



# City of Fort Bragg

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

## Meeting Agenda City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS  
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY**

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Monday, July 27, 2020

6:00 PM

Via Video Conference

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PLEASE TAKE NOTICE

*DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MENDOCINO TO SHELTER IN PLACE TO MINIMIZE THE SPREAD OF COVID-19, CITY COUNCIL MEMBERS AND STAFF WILL BE PARTICIPATING BY VIDEO CONFERENCE IN THE CITY COUNCIL MEETING OF MONDAY, JULY 27, 2020.*

*In compliance with the Shelter-in-Place Orders of the County and State, this meeting will be closed to the public. The meeting will be live-streamed on the City's website at [city.fortbragg.com](http://city.fortbragg.com) and on Channel 3. Public Comment regarding matters on the agenda may be made in any of the following ways: (1) By joining the Zoom video conference, (2) Through the City's online eComment agenda feature, (3) Emailed to City Clerk June Lemos, [jlemos@fortbragg.com](mailto:jlemos@fortbragg.com), (4) Written comments delivered through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street, or (5) Voice mail comments called in to (707) 961-1694 by 5:00 PM on the day of the meeting.*

*Comments can be made at any time prior to the meeting, in real-time while the item is being considered by the Council and up to 12:00 PM on Tuesday, July 28, 2020. The Clerk will read aloud all eComments or emails received before or during the meeting that have not been published with the agenda packet. Public comments are restricted to three minutes. Written comments on agenda items and those exceeding three minutes will be included in the public record as part of the agenda packet the next business day after the meeting.*

*We appreciate your patience and willingness to protect the health and wellness of our community and staff. If you have any questions regarding this meeting, please contact the City Clerk at (707) 961-1694 or [jlemos@fortbragg.com](mailto:jlemos@fortbragg.com).*

### ZOOM WEBINAR INVITATION

*You are invited to a Zoom webinar.  
When: Jul 27, 2020 06:00 PM Pacific Time (US and Canada)  
Topic: City Council Meeting*

*Please click the link below to join the webinar:*

<https://zoom.us/j/96165157819>

Or iPhone one-tap :

US: +16699009128,,96165157819# or +13462487799,,96165157819#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592  
or +1 312 626 6799

Webinar ID: 961 6515 7819

International numbers available: <https://zoom.us/u/aeadIDJ2kk>

## **MANNER OF ADDRESSING THE COUNCIL**

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

*MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or Acting Mayor 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 Mayor or Acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or Acting Mayor 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 Council's response to questions and requests made during this comment period.*

## **AGENDA REVIEW**

### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

### **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS**

### **3. STAFF COMMENTS**

### **4. MATTERS FROM COUNCILMEMBERS**

### **5. CONSENT CALENDAR**

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

#### **5A. [20-802](#) Approve Second Amendment to City Manager Employment Agreement**

**Attachments:** [2nd Amendment to City Manager Agreement](#)

- 5B. [20-806](#) Adopt City Council Resolution Renewing a Declaration of a Shelter Crisis Pursuant to Government Code Section 8698.2

**Attachments:** [RESO Declaration of Shelter Crisis](#)

- 5C. [20-808](#) Adopt City Council Resolution Modifying the City's Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications Effective August 2, 2020

**Attachments:** [RESO CM Salary Restore](#)  
[Exhibit A Compensation Schedule](#)

- 5D. [20-811](#) Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

**Attachments:** [RESO Declaring Continuing Local Emergency](#)

- 5E. [20-812](#) Approve Letter of Support for Fort Bragg City Manager Tabatha Miller

**Attachments:** [Letter of Support for City Manager](#)

- 5F. [20-800](#) Approve Minutes of July 13, 2020

**Attachments:** [CCM2020-07-13](#)

- 5G. [20-804](#) Approve Minutes of Special Closed Session of July 19, 2020

**Attachments:** [CCM2020-07-19 Special Closed](#)

- 5H. [20-810](#) Approve Minutes of Special Closed Session of July 21, 2020

**Attachments:** [CCM2020-07-21 Special Closed](#)

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

## **7. PUBLIC HEARING**

*When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.*

## **8. CONDUCT OF BUSINESS**

- 8A. [20-809](#) Receive Report and Provide Direction to Staff on Possible Adoption of an Urgency Ordinance Amending the Established Administrative Penalties for Violations of the Mendocino County Facial Coverings Health Order

**Attachments:** [07272020 Amend Admin Penalties Ordinance](#)  
[Att. 1 - Urgency Ordinance Amendment - Redline](#)  
[Att. 1 - Urgency Ordinance Amendment - Clean](#)  
[Public Comment 8A](#)

- 8B. [20-807](#) Receive Report and Consider Adoption of: (1) Joint City Council /

Redevelopment Successor Agency Resolution Approving Budget Amendment No. 2021-02; and (2) Joint City Council / Redevelopment Successor Agency Resolution Authorizing Execution of a Pre-Development Loan Agreement Between the City of Fort Bragg and Danco for the Plateau Project - An Affordable Senior, Multi-Family and Permanent Supportive Housing Project to be Located at 441 South Street (APN 018-340-04)

**Attachments:** [07272020 Danco Affordable Housing Project](#)

[Att. 1 - Resolution Budget Amendment](#)

[Att. 2 - Exhibit A to Budget Resolution](#)

[Att. 3 - Resolution Danco Service Agreement](#)

[Att. 4 - Loan Agreement](#)

**8C. [20-801](#)** Receive Report and Consider Extension of Urgency Ordinance No. 960-2020 Providing a Temporary Moratorium on Evictions Due to COVID-19

**Attachments:** [07272020 Extend Eviction Moratorium](#)

[Att 1 - Executive Order N-71-20](#)

[Att 2 - ORD 960 Eviction Moratorium](#)

[Att 3 - ORD 960 First Amendment](#)

[Att 4 - ORD 960 Second Amendment](#)

[Att 5 - ORD 960 Third Amendment](#)

**9. CLOSED SESSION**

**ADJOURNMENT**

*The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.*

**NEXT REGULAR CITY COUNCIL MEETING:  
6:00 P.M., MONDAY, AUGUST 10, 2020**

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 July 23, 2020.

\_\_\_\_\_  
June Lemos, CMC  
City Clerk

**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 upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <https://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).*



# City of Fort Bragg

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## Text File

File Number: 20-802

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Filed

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5A.

Approve Second Amendment to City Manager Employment Agreement

On May 26, 2020, the City Council adopted a Resolution approving a voluntary salary reduction of \$10,000 per year for the City Manager. Since that date, the City's Finance Director/Treasurer has resigned and the City Manager has assumed those duties in addition to her own. Approval of this contract amendment will reinstate the annual base salary of the City Manager effective August 2, 2020.

**SECOND AMENDMENT TO  
CITY MANAGER EMPLOYMENT AGREEMENT**

This Second Amendment to City Manager Employment Agreement ("Agreement") is entered into by and between the City of Fort Bragg ("City") and Tabatha Miller ("City Manager"), and shall be effective as of August 2, 2020. Collectively, City and City Manager are referred to as the "Parties."

WHEREAS, on February 14, 2018, City and City Manager entered into an Agreement whereby the City Manager was employed by the City to serve as its City Manager; and

WHEREAS, on July 1, 2019, the Parties to the Agreement entered into a new Employment Agreement modifying certain terms of the Agreement; and

WHEREAS, on March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order due to the COVID-19 pandemic emergency, which has been revised several times but remains in place; and

WHEREAS, since March 19, 2020, Governor Newsom has issued several Executive Orders ordering California residents to stay at home except for certain critical activities; and

WHEREAS, the City, County and State economies have been significantly impacted by the shutdown of nonessential businesses; and

WHEREAS the City found it necessary to reduce staff levels through a combination of layoffs and furloughs; and

WHEREAS, the City Manager volunteered to reduce her annual salary by \$10,000, which change was reflected in the First Amendment to City Manager Employment Agreement dated June 4, 2020; and

WHEREAS, the City's Finance Director/Treasurer resigned effective July 3, 2020, and since that date, the City Manager has been performing those duties in addition to her own; and

WHEREAS, the City Council is in unanimous agreement that the City Manager's annual base salary should be reinstated to its original amount due to the additional responsibilities and duties she is now performing;

NOW, THEREFORE, for the aforementioned reasons, the Parties hereby amend the Agreement of July 1, 2019 and First Amendment to Agreement dated June 4, 2020 as follows:

1. Section 4(A)(1) is amended as follows:

1. The annual base salary for the position of City Manager shall be \$152,603.00, effective August 2, 2020. This salary may be increased by amendment to this agreement.

2. Except as expressly amended herein, the Employment Agreement between City and City Manager dated July 1, 2019, and the First Amendment to Employment Agreement between City and City Manager dated June 4, 2020, are hereby reaffirmed.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment the day and year first written above.

Dated: \_\_\_\_\_

By \_\_\_\_\_  
William V. Lee, Mayor  
City of Fort Bragg

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Tabatha Miller  
City Manager





# City of Fort Bragg

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## Text File

File Number: 20-806

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Passed

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5B.

Adopt City Council Resolution Renewing a Declaration of a Shelter Crisis Pursuant to Government Code Section 8698.2

On November 13, 2018, the City Council adopted Resolution 4136-2018 declaring a shelter crisis with an expiration of six months after adoption unless reauthorized by City Council. The shelter crisis was continued on April 22, 2020 with an expiration of one year after adoption. On May 13, 2020, the City Council amended the shelter crisis resolution so that Councilmember Albin-Smith could vote in the affirmative for the declaration. The original shelter crisis declaration expired on May 12, 2020. The City was awarded \$3,000,000 of Homeless Emergency Aid Program (HEAP) funds by the Mendocino County Continuum of Care to help fund the permanent supportive housing included in the 69-unit Danco project. In order for HEAP funds to be spent in the City for Capital projects, the City must have a declaration of a shelter crisis adopted. Without the reauthorization of the shelter crisis, the \$3 million cannot be expended in Fort Bragg.

The Plateau Housing Project, will provide twenty (20) permanent supportive residential cottage units, twenty-three (23) affordable senior residential cottages, twenty-five (25) two-story workforce/family residential duplex units, a common building for each component, and one (1) manager's unit. The Danco Group recently secured the final funding for the project which includes federal and state tax credit equity, solar tax credit equity, a California Infill Infrastructure grant, the HEAP funding from the Mendocino County Continuum of Care, the \$250,000 commitment from the City of Fort Bragg Redevelopment Agency Housing Successor, and other developer loans.

