Street  
and via Video Conference

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### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M. with Vice Chair Roberts participating via Zoom.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Chair Jeremy Logan, Vice Chair Michelle Roberts, Commissioner Scott Deitz, Commissioner Andrew Jordan, and Commissioner Stan Miklose

### 1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

### 2. STAFF COMMENTS

None.

### 3. MATTERS FROM COMMISSIONERS

Chair Logan called for a moment of silence to remember and honor the late Commissioner Davis, and Commissioners expressed their condolences. Commissioners welcomed Commissioner Deitz to the Planning Commission.

Commissioner Deitz proposed that a status report on the Millsite planning process be placed on a future agenda. There were no objections, and staff were directed to prepare an update and to provide information on the Planning Commission's role in the process as well.

### 4. CONSENT CALENDAR

#### Approval of the Consent Calendar

A motion was made by Commissioner Jordan, seconded by Chair Logan, to approve the Consent Calendar. The motion carried by the following vote:

**Aye:** 4 - Chair Logan, Vice Chair Roberts, Commissioner Jordan and Commissioner Miklose

**Abstain:** 1 - Commissioner Deitz



**4A. [22-373](#)** Resolution Authorizing Continuing Remote Meetings

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES PC17-2022

**4B. [22-359](#)** Minutes of the June 22, 2022 Planning Commission Meeting

**These minutes were approved on the Consent Calendar.**

**5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

**6. PUBLIC HEARINGS****6A. [22-360](#)** Receive Staff Report, Conduct Public Hearing and Consider the Adoption of a Resolution Approving Use Permit 3-22 (UP 3-22) for a Brewery/Restaurant at 362 N. Franklin St.

Chair Logan opened the public hearing at 6:08 P.M.

Associate Planner Gurewitz addressed the requirement for concurrent processing of the Use Permit and Design Review, and Commissioners agreed to hear the Use Permit separately from Design Review.

Gurewitz then presented the prepared report and responded to Commissioners' clarifying questions. Topics included restaurant definition and qualifications, age restrictions, fire sprinklers, capacity fees, water usage, and propane use.

Applicant addressed the Commission and responded to Commissioners' questions. Topics included Applicant qualifications, age restrictions, brewing odor, design elements and signage, fire sprinklers, ABC approval, materials delivery, live music, business model, windows, social media presence, impact on other local breweries, and beer bottling plans.

Public Comment was received from Taryn Hegwood, Jenny Shattuck, Jacob Patterson, Mark Safron, Anne Maureen McKeating, and Jay McMartin-Rosenquist.

Chair Logan closed the Public Hearing at 6:51 P.M.

Discussion: Under deliberation, Commissioners discussed downtown parking, renewable energy, Applicant brewing experience, adequacy of conditions as written, potential as an anchor business downtown and as a draw for new businesses on Franklin Street. A Special meeting was set for August 17, 2022 to hear Design Review for this project.

**A motion was made by Commissioner Deitz, seconded by Commissioner Miklose, that this Planning Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Deitz, Commissioner Jordan and Commissioner Miklose

Enactment No: RES PC18-2022

**7. CONDUCT OF BUSINESS****ADJOURNMENT**

Chair Logan adjourned the meeting at 7:02 P.M.

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Jeremy Logan, Chair

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Sarah Peters, Administrative Assistant

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

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## Text File

File Number: 22-431

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**Agenda Date:** 9/28/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** Planning Commission

**File Type:** Minutes

**Agenda Number:** 4C.

Approve Minutes of the August 17, 2022 Planning Commission Meeting



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, August 17, 2022

6:00 PM

Town Hall, 363 N.Main Street  
and Via Video Conference

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### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Chair Jeremy Logan, Vice Chair Michelle Roberts, Commissioner Scott Deitz, Commissioner Andrew Jordan, and Commissioner Stan Miklose

### 1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

Public Comment was received from Jacob Patterson and John Winding.

### 2. STAFF COMMENTS

Interim City Manager Ducey introduced herself and said that it is very nice to be here. She stated that her next focus will be on the Planning department, and that she will be attending Planning Commission meetings over the next few months to listen, learn, and address any needs and concerns.

Assistant Director O'Neal announced that Assistant City Manager McCormick will bring the Millsite project update to the next regularly scheduled Planning Commission meeting. O'Neal also responded to a public comment about modifications to the parking spaces in the public parking lot off of Laurel Street and next to the alley that runs behind the old Sears building. She described the issues that prompted the modifications, and said there is no intention to turn the existing two-way alley into a one-way alley.