**RESOLUTION NO. \_\_\_\_-2020**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
DECLARING A SHELTER CRISIS PURSUANT TO  
GOVERNMENT CODE § 8698.2**

**WHEREAS**, California's prior Governor Edmund G. Brown, Jr. and the members of the California Legislature recognized the urgent and immediate need for funding at the local level to combat homelessness; and

**WHEREAS**, the Governor and Legislature provided funding to local governments and Continuums of Care under the Homeless Emergency Aid Program (HEAP) as part of SB 850 and the 2018-19 Budget Act (Chapter 48); and

**WHEREAS**, the Governor and Legislature require jurisdictions seeking an allocation through the HEAP to declare a Shelter Crisis pursuant to Government Code § 8698.2; and

**WHEREAS**, the Mendocino County Continuum of Care received an allocation of block grant funding for HEAP in the amount of \$4,921,968 based on the 2017 Mendocino County Point in Time Count; and

**WHEREAS**, the Mendocino County Point in Time Count found that 1,238 persons within Mendocino County were homeless and 1,078 persons were living without shelter as of January 26, 2017; and

**WHEREAS**, the Mendocino County Point in Time Count found that 90 persons within the City of Fort Bragg were homeless and 47 persons were living without shelter as of January 26, 2017; and

**WHEREAS**, the City of Fort Bragg finds that the number of homeless is significant, and these persons are without the ability to obtain shelter; and

**WHEREAS**, the City of Fort Bragg in collaboration with the Danco Group (Danco) applied for and received HEAP funds in the amount of \$3,000,000 from the Mendocino County Continuum of Care to contribute to a 69-unit affordable housing project, the Plateau Housing Project, which will provide twenty (20) permanent supportive residential cottage units, twenty-three (23) affordable senior residential cottages, twenty-five (25) two-story workforce/family residential duplex units and one (1) manager's unit. This project will contribute to the solution to the City's Shelter Crisis by increasing the low-income housing inventory; and

**WHEREAS**, on November 13, 2018, the Fort Bragg City Council adopted Resolution No. 4136-2018 declaring a shelter crisis that expired six months after adoption unless reauthorized by City Council; and

**WHEREAS**, on April 22, 2019, the Fort Bragg City Council adopted Resolution No. 4159-2019 continuing the shelter crisis; and

**WHEREAS**, on May 13, 2019, the Fort Bragg City Council amended Resolution No. 4159-2019, so that Councilmember Albin-Smith could vote in the affirmative and establishing that the shelter crisis would expired one year from adoption; and

**WHEREAS**, Danco has secured the additional funding to construct the Plateau Housing Project. Funding sources include federal and state tax credit equity, solar tax credit equity, a California Infill Infrastructure grant, the HEAP funding from the Mendocino County Continuum of Care, the \$250,000 commitment from the City of Fort Bragg Redevelopment Agency Housing Successor, and other developer loans; and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. That a Shelter Crisis pursuant to Government Code § 8698.2 exists in Mendocino County and Fort Bragg and that lack of shelter poses a threat to the health and safety of those unsheltered persons.
2. That construction of additional affordable housing, including permanent supportive housing units will help alleviate the Shelter Crisis in Fort Bragg.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby:

1. Reauthorize the declaration that a Shelter Crisis pursuant to Government Code § 8698.2 exists in Mendocino County and Fort Bragg.
2. This reauthorization shall expire one year after adoption unless reauthorized by the City Council.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of July, 2020, by the following vote:**

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

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**WILLIAM V. LEE**  
Mayor

**ATTEST:**

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**June Lemos, CMC**  
City Clerk



# City of Fort Bragg

416 N Franklin Street  
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Phone: (707) 961-2823  
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## Text File

File Number: 20-808

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Passed

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5C.

Adopt City Council Resolution Modifying the City's Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications Effective August 2, 2020  
The City Council approves all salary schedules which include classification titles and pay rates/ranges at the time a Memorandum of Understanding (MOU) for each bargaining unit is approved; when updates to the compensation and benefits for unrepresented employees are approved; or when specific wage and/or classification title adjustments are needed. The City has a long-standing practice of posting these approved salary schedules on the City website as well as having copies available upon request. The California Public Employees' Retirement Code requires the City to have a publicly adopted and posted Compensation Schedule.

At the July 13, 2020 City Council meeting, the City Council directed staff to amend the City Manager's contract to restore the voluntary \$10,000 salary reduction approved on May 24, 2020. The City Manager was appointed to and assumed the position of Finance Director/Treasurer upon the resignation of the Finance Director. The City Council will approve restoring the salary for the City Manager by approving a Second Amendment to the City Manager Employment Agreement. The revised salary is reflected in the attached Exhibit A to the Resolution.

**RESOLUTION NO. \_\_\_\_-2020**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A CITY OF FORT BRAGG MASTER SALARY RATE COMPENSATION PLAN CONFIRMING THE PAY RATES/RANGES FOR ALL CITY OF FORT BRAGG ESTABLISHED CLASSIFICATIONS EFFECTIVE AUGUST 2, 2020**

**WHEREAS**, the Fort Bragg City Council approves all salary schedules which include classification titles and compensation rates; and

**WHEREAS**, the establishment of this Resolution meets the requirements of California Code of Regulations Section 570.5 as confirmed by CalPERS; and

**WHEREAS**, on March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order due to the COVID-19 pandemic emergency, which has been revised several times but remains in place; and

**WHEREAS**, since March 19, 2020, Governor Newsom has issued several Executive Orders ordering California residents to stay at home except for certain critical activities; and

**WHEREAS**, the City, County and State economies have been significantly impacted by the shutdown of nonessential businesses; and

**WHEREAS**, the City found it necessary to reduce staff levels through a combination of layoffs and furloughs; and

**WHEREAS**, the City Manager volunteered to reduce her annual salary by \$10,000, which change was reflected in the First Amendment to City Manager Employment Agreement dated June 4, 2020; and

**WHEREAS**, the City's Finance Director/Treasurer resigned effective July 3, 2020, and since that date, the City Manager has been performing those duties in addition to her own; and

**WHEREAS**, the City Council is in unanimous agreement that the City Manager's annual base salary should be reinstated to its original amount due to the additional responsibilities and duties she is now performing;

**WHEREAS**, the California Public Employees' Retirement System code requires the City to have a publicly adopted and posted salary schedule;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby adopt the City of Fort Bragg Master Salary Rate Compensation Plan as presented in "Exhibit A" attached hereto, effective August 2, 2020.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of July, 2020, by the following vote:**

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

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**WILLIAM V. LEE  
Mayor**

**ATTEST:**

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**June Lemos, CMC  
City Clerk**

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Administrative Assistant - Administration (FBE0)</b>								
Hourly				22.98	24.13	25.34	26.61	27.94
Bi-Weekly				1,838.40	1,930.40	2,027.20	2,128.80	2,235.20
Monthly				3,983.20	4,182.53	4,392.27	4,612.40	4,842.93
Annual				47,798.40	50,190.40	52,707.20	55,348.80	58,115.20
<b>Administrative Assistant - Administration (FBE0) - 75% Full-Time</b>								
Hourly				22.98	24.13	25.34	26.61	27.94
Bi-Weekly				1,378.80	1,447.80	1,520.40	1,596.60	1,676.40
Monthly				2,987.40	3,136.90	3,294.20	3,459.30	3,632.20
Annual				35,848.80	37,642.80	39,530.40	41,511.60	43,586.40
<b>Administrative Assistant - Community Development (FBE0)</b>								
Hourly				22.98	24.13	25.34	26.61	27.94
Bi-Weekly				1,838.40	1,930.40	2,027.20	2,128.80	2,235.20
Monthly				3,983.20	4,182.53	4,392.27	4,612.40	4,842.93
Annual				47,798.40	50,190.40	52,707.20	55,348.80	58,115.20
<b>Administrative Assistant - Community Development (FBE0) - 50% Full-Time</b>								
Hourly				22.98	24.13	25.34	26.61	27.94
Bi-Weekly				919.20	965.20	1,013.60	1,064.40	0.00
Monthly				1,991.60	2,091.27	2,196.13	2,306.20	2,421.47
Annual				23,899.20	25,095.20	26,353.60	27,674.40	29,057.60
<b>Assistant Director of Public Works (Mid-Management; Non-Bargaining)</b>								
Hourly				39.56	41.54	43.62	45.80	48.09
Bi-Weekly				3,164.80	3,323.20	3,489.60	3,664.00	3,847.20
Monthly				6,857.07	7,200.27	7,560.80	7,938.67	8,335.60
Annual				82,284.80	86,403.20	90,729.60	95,264.00	100,027.20
<b>Assistant Director - Engineering Division (Mid-Management; Non-Bargaining)</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,720.80	2,856.80	3,000.00	3,150.40	3,308.00
Monthly				5,895.07	6,189.73	6,500.00	6,825.87	7,167.33
Annual				70,740.80	74,276.80	78,000.00	81,910.40	86,008.00
<b>Assistant City Engineer (FBE0)</b>								
Hourly				31.03	32.58	34.21	35.92	37.72
Bi-Weekly				2,482.40	2,606.40	2,736.80	2,873.60	3,017.60
Monthly				5,378.53	5,647.20	5,929.73	6,226.13	6,538.13
Annual				64,542.40	67,766.40	71,156.80	74,713.60	78,457.60
<b>Assistant City Engineer (FBE0) - 75% Full-Time</b>								
Hourly				31.03	32.58	34.21	35.92	37.72
Bi-Weekly				1,861.80	1,954.80	2,052.60	2,155.20	2,263.20
Monthly				4,033.90	4,235.40	4,447.30	4,669.60	4,903.60
Annual				48,406.80	50,824.80	53,367.60	56,035.20	58,843.20

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Assistant Planner (FBEO)</b>								
Hourly				29.56	31.04	32.59	34.22	35.93
Bi-Weekly				2,364.80	2,483.20	2,607.20	2,737.60	2,874.40
Monthly				5,123.73	5,380.27	5,648.93	5,931.47	6,227.87
Annual				61,484.80	64,563.20	67,787.20	71,177.60	74,734.40
<b>Assistant to the City Manager (Mid-Management; Non-Bargaining)</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,720.80	2,856.80	3,000.00	3,150.40	3,308.00
Monthly				5,895.07	6,189.73	6,500.00	6,825.87	7,167.33
Annual				70,740.80	74,276.80	78,000.00	81,910.40	86,008.00
<b>Associate Planner (FBEO)</b>								
Hourly				30.61	32.14	33.75	35.44	37.21
Bi-Weekly				2,448.80	2,571.20	2,700.00	2,835.20	2,976.80
Monthly				5,305.73	5,570.93	5,850.00	6,142.93	6,449.73
Annual				63,668.80	66,851.20	70,200.00	73,715.20	77,396.80
<b>City Clerk (Mid-Management; Non-Bargaining)</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,720.80	2,856.80	3,000.00	3,150.40	3,308.00
Monthly				5,895.07	6,189.73	6,500.00	6,825.87	7,167.33
Annual				70,740.80	74,276.80	78,000.00	81,910.40	86,008.00
<b>City Clerk (Mid-Management; Non-Bargaining) - 75% Full-Time</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,040.60	2,142.60	2,250.00	2,362.80	2,481.00
Monthly				4,421.30	4,642.30	4,875.00	5,119.40	5,375.50
Annual				53,055.60	55,707.60	58,500.00	61,432.80	64,506.00
<b>City Councilmember (Elected)</b>								
Hourly								
Bi-Weekly				138.46				
Monthly				300.00				
Annual				3,600.00	Plus \$100/mo for Special District Meeting			
<b>City Manager (Executive; At Will; Contract)</b>								
Hourly				73.37				
Bi-Weekly				5,869.35				
Monthly				11,883.59				
Annual				152,603.00				
<b>Community Services Officer (FBPA)</b>								
Hourly				20.59	21.62	22.70	23.84	25.03
Bi-Weekly				1,647.20	1,729.60	1,816.00	1,907.20	2,002.40
Monthly				3,568.93	3,747.47	3,934.67	4,132.27	4,338.53
Annual				42,827.20	44,969.60	47,216.00	49,587.20	52,062.40



# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

		Step 1	Step 2	Step 3	Step 4	Step 5
<b>Construction Project Manager (Mid-Management; Non-Bargaining)</b>						
Hourly		39.56	41.54	43.62	45.80	48.09
Bi-Weekly		3,164.80	3,323.20	3,489.60	3,664.00	3,847.20
Monthly		6,857.07	7,200.27	7,560.80	7,938.67	8,335.60
Annual		82,284.80	86,403.20	90,729.60	95,264.00	100,027.20
<b>Director - Community Development Department (Executive; At Will)</b>						
Hourly		46.46	48.78	51.22	53.78	56.47
Bi-Weekly		3,716.80	3,902.40	4,097.60	4,302.40	4,517.60
Monthly		8,053.07	8,455.20	8,878.13	9,321.87	9,788.13
Annual		96,636.80	101,462.40	106,537.60	111,862.40	117,457.60
<b>Director - Finance Department/City Treasurer (Executive; At Will)</b>						
Hourly		46.46	48.78	51.22	53.78	56.47
Bi-Weekly		3,716.80	3,902.40	4,097.60	4,302.40	4,517.60
Monthly		8,053.07	8,455.20	8,878.13	9,321.87	9,788.13
Annual		96,636.80	101,462.40	106,537.60	111,862.40	117,457.60
<b>Director - Finance Department/City Treasurer (Executive; At Will) - 75% Full-Time</b>						
Hourly		46.46	48.78	51.22	53.78	56.47
Bi-Weekly		2,787.60	2,926.80	3,073.20	3,226.80	3,388.20
Monthly		6,039.80	6,341.40	6,658.60	6,991.40	7,341.10
Annual		72,477.60	76,096.80	79,903.20	83,896.80	88,093.20
<b>Director of Public Works (Executive; At Will)</b>						
Hourly		46.46	48.78	51.22	53.78	56.47
Bi-Weekly		3,716.80	3,902.40	4,097.60	4,302.40	4,517.60
Monthly		8,053.07	8,455.20	8,878.13	9,321.87	9,788.13
Annual		96,636.80	101,462.40	106,537.60	111,862.40	117,457.60
<b>Engineering Technician (FBEO)</b>						
Hourly		28.15	29.56	31.04	32.59	34.22
Bi-Weekly		2,252.00	2,364.80	2,483.20	2,607.20	2,737.60
Monthly		4,879.33	5,123.73	5,380.27	5,648.93	5,931.47
Annual		58,552.00	61,484.80	64,563.20	67,787.20	71,177.60
<b>Engineering Technician (FBEO) - 75% Full-Time</b>						
Hourly		28.15	29.56	31.04	32.59	34.22
Bi-Weekly		1,689.00	1,773.60	1,862.40	1,955.40	2,053.20
Monthly		3,659.50	3,842.80	4,035.20	4,236.70	4,448.60
Annual		43,914.00	46,113.60	48,422.40	50,840.40	53,383.20
<b>Environmental Compliance Coordinator (FBEO)</b>						
Hourly		32.55	34.18	35.89	37.68	39.56
Bi-Weekly		2,604.00	2,734.40	2,871.20	3,014.40	3,164.80
Monthly		5,642.00	5,924.53	6,220.93	6,531.20	6,857.07
Annual		67,704.00	71,094.40	74,651.20	78,374.40	82,284.80

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Finance Technician I (FBEO)</b>								
Hourly				20.72	21.76	22.85	23.99	25.19
Bi-Weekly				1,657.60	1,740.80	1,828.00	1,919.20	2,015.20
Monthly				3,591.47	3,771.73	3,960.67	4,158.27	4,366.27
Annual				43,097.60	45,260.80	47,528.00	49,899.20	52,395.20
<b>Finance Technician II (FBEO)</b>								
Hourly				22.84	23.98	25.18	26.44	27.76
Bi-Weekly				1,827.20	1,918.40	2,014.40	2,115.20	2,220.80
Monthly				3,958.93	4,156.53	4,364.53	4,582.93	4,811.73
Annual				47,507.20	49,878.40	52,374.40	54,995.20	57,740.80
<b>Finance Technician II (FBEO) - 75% Full-Time</b>								
Hourly				22.84	23.98	25.18	26.44	27.76
Bi-Weekly				1,370.40	1,438.80	1,510.80	1,586.40	1,665.60
Monthly				2,969.20	3,117.40	3,273.40	3,437.20	3,608.80
Annual				35,630.40	37,408.80	39,280.80	41,246.40	43,305.60
<b>Finance Technician III (FBEO)</b>								
Hourly				25.17	26.43	27.75	29.14	30.60
Bi-Weekly				2,013.60	2,114.40	2,220.00	2,331.20	2,448.00
Monthly				4,362.80	4,581.20	4,810.00	5,050.93	5,304.00
Annual				52,353.60	54,974.40	57,720.00	60,611.20	63,648.00
<b>Government Accountant I (FBEO)</b>								
Hourly				27.76	29.15	30.61	32.14	33.75
Bi-Weekly				2,220.80	2,332.00	2,448.80	2,571.20	2,700.00
Monthly				4,811.73	5,052.67	5,305.73	5,570.93	5,850.00
Annual				57,740.80	60,632.00	63,668.80	66,851.20	70,200.00
<b>Government Accountant I (FBEO) - 75% Full-Time</b>								
Hourly				27.76	29.15	30.61	32.14	33.75
Bi-Weekly				1,665.60	1,749.00	1,836.60	1,928.40	2,025.00
Monthly				3,608.80	3,789.50	3,979.30	4,178.20	4,387.50
Annual				43,305.60	45,474.00	47,751.60	50,138.40	52,650.00
<b>Housing and Economic Development Coordinator (Confidential; Non-Bargaining)</b>								
Hourly				31.04	32.59	34.22	35.93	37.73
Bi-Weekly				2,483.20	2,607.20	2,737.60	2,874.40	3,018.40
Monthly				5,380.27	5,648.93	5,931.47	6,227.87	6,539.87
Annual				64,563.20	67,787.20	71,177.60	74,734.40	78,478.40
<b>Human Resources Analyst (Confidential; Non-Bargaining)</b>								
Hourly				24.93	26.18	27.49	28.86	30.30
Bi-Weekly				1,994.40	2,094.40	2,199.20	2,308.80	2,424.00
Monthly				4,321.20	4,537.87	4,764.93	5,002.40	5,252.00
Annual				51,854.40	54,454.40	57,179.20	60,028.80	63,024.00

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Human Resources Analyst (Confidential; Non-Bargaining) - 75% Full-Time</b>								
Hourly				24.93	26.18	27.49	28.86	30.30
Bi-Weekly				1,495.80	1,570.80	1,649.40	1,731.60	1,818.00
Monthly				3,240.90	3,403.40	3,573.70	3,751.80	3,939.00
Annual				38,890.80	40,840.80	42,884.40	45,021.60	47,268.00
<b>Laborer (Part-time, Less than 20 hours week; Non-Bargaining)</b>								
Hourly				18.00				
<b>Maintenance Worker II (FBEO)</b>								
Hourly				22.07	23.17	24.33	25.55	26.83
Bi-Weekly				1,765.60	1,853.60	1,946.40	2,044.00	2,146.40
Monthly				3,825.47	4,016.13	4,217.20	4,428.67	4,650.53
Annual				45,905.60	48,193.60	50,606.40	53,144.00	55,806.40
<b>Maintenance Worker III (FBEO)</b>								
Hourly				23.17	24.33	25.55	26.83	28.17
Bi-Weekly				1,853.60	1,946.40	2,044.00	2,146.40	2,253.60
Monthly				4,016.13	4,217.20	4,428.67	4,650.53	4,882.80
Annual				48,193.60	50,606.40	53,144.00	55,806.40	58,593.60
<b>Maintenance Worker IV (FBEO)</b>								
Hourly				24.32	25.54	26.82	28.16	29.57
Bi-Weekly				1,945.60	2,043.20	2,145.60	2,252.80	2,365.60
Monthly				4,215.47	4,426.93	4,648.80	4,881.07	5,125.47
Annual				50,585.60	53,123.20	55,785.60	58,572.80	61,505.60
<b>Maintenance Worker Lead (FBEO)</b>								
Hourly				26.75	28.09	29.49	30.96	32.51
Bi-Weekly				2,140.00	2,247.20	2,359.20	2,476.80	2,600.80
Monthly				4,636.67	4,868.93	5,111.60	5,366.40	5,635.07
Annual				55,640.00	58,427.20	61,339.20	64,396.80	67,620.80
<b>Mechanic (FBEO)</b>								
Hourly				24.93	26.18	27.49	28.86	30.30
Bi-Weekly				1,994.40	2,094.40	2,199.20	2,308.80	2,424.00
Monthly				4,321.20	4,537.87	4,764.93	5,002.40	5,252.00
Annual				51,854.40	54,454.40	57,179.20	60,028.80	63,024.00
<b>Office Assistant (Temporary Position)</b>								
Hourly				15.00				
<b>Operations Supervisor (FBEO)</b>								
Hourly				32.55	34.18	35.89	37.68	39.56
Bi-Weekly				2,604.00	2,734.40	2,871.20	3,014.40	3,164.80
Monthly				5,642.00	5,924.53	6,220.93	6,531.20	6,857.07
Annual				67,704.00	71,094.40	74,651.20	78,374.40	82,284.80

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Police Chief (Executive; At Will)</b>								
Hourly				59.02	61.97	65.07	68.32	71.74
Bi-Weekly				4,721.60	4,957.60	5,205.60	5,465.60	5,739.20
Monthly				10,230.13	10,741.47	11,278.80	11,842.13	12,434.93
Annual				122,761.60	128,897.60	135,345.60	142,105.60	149,219.20
<b>Interim Police Chief (Temporary Executive; At Will)</b>								
Hourly				59.02	61.97	65.07	68.32	71.74
<b>Police Sergeant Basic POST (FBPA)</b>								
Hourly				34.92	36.67	38.50	40.43	42.45
Bi-Weekly				2,793.60	2,933.60	3,080.00	3,234.40	3,396.00
Monthly				6,052.85	6,356.13	6,673.33	7,007.87	7,358.00
Annual				72,634.26	76,273.60	80,080.00	84,094.40	88,296.00
<b>Police Sergeant Intermediate POST (FBPA)</b>								
Hourly				36.83	38.68	40.61	42.64	44.77
Bi-Weekly				2,946.72	3,094.40	3,248.80	3,411.20	3,581.60
Monthly				6,384.57	6,704.53	7,039.07	7,390.93	7,760.13
Annual				76,614.81	80,454.40	84,468.80	88,691.20	93,121.60
<b>Police Sergeant Advance POST (FBPA)</b>								
Hourly				38.93	40.87	42.91	45.06	47.31
Bi-Weekly				3,114.12	3,269.60	3,432.80	3,604.80	3,784.80
Monthly				6,747.27	7,084.13	7,437.73	7,810.40	8,200.40
Annual				80,697.18	85,009.60	89,252.80	93,724.80	98,404.80
<b>Police Officer Basic POST (FBPA)</b>								
Hourly				28.92	30.36	31.88	33.47	35.14
Bi-Weekly				2,313.40	2,428.80	2,550.40	2,677.60	2,811.20
Monthly				5,012.38	5,262.40	5,525.87	5,801.47	6,090.93
Annual				60,148.50	63,148.80	66,310.40	69,617.60	73,091.20
<b>Police Officer Intermediate POST (FBPA)</b>								
Hourly				30.37	31.89	33.48	35.15	36.91
Bi-Weekly				2,429.88	2,551.20	2,678.40	2,812.00	2,952.80
Monthly				5,264.73	5,527.60	5,803.20	6,092.67	6,397.73
Annual				63,176.78	66,331.20	69,638.40	73,112.00	76,772.80
<b>Police Officer Advance POST (FBPA)</b>								
Hourly				31.86	33.45	35.12	36.88	38.72
Bi-Weekly				2,548.88	2,676.00	2,809.60	2,950.40	3,097.60
Monthly				5,522.57	5,798.00	6,087.47	6,392.53	6,711.47
Annual				66,270.88	69,576.00	73,049.60	76,710.40	80,537.60
<b>Police Recruit (1040 hours; FBPA)</b>								
Hourly				22.29				