### 3. MATTERS FROM COMMISSIONERS

Commissioner Deitz stated that the Planning Commission is responsible not only for current projects, but also for long-term projects, and asked that staff request that the Mayor include a member of the Planning Commission on the Millsite Ad Hoc Committee. The other Commissioners expressed support for this course of action.

### 4. CONSENT CALENDAR

#### Approval of the Consent Calendar

A motion was made by Commissioner Jordan, seconded by Vice Chair Roberts, to approve the Consent Calendar. The motion carried by the following vote:

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Deitz, Commissioner Jordan and Commissioner Miklose

- 4A. [22-412](#) Adopt Planning Commission Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES PC19-2022

**5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

**6. PUBLIC HEARINGS**

- 6A. [22-411](#) Hold Public Hearing, Receive Report, and Consider the Adoption of a Resolution Approving Design Review 14-22 for Tall Man Brewing at 362 N. Franklin St.

Chair Logan opened the Public Hearing at 6:15 P.M.

Associate Planner Gurewitz presented the prepared report and responded to Commissioner questions related to planters and sidewalk furniture, project approval criteria, bike racks, design of rear and south sides of building, and boarded up windows.

Applicant addressed the commission, stating that he is planning to fix the windows and will make it look nice.

Designer Michael Delaney addressed the Commission providing context for the design and brand identity and describing proposed design details. He responded to Commissioner questions regarding the awning color, potential for a cornice, shingled brow size, and design plans for the rear and south sides of the building.

Public Comment was received from John Winding, Alberto Aldaco, Jacob Patterson, Susan Winding, Jenny Shattuck, and Dave Spaur.

Associate Planner Gurewitz responded to Commissioners' further clarifying questions regarding the boarded up windows and paint colors.

Chair Logan closed the Public Hearing at 7:28 P.M.

Under deliberation, Commissioners discussed signage and discretionary approval of arrow shape, hearing noticing, window repair, and scope and intent of the Design Guidelines. Direction was given to staff to amend the resolution to strike Special Condition Two, which required changing the corner sign so as not to be shaped like an arrow.

**A motion was made by Chair Logan, seconded by Vice Chair Roberts, that this Planning Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Chair Logan, Vice Chair Roberts, Commissioner Deitz, Commissioner Jordan and Commissioner Miklose

Enactment No: RES PC20-2022

**7. CONDUCT OF BUSINESS**

**ADJOURNMENT**

Chair Logan adjourned the meeting at 7:44 P.M.

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Jeremy Logan, Chair

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Sarah Peters, Administrative Assistant

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

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## Text File

File Number: 22-501

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**Agenda Date:** 9/28/2022

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Planning Staff Report

**Agenda Number:** 7A.

Receive Oral Update from Staff Regarding Mill Site Activities



# Mill Site Update

Planning Commission

September 28, 2022



## Early Site History

**Indigenous People:** Native Americans have inhabited the Mendocino Coast for over 2,000 years

**1856:** Mendocino Indian Reservation established encompassing 25,000 acres in the area north of Abalobadiah Creek, south to the Noyo Harbor, and eastward to Bald Hill – discontinued in 1866

**1885:** Timber Mill Established under ownership of Union Lumber Company

**2002:** Mill shut down, and Georgia Pacific began decommissioning

**2007:** City invoked the Polanco Act and California's Department of Toxic Substance Control issues Site Investigation & Remediation Order

**2022:** Mendocino Railway is added to Site Investigation & Remediation Order

## Recent Site History

2002: Georgia Pacific Mill shut down

2007: City invoked the Polanco Act to address hazardous materials and site came under control of California's Department of Toxic Substance Control issues Site Investigation & Remediation Order (2022 Mendocino Railway added)

2009: City began acquiring oceanfront property, opening the first segment of Noyo Headlands Park Trail in 2014, and subsequent segments in 2016 and 2018, including two parking lots and public access road.

2007-2012: Georgia Pacific Specific Plan Process

2017-2020: City Initiated Comprehensive Planning Process

## What is the status of the City's LCP update to rezone Timber Resources Industrial on the former mill site?

**2017-2020:** City initiated a comprehensive community-based planning process for reuse of former mill site.

**2019:** Mendocino Railway acquired +/-70-acres (north of Redwood Ave) and the Mill Site Ad Hoc Committee was appointed to focus the community planning effort on the northern portion of site (Plan Area A) in order to facilitate Mendocino Railway development plans.