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Police Services Technician (FBPA)</b>								
Hourly				20.40	21.42	22.49	23.61	24.79
Bi-Weekly				1,632.00	1,713.60	1,799.20	1,888.80	1,983.20
Monthly				3,536.00	3,712.80	3,898.27	4,092.40	4,296.93
Annual				42,432.00	44,553.60	46,779.20	49,108.80	51,563.20
<b>Police Services Transporter: (Part-Time/On-Call, 1000 Max Annual Hours; Non-Bargaining)</b>								
Hourly				16.00				
<b>Public Works Administrative Analyst (FBEO)</b>								
Hourly				23.66	24.84	26.08	27.38	28.75
Bi -Weekly				1,892.80	1,987.20	2,086.40	2,190.40	2,300.00
Monthly				4,101.07	4,305.60	4,520.53	4,745.87	4,983.33
Annual				49,212.80	51,667.20	54,246.40	56,950.40	59,800.00
<b>Public Works Administrative Analyst (FBEO) - 75% Full-Time</b>								
Hourly				23.66	24.84	26.08	27.38	28.75
Bi -Weekly				1,419.60	1,490.40	1,564.80	1,642.80	1,725.00
Monthly				3,075.80	3,229.20	3,390.40	3,559.40	3,737.50
Annual				36,909.60	38,750.40	40,684.80	42,712.80	44,850.00
<b>Seasonal: Laborer (1000 Maximum Annual Hours; Non-Bargaining)</b>								
Hourly				14.00				
<b>Seasonal: Parking Enforcement Attendant (Part-Time, 1000 Max Annual Hours; Non-Bargaining)</b>								
Hourly				16.00				
<b>Senior Government Accountant (Mid-Management; Non-Bargaining)</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,720.80	2,856.80	3,000.00	3,150.40	3,308.00
Monthly				5,895.07	6,189.73	6,500.00	6,825.87	7,167.33
Annual				70,740.80	74,276.80	78,000.00	81,910.40	86,008.00
<b>Senior Government Accountant (Mid-Management; Non-Bargaining) - 75% Full-Time</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,040.60	2,142.60	2,250.00	2,362.80	2,481.00
Monthly				4,421.30	4,642.30	4,875.00	5,119.40	5,375.50
Annual				53,055.60	55,707.60	58,500.00	61,432.80	64,506.00
<b>Senior Planner (Mid-Management; Non-Bargaining)</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				2,720.80	2,856.80	3,000.00	3,150.40	3,308.00
Monthly				5,895.07	6,189.73	6,500.00	6,825.87	7,167.33
Annual				70,740.80	74,276.80	78,000.00	81,910.40	86,008.00
<b>Senior Planner (Mid-Management; Non-Bargaining)- 50% Full-Time</b>								
Hourly				34.01	35.71	37.50	39.38	41.35
Bi-Weekly				1,360.40	1,428.40	1,500.00	1,575.20	1,654.00
Monthly				2,947.53	3,094.87	3,250.00	3,412.93	3,583.67
Annual				35,370.40	37,138.40	39,000.00	40,955.20	43,004.00

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 8-2-2020 Resolution XXXX-2020 Voluntary Salary Reduction City Manager

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Special Projects Assistant (80%, Part-Time; Non-Bargaining)</b>								
Hourly				23.84	25.03	26.28	27.59	28.97
Bi-Weekly				1,525.76	1,601.92	1,681.92	1,765.76	1,854.08
Monthly				3,305.81	3,470.83	3,644.16	3,825.81	4,017.17
Annual				39,669.76	41,649.92	43,729.92	45,909.76	48,206.08
<b>Systems Analyst - Lead (Confidential; Non-Bargaining)</b>								
Hourly				31.04	32.59	34.22	35.93	37.73
Bi-Weekly				2,483.20	2,607.20	2,737.60	2,874.40	3,018.40
Monthly				5,380.27	5,648.93	5,931.47	6,227.87	6,539.87
Annual				64,563.20	67,787.20	71,177.60	74,734.40	78,478.40
<b>Systems Analyst (Part-Time, 1000 Max Annual Hours; Non-Bargaining)</b>								
Hourly				29.52				
<b>Systems Technician (FBEO)</b>								
Hourly				21.29	22.35	23.47	24.64	25.87
Bi-Weekly				1,703.20	1,788.00	1,877.60	1,971.20	2,069.60
Monthly				3,690.27	3,874.00	4,068.13	4,270.93	4,484.13
Annual				44,283.20	46,488.00	48,817.60	51,251.20	53,809.60
<b>Treatment Plant Operator-in-Training (FBEO)</b>								
Hourly				18.92	19.87	20.86	21.90	23.00
Bi-Weekly				1,513.60	1,589.60	1,668.80	1,752.00	1,840.00
Monthly				3,279.47	3,444.13	3,615.73	3,796.00	3,986.67
Annual				39,353.60	41,329.60	43,388.80	45,552.00	47,840.00
<b>Treatment Plant Operator I (FBEO)</b>								
Hourly				23.49	24.66	25.89	27.18	28.54
Bi-Weekly				1,879.20	1,972.80	2,071.20	2,174.40	2,283.20
Monthly				4,071.60	4,274.40	4,487.60	4,711.20	4,946.93
Annual				48,859.20	51,292.80	53,851.20	56,534.40	59,363.20
<b>Treatment Plant Operator II (FBEO)</b>								
Hourly				24.67	25.90	27.20	28.56	29.99
Biweekly				1,973.60	2,072.00	2,176.00	2,284.80	2,399.20
Monthly				4,276.13	4,489.33	4,714.67	4,950.40	5,198.27
Annual				51,313.60	53,872.00	56,576.00	59,404.80	62,379.20
<b>Treatment Plant Operator - Wastewater, Lead (FBEO)</b>								
Hourly				28.37	29.79	31.28	32.84	34.48
Biweekly				2,269.60	2,383.20	2,502.40	2,627.20	2,758.40
Monthly				4,917.47	5,163.60	5,421.87	5,692.27	5,976.53
Annual				59,009.60	61,963.20	65,062.40	68,307.20	71,718.40
<b>Treatment Plant Operator - Water, Collection and Distribution, Lead (FBEO)</b>								
Hourly				29.79	31.28	32.84	34.48	36.20
Biweekly				2,383.20	2,502.40	2,627.20	2,758.40	2,896.00
Monthly				5,163.60	5,421.87	5,692.27	5,976.53	6,274.67
Annual				61,963.20	65,062.40	68,307.20	71,718.40	75,296.00



# City of Fort Bragg

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

## Text File

File Number: 20-811

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Passed

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5D.

Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

At a special meeting on March 24, 2020, the Fort Bragg City Council ratified the City Manager's Proclamation declaring a local emergency due to COVID-19 in its Resolution No. 4242-2020. On April 6, 2020, the City Council adopted Resolution No. 4245-2020 by which it continued the local emergency. On April 20, 2020, the City Council adopted Resolution No. 4247-2020 again confirming the continued local emergency. The local emergency was again reconfirmed on May 11, 2020 by City Council Resolution No. 4250-2020, on May 26, 2020 by City Council Resolution No. 4253-2020, on June 8, 2020 by City Council Resolution No. 4266-2020, on June 22, 2020 by City Council Resolution No. 4270-2020, and on July 13, 2020 by City Council Resolution 4284-2020. The City is required to reconfirm the existence of a local emergency every 21 days pursuant to Fort Bragg Municipal Code Section 2.24.040.

**RESOLUTION NO. \_\_\_\_\_-2020**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
CONFIRMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY  
IN THE CITY OF FORT BRAGG**

**WHEREAS**, California Government Code section 8630 empowers the Fort Bragg City Council to proclaim the existence of a local emergency when the City is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

**WHEREAS**, California Government Code section 8558(c) states that a “local emergency” means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city; and

**WHEREAS**, COVID-19, a novel coronavirus causing infectious disease, was first detected in China in December 2019 and has spread across the world and to the United States. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

**WHEREAS**, on March 13, 2020, the President of the United States issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency, beginning March 1, 2020; and

**WHEREAS**, the Governor of the State of California and the Public Health Officer of the County of Mendocino have both issued Shelter-in-Place orders to combat the spread of COVID-19; and

**WHEREAS**, on March 17, 2020 the City Manager, as the City’s Director of Emergency Services, issued Proclamation No. CM-2020-01 declaring a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.24.040(B); and

**WHEREAS**, at a special meeting on March 24, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4242-2020, ratifying the City Manager’s Proclamation declaring the existence of a local emergency; and

**WHEREAS**, at a special meeting on April 6, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4245-2020 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on April 20, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4247-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 11, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4250-2020 by which it continued the local emergency; and



**WHEREAS**, at a regular meeting on May 26, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4253-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 8, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4266-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 22, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4270-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on July 13, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4284-2020 by which it continued the local emergency;

**NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED** by the City Council of the City of Fort Bragg that for reasons set forth herein, said local emergency shall be deemed to continue to exist until the City Council of the City of Fort Bragg, State of California, proclaims its termination; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg will review the need for continuing the local emergency at least once every 21 days until the City Council terminates the local emergency; and

**BE IT FURTHER RESOLVED** that this resolution confirming the continued existence of a local emergency shall be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California, as well as the Mendocino County Office of Emergency Services.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27<sup>th</sup> day of July, 2020, by the following vote:**

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

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**WILLIAM V. LEE**  
Mayor

**ATTEST:**

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**June Lemos, CMC**  
City Clerk



# City of Fort Bragg

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

## Text File

File Number: 20-812

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Council Letter

**Agenda Number:** 5E.

Approve Letter of Support for Fort Bragg City Manager Tabatha Miller



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street

Fort Bragg, CA 95437

Phone: (707) 961-2823

Fax: (707) 961-2802

<http://city.fortbragg.com/>

July 22, 2020

This City Council letter of support for and confidence in the current City Manager of Fort Bragg, California, Tabatha Miller, is unanimously attested to by the undersigned City Councilmembers.

In 2017, the Council undertook a nationwide search for a new City Manager, interviewed several strong candidates and finally decided to hire Tabatha Miller for the position. We have been very impressed with her leadership style, her quality of work and her professionalism in all matters relating to governance and management. Tabatha demonstrates ethical conduct, conscientious decision-making and enjoys the confidence and full trust of the City Council. She is fair, straightforward, honest and a principled leader.

Since accepting the position of City Manager, Tabatha has guided our community during local public safety power shutoffs (PSPS) by our electricity provider during firestorm season; business shut-downs during the Covid-19 pandemic emergency; local economic collapse resulting in City employee furloughs and layoffs and she has led with courage and fortitude.

The City of Fort Bragg prides itself on being a diverse City and passed a resolution in January 2017 professing our commitment to non-discrimination and support for immigrants in our City. In resolution 4272-2020 passed in June 2020 we went further, adopting a hiring policy for police officers to disqualify any applicant based on prior acts of misconduct. In that resolution, we reiterate that the Fort Bragg City Council opposes all discrimination, be it based on skin color, race, gender, sexual orientation, national origin, disability, age, pregnancy, medical background, housing status, religion, or genetic information. Tabatha Miller reflects those values and allows her moral compass to guide her in her everyday tasks for the people of Fort Bragg, California.

Tabatha Miller has been accessible and responsive to our community members. She has demonstrated the ability to listen, adapt to criticism and problem solve to meet individuals' needs without losing sight of the greater picture. One such example is the

cross-departmental coordination of new processes to address emerging concerns following the George Floyd killing in Minneapolis. A community member requested a permit to hold a peaceful protest in our city center. Permits are not required by City Hall but at the citizen's request, our City Manager and Police Chief worked together with staff to urgently create the requested permitting process so that protesters would feel safe in the public space. They not only created and expedited the process, but they also attended the protest and respectfully took a knee with our community in an act of solidarity. Other responsive actions have included expanded harassment training for city employees, staff support for the creation of a racial justice citizens commission, assessment of police policies and discussion of additional de-escalation training, to name a few.

Recently, the City Council received an email from a community member that disparaged our City Manager. This email was forwarded to the press, local and State leaders and potential future employers of Tabatha - the City Commission of Helena, Montana - where Tabatha had applied for the position of City Manager. This email was full of inaccuracies, professional defamations and false allegations. This community member misrepresented our City Manager which may result in professional harm, a tarnished reputation and possible mental anguish. The Fort Bragg City Council denounces these tactics, and we stand in complete support and admiration for the work of this City Manager.

Sincerely,

William V. Lee  
Mayor

Bernie Norvell  
Vice Mayor

Teresa K. Albin-Smith  
Councilmember

Jessica Morsell-Haye  
Councilmember

Lindy Peters  
Councilmember



# City of Fort Bragg

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

## Text File

File Number: 20-800

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Filed

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5F.

Approve Minutes of July 13, 2020



# City of Fort Bragg

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

## Meeting Minutes City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS  
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY**

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Monday, July 13, 2020

6:00 PM

Via Video Conference

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### CALL TO ORDER

Mayor Lee called the meeting to order at 6:00 PM, all Councilmembers appearing by video conference.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith, Councilmember Jessica Morsell-Haye and Councilmember Lindy Peters

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

#### **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS**

(1) Non-Agenda Items: The City Clerk read comments into the record as follows:

- Jay McMartin Rosenquist commented on Zoom virtual backgrounds used by Councilmembers.
- Karen Deitz stated her support for the wearing of masks and social distancing as a matter of public health.
- Rebecca Jarrett urged the Council to remove the 24-hour waiting period on masking enforcement and to use the County's protocols on enforcement.
- Jenny Shattuck provided comments regarding mask-wearing enforcement.
- Jason Moore said he is in support of mask enforcement orders.

The following public comments were received from Zoom participants:

- Julie Parker spoke about events to promote cultural awareness and diversity.

(2) Consent Calendar Items: The City Clerk read comments into the record as follows:

- Item 5C, Jacob Patterson asked a question about the funding source for the feasibility study.
- Item 5C, Scott Menzies encouraged the Council to research the possibility of a commercial space community land trust.
- Item 5D, Jacob Patterson asked a question about the review of Accessory Dwelling Unit (ADU) designs.
- Item 5G, Jacob Patterson commented on the new projected budget deficit.

(3) Closed Session Items: None.

### **3. STAFF COMMENTS**

City Manager Miller relayed Chief Naulty's report regarding an influx of homeless problems, including public intoxication, sleeping in front of businesses and in parks, etc. The Chief noted that Colin McHugh is doing well at the police academy. Chief Naulty also wanted to express appreciation and thanks to members of the community who have gifted a lot of things to the Police Department recently. City Manager Miller said the City entered into a contract with a different COVID-19 sewage testing company, Pace Analytical, that is less expensive than Biobot and does not require a specific term commitment. The first test kit will arrive from Pace on Wednesday, sampling is anticipated to occur next Tuesday, July 21, with results expected five days thereafter. Miller gave a report on current water levels, stating it is comparable to 2014. She noted that the reservoir and storage added since then has helped with the City's ability to provide water during dry spells, but encouraged the community to be mindful of water usage. A virtual public meeting will be held on July 16 regarding the proposed Pudding Creek bridge widening project. Generators and backup equipment are being installed today at the PG&E substation. The City Manager reported that the Governor closed down a number of businesses effective today. Dine-in restaurants, wineries, tasting rooms, family entertainment, bars, and brew pubs (indoor and outdoor), have been closed down statewide. Mendocino County is not on a monitoring list. Lodging has not been impacted at this point in time. She reported that Senior Planner Scott Perkins has given his notice and his last day will be July 17. County planner Tia Sar will fill the position of Senior Planner effective July 27. Miller noted that the City's eviction moratorium will expire on July 31 and can be extended to the end of September if Council is interested in bringing the ordinance back for consideration at the next meeting. City Hall has been closed to the public until further notice due to the latest County health orders. City Manager Miller provided Council with a financial update on the state of City revenues and expenditures as well as anticipated projections.

### **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Albin-Smith said the City Manager's full salary should be reinstated as she is performing both her own job and that of Finance Director/City Treasurer. Vice Mayor Norvell and Councilmember Peters agreed. Peters said he would like to include a discussion on extending the eviction moratorium on the next agenda. He noted that the Finance and Administration Committee Members would like to have staff put together a report regarding the Capital Improvement Projects for consideration by the Committee at the end of July or in early August. Councilmember Peters also wants to agendaize an item regarding mask enforcement. Councilmember Morsell-Haye noted that the Council adopted an urgency ordinance on May 11 allowing police to cite people for not adhering to health orders. She supports having it come back for discussion, including using ambassadors to encourage the use of masks rather than enforcement. Morsell-Haye also outlined the new Chamber of Commerce Mask-Up Mendocino Campaign and thanked staff for increased mask signage on City streets and trails. She stated her support for further discussion on an extension to the eviction moratorium and reinstatement of the City Manager's full salary. Councilmember Morsell-Haye said there is a need for consideration of commercial community land trust. She reported that the City Renaming Ad Hoc Committee has met with a lot of people in the community asking for feedback on the size, structure and makeup of a citizen's commission.

The ad hoc committee will continue to meet with interested parties before coming to the Council with a proposal. Mayor Lee asked that the ad hoc committee provide regular updates on the name change so the community knows the matter is moving forward. The Mayor reported that Fort Bragg's nursing home has an outbreak of COVID-19; the hospital is working with Sherwood Oaks and the County Public Health Department to quarantine several patients who tested positive. Mayor Lee supports having the issue of mask enforcement return to Council on the July 27 agenda. He also supports restoring the City Manager to full salary due to the extra work she is performing. The Mayor thanked Scott Perkins for his professionalism and work during his time at the City. He remarked on the diesel generators in place at the substation and thanked John Redding for leadership in working on the Microgrid project, both of which will be of great assistance to the community. Direction: Staff was directed to add two items to the July 27, 2020 City Council regular meeting agenda: (1) The issue of mask-wearing enforcement; and (2) An extension of the Urgency Ordinance establishing a temporary moratorium on evictions.

## **5. CONSENT CALENDAR**

City Manager Miller noted that the exhibit to the Budget Amendment resolution needs to have a minor revision to change the account description on the CIP item to replace "water tank installation" with "water plant." She recommended removal of Item 5F for further discussion. Councilmember Peters removed Item 5F from the Consent Calendar for further discussion.

### **Approval of the Consent Calendar**

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, to approve the Consent Calendar as amended, with the exception of Item 5F. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

**5A. [20-782](#)** Adopt City Council Resolution Authorizing Cancellation of the August 24, 2020 City Council Meeting to Accommodate Summer Vacation Schedules

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

Enactment No: RES 4280-2020

**5B. [20-784](#)** Adopt City Council Resolution Approving the Purchase of Motorola Handheld Rechargeable Two-Way Radios

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

Enactment No: RES 4281-2020

**5C. [20-788](#)** Approve Scope of Work for the Request for Proposals for a Feasibility Study and Establishment of a Community Land Trust Serving the City of Fort Bragg

**This Scope of Work was approved on the Consent Calendar.**

**5D. [20-789](#)** Approve Scope of Work for the Request for Proposals for Conceptual



Designs, Final Designs, and Construction Drawings for the City of Fort Bragg's Pre-Approved Accessory Dwelling Unit Program

**This Scope of Work was approved on the Consent Calendar.**

- 5E.** [20-790](#) Adopt Joint City Council/Improvement District/Redevelopment Successor Agency Resolution Authorizing the City/District Manager to Execute Contract Amendment for Financial Auditing Services, Increasing the Amount of the Contract with JJACPA, Inc. by a Not To Exceed Amount of \$5,400.00 (Split Among the Agencies)

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

Enactment No: RES 4282-2020 / RES ID 431-2020

- 5G.** [20-796](#) Adopt Joint City Council/Municipal Improvement District Resolution Approving Budget Adjustment No. 2021-01 Amending the FY 2020-21 Adopted Budget

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

Enactment No: RES 4283-2020 / RES ID 432-2020

- 5H.** [20-797](#) Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

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

Enactment No: RES 4284-2020

- 5I.** [20-798](#) Adopt City Council Resolution Appointing Representatives to Represent and Vote on Behalf of the City at the League of California Cities Redwood Empire Division Business Meeting and Legislative Committee Meetings

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

Enactment No: RES 4285-2020

- 5J.** [20-799](#) Adopt Amended City Council Resolution No. 4264-2020 Amending the City of Fort Bragg Conflict of Interest Code

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

Enactment No: RES 4264-2020 AMENDED

- 5K.** [20-795](#) Approve Minutes of June 22, 2020

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

- 5L.** [20-794](#) Approve Minutes of Special Meeting of June 29, 2020

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

- 5M.** [20-793](#) Approve Minutes of Special Meeting of June 30, 2020

These Minutes were approved on the Consent Calendar.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

- 5F. [20-791](#) Adopt City Council Resolution Approving Program Guidelines for HOME COVID Tenant Based Rental Assistance Program

City Manager Miller explained that the California Department of Housing and Community Development (HCD) had requested changes be made to the program guidelines, and therefore a simple modification to the resolution is being requested that would give staff the authority to modify guidelines consistent with guidance from the HCD.

Public Comment: None.

**A motion was made by Vice Mayor Norvell, seconded by Councilmember Peters, that this Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Mayor Lee, Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Enactment No: RES 4286-2020

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

None.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8A. [20-792](#) Receive Report and Provide Direction to Staff Regarding Community Development Block Grant Coronavirus Response Round 1 (CDBG-CV1) Program Applications

Special Projects Assistant McLaughlin presented the staff report on this agenda item and responded to questions from Councilmembers.

Public Comment from Jacob Patterson was read into the record by the City Clerk.

Discussion: After a brief discussion, Council consensus was in support of the program and staff was directed to bring a resolution back on a future Consent Calendar.

**This Staff Report was referred to staff with direction to bring forward a Resolution for consideration on a future Consent Calendar.**

## **9. CLOSED SESSION**

## **ADJOURNMENT**

Mayor Lee adjourned the meeting at 7:28 PM.

\_\_\_\_\_  
WILLIAM V. LEE, MAYOR

\_\_\_\_\_  
June Lemos, CMC, City Clerk

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



# City of Fort Bragg

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

## Text File

File Number: 20-804

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Filed

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5G.

Approve Minutes of Special Closed Session of July 19, 2020



# City of Fort Bragg

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

## Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS  
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY*

Sunday, July 19, 2020

5:00 PM

Via Video Conference

### Special Closed Session

#### CALL TO ORDER

Mayor Lee called the meeting to order at 5:00 PM, all Councilmembers appearing via video conference.

#### ROLL CALL

**Present:** 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Lindy Peters, Councilmember Jessica Morsell-Haye and Councilmember Tess Albin-Smith

#### 1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

The City Clerk read comments by Police Chief John Naulty into the record.