**2020:** City staff transitions and the COVID-19 pandemic stalled planning for the southern portion (Plan Area B)

**2020:** City initiated conversations with Sherwood Valley Band of Pomo Indians about partnering on reuse strategy and working with US Environmental Protection Agency (EPA) on funding opportunities to remediate mill ponds, including removing the dam and beach berm to restore tidal flow and wetlands, as well as daylighting of Maple and Alder creeks.

**2021:** Mendocino Railway filed an eminent domain claim against Georgia Pacific, who dropped verbal agreement with City and instead ceded remaining 210-acres to Mendocino Railway.

## Currently...

The City is seeking a court declaration stating that Mendocino Railway is an excursion train, does not qualify as a public utility, and is required to adhere to the City's Local Coastal Program (LCP) and Coastal Act regulations.

The City is prepared to work with Mendocino Railway (property owner), the public, California Coastal Commission, and other responsible agencies on LCP amendment grounded in a community-based comprehensive planning process, per Policy LU-7.3 of the Coastal General Plan.



# The City's LCP contains policy requiring a comprehensive planning process to rezone the Mill Site

## Policy LU-7.2 Comprehensive Planning Process Required

LCP Amendments that propose to re-designate lands designated Timber Resources Industrial must be developed through a comprehensive community based planning process that addresses, at a minimum an area including one or more subareas as shown in Map LU-4. Community participation shall be solicited throughout the planning process in accordance with established City practices and CLUDC requirements. The LCP amendment shall:

- a) Designate new land use classifications, and include development policies and standards that establish the kinds, locations and intensity of land uses;
- b) Identify adequate connections for existing and future infrastructure such as roads, utilities, and coastal access to surrounding developed and undeveloped areas, including ensuring adequate public vehicular, bicycle, and pedestrian access is provided from Hwy 1 to the coastal trail within each of the subareas shown on Map LU-4;
- c) Establish orderly phasing for development and future rezoning activities, including ensuring that adequate public services are available for new development;
- d) Include other measures as needed to protect the health, safety, and well-being of the community;
- e) Map land uses and transportation facilities, including coastal access; and
- f) Be consistent with the policies of the Coastal Act and Fort Bragg's LCP.



## Policy C-2.10

Planning Area A and B shown on Map LU-4 shall include the extension of the City's street grid and a north/south arterial, as feasible. Transportation facilities within Planning Areas A and B shall serve local traffic, pedestrian, and bicycle circulation and provide public vehicular, bicycle, and pedestrian access from Highway One to the coastal trail at multiple locations. The trail system in Planning Area A and B shall provide maximum public access to the coast.

Timber Resources Industrial (IT) land use designation and zoning district is intended primarily for timber resource and forest product related manufacturing.

IT also allows for [aquaculture](#), public parks, recreation, open space and conservation uses, as well as public facilities.



## DTSC Remedial Action Plan for Operable Unit-E and City Coastal Development Permit and EIR

OU-E consists of ten man-made ponds used for industrial purposes, seasonal wetland areas, and 45-terrestrial acres.

The largest of ponds, the 7.9-acre pond, referred to as “Pond 8”, is perched above the coastal bluff and supported by a 35-foot-high dam and spillway that releases freshwater directly onto the beach.

Pond 8 is located directly south of a 10.3-acre lowland area (20-30 feet above sea level) that contains significant wetlands and is separated from the beach by a 20-foot-high berm fortified on its seaward side with concrete riprap.

Mendocino Railway’s CDP application identifies “Institutional Controls / Containment” as the preferred remedial action and development project.



# DTSC & City of Fort Bragg Coordination

Public Review Period for DTSC RAP and City EIR will happen concurrently.

The City's Coastal Development Permit will ensure remediation project is consistent with the City's Local Coastal Program and the Coastal Act.



The EIR examines the environmental impacts of project. The City of Fort Bragg will act as the Lead Agency for CEQA.

DTSC will not approve RAP, until EIR is certified. Regulatory Acceptance is one of nine criteria DTSC consider.

## CDP 9-22 Status Update

**July 13, 2022:** Mendocino Railway submitted a coastal development permit application for mill pond dam improvements in order to implement Institutional Controls / Containment as remedial action for DTSC RAP.