#### 2. CLOSED SESSION

Mayor Lee recessed the meeting at 5:04 PM; the meeting reconvened to Closed Session at 5:16 PM.

##### 2A. [20-803](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code Section 54957: Title: City Manager

Mayor Lee reconvened the meeting to Open Session at 6:49 PM and reported that no reportable action was taken on the Closed Session item.

#### ADJOURNMENT

Mayor Lee adjourned the meeting at 6:49 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

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



# City of Fort Bragg

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

## Text File

File Number: 20-810

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Filed

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5H.

Approve Minutes of Special Closed Session of July 21, 2020



# City of Fort Bragg

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

## Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY AS  
THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1  
AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY*

Tuesday, July 21, 2020

6:00 PM

Via Video Conference

### Special Closed Session

#### CALL TO ORDER

Mayor Lee called the meeting to order at 6:00 PM, all Councilmembers appearing via video conference.

#### ROLL CALL

**Present:** 5 - Mayor Will Lee, Vice Mayor Bernie Norvell, Councilmember Lindy Peters, Councilmember Jessica Morsell-Haye and Councilmember Tess Albin-Smith

#### 1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public Comments from Jenny Shattuck, Uilani Moore-Wesley and Judith Valadao were read into the record by the City Clerk.

#### 2. CLOSED SESSION

Mayor Lee recessed the meeting at 6:08 PM; the meeting reconvened to Closed Session at 6:16 PM.

##### 2A. [20-805](#)

PUBLIC EMPLOYMENT: Pursuant to Government Code 54957(b). Title: City Manager

Mayor Lee reconvened the meeting to Open Session at 7:27 PM and reported that no reportable action was taken on the Closed Session item.

#### ADJOURNMENT

Mayor Lee adjourned the meeting at 7:27 PM.

WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

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



# City of Fort Bragg

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

## Text File

File Number: 20-809

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 8A.

Receive Report and Provide Direction to Staff on Possible Adoption of an Urgency Ordinance Amending the Established Administrative Penalties for Violations of the Mendocino County Facial Coverings Health Order





**AGENCY:** City Council  
**MEETING DATE:** July 27, 2020  
**DEPARTMENT:** City Manager  
**PRESENTED BY:** Tabatha Miller  
**EMAIL ADDRESS:** [tmiller@fortbragg.com](mailto:tmiller@fortbragg.com)

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Provide Direction to Staff on Possible Adoption of an Urgency Ordinance Amending the Established Administrative Penalties for Violations of the Mendocino County Facial Coverings Health Order**

**ISSUE:**

On May 11, 2020, the City Council adopted Urgency Ordinance No. 961-2020 establishing administrative penalties for violations of the Mendocino County Health Officer's COVID-19 Pandemic Orders. On July 13, 2020, the City Council directed the City Manager to place an agenda item on the next City Council meeting to discuss and provide possible direction on an amendment to the City's administrative penalties ordinance that would waive the 24-hour warning period for violations of the Mendocino County Health Officer's Order requiring members of the public to wear facial coverings.

**ANALYSIS:**

The City's adoption of Urgency Ordinance No. 961-2020 followed adoption by Mendocino County of a similar ordinance establishing administrative penalties for violations of the County Health Officer's orders. On July 8, 2020 Mendocino County amended its administrative penalties ordinance to increase the penalties for violations of the Mendocino County Health Officer's Order requiring members of the public to wear facial coverings and waiving the 24-hour warning period in which an individual person is provided time to abate the violation and avoid a citation. The City of Ukiah took similar action at its July 15, 2020 City Council Meeting. Both Mendocino County and City of Ukiah established a penalty of \$100 for the first offense, \$250 for the second offense and \$500 for each additional offense. City of Point Arena passed an urgency ordinance which mirrors Mendocino County's, and the City of Willits will likely take similar action. Note, the City of Point Arena is serviced by the Mendocino County Sheriff.

The City Council has been urged by members of the public to adopt the same penalty amounts and to waive or remove the 24-hour warning period for noncommercial violations of the County Health Officer COVID-19 orders. The current ordinance establishes administrative penalties of \$25.00 for the first offense of a noncommercial violation of the Health Orders, \$50.00 for a second and \$75.00 for the third or additional violations. The 24-hour abatement warning period makes citing for not wearing a facial covering cumbersome at best. A draft revision to the City's current administrative penalties ordinance is attached as a sample and for reference. It is generally consistent with the ordinance amendments adopted by Mendocino County, City of Point Arena and City of Ukiah.

Enforcement of facial covering mandates is an issue that divides not only our community but much of the United States. Chief Naulty and Police Chiefs and Sheriffs around the country

AGENDA ITEM NO. 8A

struggle with how to enforce the mandate for health reasons without creating hostile or even confrontational encounters. Education has been the preferred method of encouraging individual compliance by the City, the County and the other Mendocino cities. The City has increased its presence of signs on the Coastal Trail and around town, especially in the Central Business District. The Mask Up Mendocino campaign was developed as an educational tool. As of July 20, 2020, none of the Mendocino County jurisdictions had issued a citation under the administrative penalties ordinance to an individual for not complying with the facial covering mandate.

Some California counties and cities have enacted similar stringent penalties for violations of the state and (if applicable) county or city order requiring individuals to wear facial coverings in public. Notably, a number of cities in Southern California have not only increased the amount of the fines to levels similar to or even higher than Mendocino County, but mandated a stricter but simpler standard for wearing facial coverings. The requirement is that a facial covering must be worn when a person leaves their place of residence. The exceptions are limited to: children under two, a medical or mental health condition or disability that would prevent it, the hearing impaired, individuals when swimming or in a restaurant or establishment that serves food and beverage, but only while eating or drinking.

The Southern California cities of Manhattan Beach, West Hollywood, Beverly Hills and Santa Monica have all enacted emergency orders along these lines. Of course these cities are in an urban setting and much more densely populated. However, a simpler mandate to wear a mask when you leave your residence would solve current difficulties of enforcement when one is outside. Under the current state and county facial covering orders, individuals who can socially distance by staying six-feet apart from others or are in the same social or household bubble are allowed to not wear the masks outdoors. Many of Fort Bragg's reports and complaints about individuals not wearing masks involve these types of situations. A few cities have limited their stricter compliance to more densely populated areas such as the downtown shopping districts, popular beaches and boardwalks or crowded outdoor malls. The City could consider stricter requirements in the Central Business District and/or on the Coastal Trail.

In researching how other jurisdictions are approaching enforcement of facial coverings, I noted that the Southern California cities are using an emergency order signed by the City Manager acting as the Emergency Services Director. The enforcement order is discussed by the City Council and direction is then provided to the City Manager to draft and implement the order. This simplifies the process and eliminates the cost to print the ordinance in the local paper. The emergency order can be implemented the day after City Council direction is provided and would not incur the costs associated with hosting another meeting, just for that action.

**RECOMMENDED ACTION:**

Staff is not recommending a specific action as this agenda item was requested as a discussion item for City Council to consider future action. A draft amendment to the City's administrative penalties ordinance is attached for discussion purposes only.

City Council could also direct the City Manager to implement an emergency order based on Council direction provided during the City Council meeting.

**ALTERNATIVE ACTION(S):**

1. Leave the Administrative Penalties Ordinance without changes.
2. Only change the 24-hour notice requirement in the current Administrative Penalties Ordinance.
3. Provide staff other direction.

**FISCAL IMPACT:**

Although there is no expectation that it will be necessary to levy penalties, any fees collected would partially help offset the costs of enforcing the Shelter-in-Place Orders. Costs to enforce the Shelter-in-Place Orders are expected to exceed any penalties collected and such efforts will be funded from the General Fund.

**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. Draft Amendment to Urgency Ordinance 961-2020

**NOTIFICATION:**

1. Press Release, Notify Me subscriber list

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

UNCODIFIED URGENCY ORDINANCE  
OF THE CITY COUNCIL OF THE CITY OF  
FORT BRAGG ~~ADOPTING~~ AMENDING  
ORDINANCE NO. 961-2020  
ADMINISTRATIVE PENALTIES FOR  
VIOLATION OF THE COUNTY HEALTH  
OFFICER'S COVID-19 PANDEMIC  
ORDERS

FIRST AMENDMENT TO  
URGENCY ORDINANCE  
NO. 961-2020

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"); and

**WHEREAS**, on March 4, 2020, the Mendocino County Board of Supervisors and Department of Public Health declared a public health emergency in Mendocino County due to COVID-19; and

**WHEREAS**, on March 17, 2020, the Fort Bragg City Manager, acting as the Director of Emergency Services, declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 City Council meeting; and

**WHEREAS**, on March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order, which was revised on March 24, 2020; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 which orders California Residents to stay at home except for certain critical activities. Due to directives from federal, state, and local health officers, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease; and

**WHEREAS**, on March 31, 2020, the Mendocino County Board of Supervisors adopted an urgency ordinance adopting administrative penalties for violations of the County Health Officer's Orders pertaining to the COVID-19 pandemic; and

**WHEREAS**, on April 1, 2020, the City of Ukiah City Council adopted an urgency ordinance adopting administrative penalties for violations of the County Health Officer's Orders pertaining to the COVID-19 pandemic.

**WHEREAS**, during the months of June and July, 2020, Mendocino County and the City of Fort Bragg, have experienced a significant surge in the number of confirmed cases and in community spread of COVID-19; and

WHEREAS, on July 8, 2020, the Mendocino County Board of Supervisors adopted an urgency ordinance amending the ordinance adopted on March 31, 2020, to establish stronger administrative penalties for violations of the County Health Officer's Order requiring members of the public to wear facial coverings and allowing for the waiver of the 24-hour warning period for non-commercial violations of County Health Officer's Orders pertaining to the COVID-19 pandemic and the order requiring facial coverings in public; and

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WHEREAS, the City of Ukiah on July 15, 2020 adopted an urgency ordinance amending its ordinance establishing administrative penalties for violations of the County Health Officer's Orders and specifically providing for more stringent fines for violations of the County Health Officer's Order requiring members of the public to wear facial coverings; and

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WHEREAS, the use of Facial Coverings has become a critical component in preventing the spread of COVID-19; as California and Mendocino County have reopened portions of the economy and allowed additional activities.

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**NOW, THEREFORE, the Fort Bragg City Council ordains as follows:**

**Section 1. Legislative Findings and Purpose.** The City Council hereby finds as follows:

1. In light of the COVID-19 pandemic and Governor Newsom's state of emergency proclamation, on March 12, 2020, the Governor issued Executive Order N-25-20, ordering residents to heed any order by local public health Officers, "including but not limited to the imposition of social distancing measures, to control the spread of COVID-19."
2. A violation of the Governor's Executive Order N-25-20 is a misdemeanor pursuant to California Government Code § 8665.
3. A violation of the County Health Officer's orders made to control the spread of COVID-19, including but not limited to the Shelter-in-Place Order that was issued on March 24, 2020, is a violation of the Governor's Executive Order N-25-20.
4. California Health and Safety Code §§ 120275 and 120295 make it a misdemeanor to violate certain sections of the Health and Safety Code, including those requiring individuals to comply with health orders to facilitate isolation, such as the County Health Officer's Shelter-in-Place Order.
5. Violations of the orders of the County Health Officer related to the control of the spread of COVID-19 presents an immediate threat to the public peace, health and safety in that they increase the likelihood that the COVID-19 virus will spread throughout the County and City in a manner that may overwhelm their health care systems and may lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the County Health Officer.

6. The immediate enforcement of the orders of the County Health Officer is necessary for the effective implementation of such orders for the purpose of controlling the spread of COVID-19 in Mendocino County and the City of Fort Bragg.