The application was deemed incomplete and the City is awaiting required submittals.

**September 14, 2022:** The City released a request for proposals (RFP) from qualified environmental consulting firms to prepare a project level EIR.

The RFP process can be time consuming, and not always successful the first solicitation. Securing a consulting team with the expertise to evaluate technical information of application materials is a priority.



# City of Fort Bragg

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## Text File

File Number: 22-500

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**Agenda Date:** 9/28/2022

**Version:** 1

**Status:** Business

**In Control:** Planning Commission

**File Type:** Staff Report

**Agenda Number:** 7B.

Receive Presentation Regarding City Council Anti-Bullying Policy



**AGENCY:** City Council  
**MEETING DATE:** September 26, 2022  
**DEPARTMENT:** Administration  
**PRESENTED BY:** P. Ducey, City Manager  
**EMAIL ADDRESS:** pducey@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of Resolution Approving Anti-Bullying Policy**

**ISSUE:**

The City of Fort Bragg has community members and activists attack City employees in an aggressive and personal way, especially in the past four years. These hostile attacks are both verbal at public meetings as well as in written public comments, using demeaning language and vitriolic attacks that have led to physical, mental, and emotional challenges for targeted employees. Some employees have resigned rather than endure the personal attacks. Others continue to perform their responsibilities while working in an atmosphere of chaos and intimidation. It's clear that the emotional toll is overwhelming to all City staff, not just those targeted by bullies. Besides the emotional cost, bullying raises serious concerns for the physical safety of both City employees and residents alike.

The nexus between bullying and violence is clearly established. The vast majority of school shootings and workplace violence have their origin in bullying. Furthermore, occupations that require daily public interaction, such as government workers have the highest workplace violence. The threat of violence resulting from bullying creates a need for an Anti-Bullying Policy that will ensure a safe workplace free of violence. The City cannot wait for such an incident before taking action to prevent such a horrible event.

The purpose of this policy is to communicate to all employees, including supervisors, managers, and executives that the City of Fort Bragg will not *in any instance* tolerate bullying behavior.

**ANALYSIS:**

A recent study from the Workplace Bullying Institute showed that the "Prevalence of bullying is up 57 percent from 2017, and nearly 60 million Americans have been affected by bullying."

This Anti-Bullying Policy defines workplace bullying as the following:

Workplace bullying is intentional behavior by any employee, supervisor, elected official, member of the public, vendor, non-employee, contractor, or appointed official aimed at an individual employee or group of employees that a reasonable person would find hostile, intimidating,

AGENDA ITEM NO. \_\_\_\_\_

offensive, or intended to create an abusive work environment whether verbal, written or electronic.

The City has seen up close that workplace bullying has many repercussions. It destroys morale, erodes trust, cripples initiative, and results in loss of workplace productivity. The health implications can include depression, anxiety, sleep disturbance, and gastrointestinal disorders, often leading to absenteeism and resignations. More importantly, we can never be sure how an employee will react to ongoing harassment, including hurting themselves or someone else, including the bully. This policy will prohibit workplace bullying by and against city employees, applicants for employment, and others in the workplace environment, including members of the public.

The City of Fort Bragg is committed at all levels of the organization to creating an environment free from bullying and workplace violence. These efforts to establish a cohesive policy along with a report form will make it possible to track and report instances of bullying.

**RECOMMENDED ACTION:**

Approve the Anti-Bullying policy and Incident Report Form.

**ALTERNATIVE ACTION(S):**

Provide alternative direction to staff regarding policy.

**FISCAL IMPACT:**

None.

**GREENHOUSE GAS EMISSIONS IMPACT:**

None.

**CONSISTENCY:**

None.

**IMPLEMENTATION/TIMEFRAMES:**

If approved List implementation actions necessary and anticipated timeframes for completion.

**ATTACHMENTS:**

1. Anti-Bullying Policy
2. Incident Reporting Form

**NOTIFICATION:**

None.



## ANTI-BULLYING POLICY

### **Bullying in the Workplace Will Not be Tolerated.**

The City of Fort Bragg understands that workplace bullying can take an emotional and physical toll and can lead to a more stressful environment. A recent study from the Workplace Bullying Institute has shown that the, "Prevalence of bullying is up 57 percent from 2017." This increase in bullying can also lead to workplace violence. Too often nowadays any major news outlets will have a headline about how workplace bullying led to violence. Occupations that commonly interact with the public have the highest levels of workplace violence. The strong nexus between bullying and violence is evident and the City of Fort Bragg would like to set forth a policy that will ensure everyone's safety and have a workplace free of violence.

The City of Fort Bragg is committed to promoting and maintaining a healthy working environment for its employees where every individual is treated with civility and respect. The City of Fort Bragg considers workplace bullying unacceptable and will not be tolerated.

### **Purpose.**

The purpose of this policy is to communicate to all employees, including supervisors, managers, and officials, that the City will not in any way tolerate this behavior and will establish a strong commitment to prohibit and prevent workplace bullying and to set forth a procedure for investigating and resolving internal complaints.

### **Statement of policy.**

This policy prohibits workplace bullying by and against city employees, applicants for employment, and others in the workplace environment, including members of the public. Bullying may be directed toward an employee by a department head, manager, supervisor, co-worker, subordinate, appointing authority, elected official, vendor, contractor, or member of the public.

### **Definitions -- Bullying.**

Workforce Bullying is intentional behavior by any employee, supervisor, elected official, member of the public, vendor, non-employee, contractor, or appointed official aimed at an individual employee or group of employees that a reasonable person would find hostile, intimidating, offensive, or intended to create an abusive work environment whether verbal, written or electronic.

Examples of bullying in the workplace include but are not limited to the following:

(1) *Bullying in general.*

- a. Use of disrespectful and devaluing language. Verbal abuse such as the use of derogatory remarks, insults, name-calling, and epithets.
- b. Persistent or constant criticism in front of other persons (including co-workers, vendors, contractors, or members of the public) to humiliate another employee. Persistent phone calls, voicemails, emails, or postings to or about another person.
- c. Stalking employees inside or outside of the workplace, or causing them to be stalked or harassed, or intimidated by others.
- d. Attempting to exploit an employee's known psychological or physical vulnerability (which may also be a violation of the Americans with Disabilities Act).
- f. Behavior or language that frightens, humiliates, belittles, or degrades, including criticism that is delivered with yelling and screaming along with unreasonable public criticism, reprimands, or trivializing of another's work.
- g. Workplace bullying is not limited to the work site or workplace and may exist in any public or private venue, worksite, or workplace. Workplace bullying is prohibited conduct that is aimed at the individual employee, regardless of venue, by a co-worker, supervisor, elected official, member of the public, or appointed official, that under an objective review a reasonable person, confronted with the same or similar circumstances, would find to be hostile, intimidating, offensive, or intended to create an abusive work environment.
- h. Any employee who believes he or she has been subjected to offensive; and harassing behavior by a co-worker, member of the public, elected official, supervisor, or vendor has an obligation to directly inform the offending person that the conduct is offensive and must stop and should report the situation.

(2) *Bullying by supervisor.*

- a. Making up arbitrary rules that only apply to the targeted employee and assigning undesirable work as punishment.
- b. Managing by threat and intimidation and preventing access to opportunities.
- c. Being given tasks with unreasonable, impossible, or constantly changing objectives and/or deadlines.
- d. Removing key areas of responsibility and/or replacing them with more trivial or unpleasant tasks for no business-related reason.

- e. Denying access to necessary information, consultation, training, or resources and or withholding essential information or purposefully giving incorrect information.
  - f. Constantly criticizing a subordinate employee's actions outside the scope of reasonable disciplinary efforts.
- (3) *Bullying by co-workers (to include supervisors).*
- a. Using confidential information to humiliate privately or publicly or withholding information that affects an employee's performance.
  - b. Intimidating an employee through inappropriate personal comments, disparaging opinions, or criticism with no basis in fact.
  - c. Taking credit for another employee's work or repeatedly belittling a co-worker (whether publicly or privately).
- (4) *Bullying by sabotage.*
- a. Falsely accusing an employee of making errors, or ensuring the failure of an employee's project by not performing required tasks, such as sign-offs, taking calls, working with collaborators, etc.
  - c. Undermining or deliberately impeding an employee's work.
- (5) *Bullying by shunning.*
- a. Isolating an employee from co-workers, in workplace social events, or physically, or purposely excluding an employee from an essential meeting.
  - b. Launching a campaign not based on facts to provoke an employee to leave or be removed.
  - c. Excluding employees from matters in which they would be expected to be included as part of the job.