7. California Government Code § 53069.4 provides authority to the City Council of the City of Fort Bragg to set administrative penalties for violation of any ordinance enacted by the City Council.

8. In order to address the immediate threat to the public peace, health, safety and welfare, this Ordinance helps to ensure that the orders of the County Health Officer, issued for the purpose of controlling the spread of the COVID-19 virus, are followed by providing an administrative enforcement mechanism as an alternative to the mechanisms already available.

9. Issuance of administrative penalties provides a significant deterrent to violating the County Health Officer's orders respecting COVID-19, will help promote social distancing through a process designed to minimize person-to-person contact.

10. This alternative enforcement mechanism is also designed to provide some relief to law enforcement, to enable additional City staff to assist with enforcing the County Health Officer's orders, and to enhance the City's ability to control the spread of COVID-19.

11. Pursuant to California Government Code § 53069.4, the City Council elects to create an administrative penalty and hearing process for the purpose of enforcing the orders of the County Health Officer that are issued for the purpose of controlling the spread of the COVID-19 virus.

12. The potential damage caused by a violation of an order of the County Health Officer demands a penalty so as to provide an effective and significant deterrent to violating such orders.

13. For violations of the orders of the County Health Officer involving predatory profiteering in a declared local emergency, the administrative penalties must be substantial enough to deter such practices.

**Section 2. Applicability.**

This ordinance applies from May 11, 2020, until the County Health Officer's Shelter-in-Place and the California Governor's stay at home orders expire or are lifted within the incorporated City limits or such additional period of time as declared by City Council resolution.

**Section 3. Authority.**

This ordinance is adopted pursuant to the general police power of the City under Cal. Const. Art XI § 7 to protect the health, safety and welfare of its citizens, the local emergency declared by the City Manager on March 17, 2020 pursuant to Government Code Section 8630 and the Governor's Executive Order N-25-20.

**Section 4. Citation.**

This ordinance may be referred to as the "COVID-19 Administrative Penalties Ordinance."

**Section 5. Definitions.**

A. "Citation" or "Administrative Citation" means a civil citation issued pursuant to Section 9 of this Ordinance.

B. "Commercial Activity" means the distribution and sale or rental of goods and the provision of services other than Essential Services as defined in the County Health Officer's COVID-19 Order.

C. "COVID-19 Order" means an order of the County Health Officer that is now in existence, or later comes into existence, which is issued for the purpose of controlling the spread of the COVID-19 virus, and which reflects the Governor's order to all residents to heed the orders of local public health officers, as stated in paragraph 1 of Executive Order N-25-20 that was issued by the Governor of California on March 12, 2020.

D. "Days" means calendar days.

E. "Enforcement Officer" means the City Manager, any peace officer with jurisdiction in the City of Fort Bragg, or anyone identified by resolution of the City Council.

F. "Responsible Party" means the legal entity, or the officer, agent, employee or representative operating on behalf of or in the course of the business of such entity, whose action or failure to act violates a COVID-19 Order.

**Section 6. Adoption of County Health Officer Orders as City Law.**

All COVID-19 Orders are hereby incorporated into this Ordinance as the law of the City of Fort Bragg.

**Section 7. Violation and Enforcement.**

~~A. A violation of a COVID-19 Order shall be a misdemeanor, a public nuisance, and a violation of this Ordinance, and as such, a violation of this Ordinance may be enforced as a misdemeanor, as a public nuisance, or as a civil violation through imposition of administrative penalties as detailed in this ordinance.~~

~~B. It shall be a violation of this ordinance and the Law of the City of Fort Bragg, enforceable as an infraction, nuisance, or civil penalty by way of an Administrative Citation, for any individual person to willfully or negligently refuse to wear a Facial Covering in compliance with a COVID-19 Order after an Enforcement Officer has informed the person that a facial covering is required by this section. As used herein "Facial Covering" means any worn garment, mask or device without holes that covers both the nose and mouth, such as a banana, a scarf, a neck gaiter, or other homemade cover, which can be secured to the head with ties or straps or wrapped securely around the lower-face, including but not limited to a face shield.~~

B. This Ordinance may be enforced by an Enforcement Officer.

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C. Use of this Ordinance shall be at the sole discretion of the City, its officers, agents and employees.

**Section 8. No Exclusivity and Election of Proceedings.**

This Ordinance provides for enforcement proceedings that are supplemental to all other enforcement proceedings provided by local, state or federal law, whether administrative, civil or criminal in nature. As such, the provisions of this Ordinance may be utilized alone or in conjunction with any other remedy at law or in equity, including, but not limited to, temporary restraining order and preliminary or permanent injunctive relief. Election to employ one or more proceedings provided by this Ordinance shall be at the sole discretion of the City and shall be without prejudice to the City choosing to also proceed simultaneously or subsequently by pursuing different enforcement proceedings or remedies with respect to the same violation.

**Section 9. Issuance of Notice or Citation; Penalty Amounts.**

A. Each and every day a violation of a COVID-19 Order exists constitutes a separate and distinct offense. One or more citations may be issued for each day the violation continues.

B. Any Responsible Party violating any provision of a COVID-19 Order may be issued an Administrative Citation by an Enforcement Officer.

C. The Enforcement Officer may issue a Citation for a violation not committed in their presence, if they determine through investigation, including but not limited to credible input from witnesses, City staff, and interested persons, that the Responsible Party did commit or is otherwise responsible for the violation.

D. When an Enforcement Officer discovers, or otherwise determines that a violation of a COVID-19 Order occurred, such Enforcement Officer may issue a Notice of Violation to the Responsible Party that provides twenty-four (24) hours to abate the violation, or may proceed with issuing an administrative citation for either a violation involving non-commercial activity or for any violation of Section 7.B, without providing 24 hours to abate the violation. The decision to issue a Notice of Violation rather than a Citation is at the discretion of the Enforcement Officer.

E. If the Responsible Party has not abated, or otherwise repeats the same violation as stated in the Notice of Violation, after the passage of twenty-four (24) hours from the service of the Notice of Violation, the Enforcement Officer may then issue an Administrative Citation that imposes a civil penalty.

F. The civil penalty for each violation involving a non-Commercial Activity shall be a fine of ~~\$100~~25.00 for the first offense committed by a Responsible Party, ~~\$2~~50.00 for the second offense committed by that Responsible Party and ~~\$75~~500.00 for the third or subsequent offenses committed by that Responsible Party.

G. The civil penalty for each violation involving a Commercial Activity shall be a fine of \$100.00 for the first offense committed by a Responsible Party, \$250.00 for the second offense committed by that Responsible Party, \$500.00 for the third offense committed by that Responsible Party and \$1,000.00 for the fourth or subsequent offenses committed by that Responsible Party.



H. The administrative penalty becomes effective and due immediately upon issuance of the Citation. The Responsible Party has ninety (90) days from the date of service of the Citation to pay the penalty in the absence of a timely submitted request for an administrative hearing to appeal the citation.

I. The administrative penalty, or any portion thereof, may be waived by the City Manager as the Director of Emergency Services at her discretion.

**Section 10. Form and Service for Citation or Notice.**

A. The Administrative Citation or Notice of Violation shall contain the following information:

1. The name and address of the Responsible Party; and
2. The date, time and address or description of the location where the violation occurred; and
3. Reference to the COVID-19 Order that the act or omission violated, including reference to the paragraph number containing the provision violated and the date of issuance of the COVID-19 Order; a brief description of the violation should be included if greater specificity is required to provide adequate notice of the violation; and
4. The amount of the penalty if the notice provided is for an Administrative Citation; and
5. Identification of appeal rights and a description of how to appeal; and
- ~~5-6.~~ Location and method of payment
- 6-7. The signature of the Enforcement Officer issuing the Citation along with the date of issuance of the Citation.

B. Any Administrative Citation or Notice of Violation issued pursuant to this Ordinance shall be served upon the Responsible Party pursuant to Section 11 of this Ordinance.

**Section 11. Service Procedures.**

An Administrative Citation may be served on the Responsible Party as follows:

A. Personal service: Personal service may be accomplished without violating the COVID-19 Orders by setting the Citation documents down near the Responsible Party and stating, in a voice loud enough to be heard by the Responsible Party, that the documents are for the Responsible Party, if the Responsible Party subsequently either picks up the documents or makes an indication that they understand that the documents are intended for them; or

B. Posting and Mailing: Posting and mailing requires both of the following:

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1. Posting the Citation on any real property within the City in which the City has knowledge that the Responsible Party has a legal interest, or at the location at which the violation occurred; posting shall be placed in a position that is likely to catch the attention of a person entering the property, including but not limited to a front door, gate, or near a mailbox; and

2. Mailing the Citation by first class mail, postage prepaid, to the address that the citation was posted, or to any other mailing address of the Responsible Party that is known to the City if the City reasonably believes that such mailing address will be at least as effective at reaching the Responsible Party, including but not limited to an address provided by a Responsible Party in a request for appeal of a Citation; or

C. By Mail: Service by mail may be accomplished by sending the Citation by first class mail, to the location that the violation occurred, or to any other mailing address of the Responsible Party that is known to the City if the City reasonably believes that such mailing address will be at least as effective at reaching the Responsible Party, including but not limited to an address provided by a Responsible Party in a request for appeal of a Citation.

D. Service shall be complete at the time of personal service, or forty-eight (48) hours after posting and mailing, or five days after service by mail alone.

**Section 12. Procedure to Appeal an Administrative Citation.**

A. Any recipient of a Citation who is identified as a Responsible Party may contest that he or she was responsible for violating the COVID-19 Order as cited by appealing the citation to the City.

B. To appeal the Citation, the recipient must give notice to the City within ten (10) days from the date of service of the Citation that they are appealing the Citation. The notice to the City may be made by providing a document, in writing, which may be transmitted electronically to the City Manager at [tmiller@fortbragg.com](mailto:tmiller@fortbragg.com), bearing the title, "Appeal of Administrative Citation," containing the following:

1. The name, address and phone number of the appellant; and
2. Sufficient information to identify the Citation; and
3. The grounds on which the Citation is being contested; and
4. All information, including copies of any exhibits, that supports the grounds for appealing the Citation.

C. Upon receipt of a timely requested appeal, the City will present the matter to the County Health Officer, City Manager, or their designee, so that they can make an initial determination about whether the appellant violated a COVID-19 Order as stated in the citation being appealed.

1. The County Health Officer, City Manager, or designee, will consider the appeal by reviewing any or all of the associated documents presented by the appellant or the City;
2. The County Health Officer, City Manager, or designee, may choose to consult the appellant, or any other person they believe may offer relevant information;
3. If the County Health Officer, City Manager, or designee, determines that a violation did not occur, the City will withdraw its citation along with the associated penalty;
4. If the County Health Officer, City Manager, or designee, determines that a violation occurred, the City will give notice to the appellant, pursuant to Section 9, of the determination along with instructions on how to continue pursuing their appeal, if desired.

D. If appellant does not submit a timely request to the City for a hearing by a Hearing Officer after appellant is served the notice of determination of the County Health Officer, City Manager, or designee, such determination shall become the final administrative order.

E. If the appellant wishes to have a hearing after determination by the County Health Officer, City Manager, or designee, the appellant must provide written notice to the City within ten (10) days of service of the notice of the County Health Officer, City Manager, or designee's determination, at which point the City will arrange for the matter to be heard by the City Council as detailed below.

F. The City Council authorizes the appointment and use of the City's Hearing Officer(s) pursuant to Fort Bragg City Municipal Code § 1.06 for the purpose of hearing appeals pursuant to this Ordinance.