### **Encourage to Report**

The City encourages all employees to report any instance of bullying behavior. Any reports of this type will be treated seriously and promptly dealt with.

### **Complaint Procedure**

When an employee believes that he or she is the target of behavior that may satisfy the definition of workplace bullying (as defined herein), the employee may report any and all incidents immediately to their supervisor, City Manager, and or the human resources department. Employees who believe they are the target of bullying are not required to confront the alleged bully, other than informing the alleged bully that the bullying conduct is unwelcome and should stop.

- An employee who believes that he or she has been subject to bullying should immediately bring the behavior to the attention of their supervisor and the City Manager or the human resource department.



- A complainant who believes they have been a subject of bullying behavior may use the City's complaint procedures to resolve bullying complaints.
- Complaints of bullying are encouraged to be submitted in writing. A complaint may be submitted by using the City's Anti-Bullying Incident report form. All complaints must be signed or attested to by the individual making the complaint.
- If the employee's supervisor or other managers in the employee's chain of command is the source of the bullying, or if the employee is otherwise uncomfortable discussing the matter with a supervisor, the employee may contact the human resources department and City Manager.
- Following completion of the City's Anti-Bullying Incident report by the complainant, all complaints will be investigated.
- In general, the formal investigation will include interviews with the complainant, the person alleged to have engaged in bullying, and any witnesses identified.
- In conducting the investigation, the City of Fort Bragg will respect the privacy of all concerned and will maintain confidentiality to the fullest extent possible.

**Mandatory cooperation.**

All employees, supervisors, managers, and agents of the City shall cooperate with any investigative process or resolution, whether informal or formal. Any City employee who fails to cooperate and/or attempts to undermine and/or discourage participation in an investigation will be subject to discipline, up to and including termination. To enable the City to achieve the goals of this policy, the human resources department shall have access to all relevant and necessary information.

**Non-Retaliation.**

The City of Fort Bragg will not tolerate retaliation against employees making a good faith report of bullying, even where the reported concerns are unsubstantiated. This policy prohibits any retaliatory conduct (such as threats, intimidation, reprisals, harassment, incivility, and other adverse actions) against any employee who reports bullying, assists someone with a report of bullying, or participates in an investigation or resolution of a bullying complaint.

Any employee bringing a complaint under this policy, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of

employment, nor discharged because of the complaint. Anyone who engages in retaliatory action will be subject to discipline, up to and including termination. Retaliation is defined as an activity that may dissuade a reasonable person from exercising his or her rights under this policy.

**Confidentiality.**

To the extent feasible, the information provided in the complaint and investigation process at both the informal and formal levels will be treated as confidential. However, the City will disclose the information if deemed reasonably necessary to investigate and take appropriate corrective action, to defend such corrective action, and/or if required by law.

**CONFIDENTIAL**



**Anti-Bullying Incident Report**

*(This incident form shall be completed by all persons submitting a formal complaint under the City of Fort Bragg Anti-Bullying Policy. The City of Fort Bragg is committed to promptly and responsibly investigating all claims of workplace bullying in accordance with the Anti-Bullying Policy. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable the City of Fort Bragg to investigate and respond to these matters more quickly and efficiently.)*

**Please CLEARLY PRINT the following information:**

**Please circle the appropriate answer describing the person reporting concern:**

City Employee/Complainant     Supervisor or Manager

Your Name: (Last, First name) \_\_\_\_\_

Position or Title: \_\_\_\_\_

Department: \_\_\_\_\_

Office Telephone: ( ) \_\_\_\_\_

Supervisor/Manager's Name: \_\_\_\_\_

**Name of individual(s) or the Respondent(s) that you believe engaged in workplace bullying.**

\_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**When did the alleged bullying conduct occur?**

**Date:** \_\_\_\_\_

**Where did the alleged bullying occur?**

**Location:** \_\_\_\_\_

Were there any witnesses to the bullying conduct? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide the witness name(s) and contact number(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



AFFIRMATION

I affirm that I have read the above charge(s) and that it is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

You may forward the completed complaint form as applicable to either:  
*City of Fort Braggi Office of Personnel, Employee/Labor Relations; and/or,*

FOR USE BY CITY OF FORT BRAGG PERSONNEL/EEO	
DATE FILED: _____	RESOLUTION: _____