G. If the matter is sent to the City Council, the City will cause the matter to be set for hearing at the earliest practicable date after the lifting of all shelter-in-place and/or other social distancing orders of the County Health Officer that were issued to control the spread of COVID-19.

H. The City will provide notice to the appellant that specifies the date, time and location of the hearing. Notice may be given by first class mail at the mailing address listed in the request for appeal. If by mail, such notice shall be placed in the mail no later than fifteen (15) days prior to the hearing.

I. Prior to the hearing in front of the City Council, the City will provide the City ~~Council~~ Council all the documents provided by the appellant, along with any additional documents that the City believes are relevant and supportive of its case.

**Section 13. Hearing Procedure.**

At the time and place stated in the notice of public hearing, the City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the Responsible Party, witnesses, City staff, and interested persons relative to such violation of a COVID-19 order. The hearing may be continued from time to time. The City Council may request additional information from the parties prior to issuing a written decision. The failure of any

appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

**Section 14. Administrative Order.**

A. At the conclusion of the hearing, the City Council shall determine whether the Responsible Party violated a COVID-19 Order as specified in the Citation being contested, and shall state the reasons for that decision in a written order.

B. If the City Council determines that the Responsible Party violated a COVID-19 Order as detailed in the appealed Citation, then the penalty amount identified in the Citation, or as otherwise adjusted by the City Council, shall be immediately due and payable to the City upon service of the notice of determination.

C. If the City Council determines that the Responsible Party did not violate a COVID-19 Order as detailed in the appealed Citation, the City Council shall order the Citation dismissed, and the Citation will be deemed withdrawn by the City.

D. The City Council shall provide a copy of the written decision and administrative order to the City, and the City shall serve the City Council's decision and order to appellant either personally or by first class United States mail, postage prepaid.

E. The City Council's written decision and order shall become the final administrative order of the City.

**Section 15. Right to Judicial Review.**

Any Responsible Party aggrieved by the decision of the City Council may obtain further review by filing a petition for review with the Mendocino County Superior Court in accordance with the timelines and provisions as set forth in California Government Code § 53069.4.

**Section 16. Failure to Pay Fines.**

The City may pursue any remedy authorized by law to collect administrative penalties that are not timely paid, including but not limited to a civil action for collection of civil penalties.

**Section 17. Notices.**

A. The Administrative Citation and all notices to be given or served pursuant to this Ordinance shall be given or served on the Responsible Party in accordance with the provisions of this Ordinance.

B. If a notice is required by this Ordinance, including but not limited to a notice of Citation, and the notice is properly given or served pursuant to the provisions of this Ordinance, the failure to receive such notice shall not affect the validity of proceedings conducted pursuant to his Ordinance.

**Section 18. Urgency Ordinance.**

This Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health, and safety and will take effect and be in force upon its adoption by a four-fifths

(4/5) vote of the members of the Fort Bragg City Council. The facts constituting the urgency are as follows:

1. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 17, 2020, the City's Director of Emergency Services declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 Special City Council meeting. Due to directives from federal, state, and local health officers, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

2. On March 16, 2020, the Governor issued Executive Order N-25-20. The order mandates that residents heed any order by local public health officers, "including but not limited to the imposition of social distancing measures, to control the spread of COVID-19."

3. On March 18, 2020, the Health Officer of the County of Mendocino issued a shelter in place order, the violation of which is punishable as a misdemeanor. The Health Officer has since issued revisions to that original order, including an order requiring members of the public to wear facial coverings, including those dated April 24, 2020 and May 8, 2020.

4. The purpose of these restrictions on travel and shelter in place orders and requiring members of the public to wear facial coverings is to inhibit and reduce the spread of the COVID-19 coronavirus to protect the health of the City, Mendocino County, the State of California and the entire country.

5. Violations of the orders of the County Health Officer related to the control of the spread of COVID-19 present an immediate threat to the public peace, health and safety in that they increase the likelihood that the COVID-19 virus will spread throughout the County and City in a manner that may overwhelm our health care systems and may lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the County Health Officer.

6. The immediate enforcement of the orders of the County Health Officer is necessary for the effective implementation of such orders for the purpose of controlling the spread of COVID-19 in Mendocino County and the City of Fort Bragg.

7. It would substantially defeat the purpose of the temporary administrative enforcement mechanism for orders of the County Health Officer provided by this Ordinance and endanger the health of the community, if the effective date of this Ordinance were delayed to permit introduction at one City Council meeting, adoption at a second meeting and a referendum period of 30 days following adoption of the Ordinance.

#### **Section 19. CEQA Compliance.**

The adoption of this Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably

foreseeable indirect physical change in the environment and because there is no possibility that it may have a significant effect on the environment.

**Section 20. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

The foregoing Urgency Ordinance was introduced by Councilmember ~~Albin Smith~~ and adopted at a regular meeting of the City Council of the City of Fort Bragg held on ~~May 11~~ July 27, 2020 by the following vote:

AYES: ~~Councilmembers Albin Smith, Morsell Haye, Norvell, Peters, and Mayor Lee.~~  
NOES: ~~None.~~  
ABSENT: ~~None.~~  
ABSTAIN: ~~None.~~  
RECUSE: ~~None.~~

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William V. Lee,  
Mayor

ATTEST:

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June Lemos, CMC  
City Clerk

PUBLISH: ~~May 21, 2020.~~  
EFFECTIVE DATE: ~~May 11, 2020~~ July 27, 2020.

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**UNCODIFIED URGENCY ORDINANCE  
OF THE CITY COUNCIL OF THE CITY OF  
FORT BRAGG AMENDING ORDINANCE  
NO. 961-2020 ADMINISTRATIVE  
PENALTIES FOR VIOLATION OF THE  
COUNTY HEALTH OFFICER’S COVID-19  
PANDEMIC ORDERS**

**URGENCY ORDINANCE  
NO. 961-2020**

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”); and

**WHEREAS**, on March 4, 2020, the Mendocino County Board of Supervisors and Department of Public Health declared a public health emergency in Mendocino County due to COVID-19; and

**WHEREAS**, on March 17, 2020, the Fort Bragg City Manager, acting as the Director of Emergency Services, declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 City Council meeting; and

**WHEREAS**, on March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order, which was revised on March 24, 2020; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 which orders California Residents to stay at home except for certain critical activities. Due to directives from federal, state, and local health officers, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease; and

**WHEREAS**, on March 31, 2020, the Mendocino County Board of Supervisors adopted an urgency ordinance adopting administrative penalties for violations of the County Health Officer’s Orders pertaining to the COVID-19 pandemic; and

**WHEREAS**, on April 1, 2020, the City of Ukiah City Council adopted an urgency ordinance adopting administrative penalties for violations of the County Health Officer’s Orders pertaining to the COVID-19 pandemic.

**WHEREAS**, during the months of June and July, 2020, Mendocino County and the City of Fort Bragg, have experienced a significant surge in the number of confirmed cases and in community spread of COVID-19; and

**WHEREAS**, on July 8, 2020, the Mendocino County Board of Supervisors adopted an urgency ordinance amending the ordinance adopted on March 31, 2020, to establish stronger

administrative penalties for violations of the County Health Officer's Order requiring members of the public to wear facial coverings and allowing for the waiver of the 24-hour warning period for non-commercial violations of County Health Officer's Orders pertaining to the COVID-19 pandemic and the order requiring facial coverings in public; and

**WHEREAS**, the City of Ukiah on July 15, 2020 adopted an urgency ordinance amending its ordinance establishing administrative penalties for violations of the County Health Officer's Orders and specifically providing for more stringent fines for violations of the County Health Officer's Order requiring members of the public to wear facial coverings; and

**WHEREAS**, the use of Facial Coverings has become a critical component in preventing the spread of COVID-19; as California and Mendocino County have reopened portions of the economy and allowed additional activities.

**NOW, THEREFORE, the Fort Bragg City Council ordains as follows:**

**Section 1. Legislative Findings and Purpose.** The City Council hereby finds as follows:

1. In light of the COVID-19 pandemic and Governor Newsom's state of emergency proclamation, on March 12, 2020, the Governor issued Executive Order N-25-20, ordering residents to heed any order by local public health Officers, "including but not limited to the imposition of social distancing measures, to control the spread of COVID-19."
2. A violation of the Governor's Executive Order N-25-20 is a misdemeanor pursuant to California Government Code § 8665.
3. A violation of the County Health Officer's orders made to control the spread of COVID-19, including but not limited to the Shelter-in-Place Order that was issued on March 24, 2020, is a violation of the Governor's Executive Order N-25-20.
4. California Health and Safety Code §§ 120275 and 120295 make it a misdemeanor to violate certain sections of the Health and Safety Code, including those requiring individuals to comply with health orders to facilitate isolation, such as the County Health Officer's Shelter-in-Place Order.
5. Violations of the orders of the County Health Officer related to the control of the spread of COVID-19 presents an immediate threat to the public peace, health and safety in that they increase the likelihood that the COVID-19 virus will spread throughout the County and City in a manner that may overwhelm their health care systems and may lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the County Health Officer.
6. The immediate enforcement of the orders of the County Health Officer is necessary for the effective implementation of such orders for the purpose of controlling the spread of COVID-19 in Mendocino County and the City of Fort Bragg.



7. California Government Code § 53069.4 provides authority to the City Council of the City of Fort Bragg to set administrative penalties for violation of any ordinance enacted by the City Council.

8. In order to address the immediate threat to the public peace, health, safety and welfare, this Ordinance helps to ensure that the orders of the County Health Officer, issued for the purpose of controlling the spread of the COVID-19 virus, are followed by providing an administrative enforcement mechanism as an alternative to the mechanisms already available.

9. Issuance of administrative penalties provides a significant deterrent to violating the County Health Officer's orders respecting COVID-19, will help promote social distancing through a process designed to minimize person-to-person contact.

10. This alternative enforcement mechanism is also designed to provide some relief to law enforcement, to enable additional City staff to assist with enforcing the County Health Officer's orders, and to enhance the City's ability to control the spread of COVID-19.

11. Pursuant to California Government Code § 53069.4, the City Council elects to create an administrative penalty and hearing process for the purpose of enforcing the orders of the County Health Officer that are issued for the purpose of controlling the spread of the COVID-19 virus.

12. The potential damage caused by a violation of an order of the County Health Officer demands a penalty so as to provide an effective and significant deterrent to violating such orders.

13. For violations of the orders of the County Health Officer involving predatory profiteering in a declared local emergency, the administrative penalties must be substantial enough to deter such practices.

**Section 2. Applicability.**

This ordinance applies from May 11, 2020, until the County Health Officer's Shelter-in-Place and the California Governor's stay at home orders expire or are lifted within the incorporated City limits or such additional period of time as declared by City Council resolution.

**Section 3. Authority.**

This ordinance is adopted pursuant to the general police power of the City under Cal. Const. Art XI § 7 to protect the health, safety and welfare of its citizens, the local emergency declared by the City Manager on March 17, 2020 pursuant to Government Code Section 8630 and the Governor's Executive Order N-25-20.

**Section 4. Citation.**

This ordinance may be referred to as the "COVID-19 Administrative Penalties Ordinance."

**Section 5. Definitions.**

A. "Citation" or "Administrative Citation" means a civil citation issued pursuant to Section 9 of this Ordinance.

B. "Commercial Activity" means the distribution and sale or rental of goods and the provision of services other than Essential Services as defined in the County Health Officer's COVID-19 Order.

C. "COVID-19 Order" means an order of the County Health Officer that is now in existence, or later comes into existence, which is issued for the purpose of controlling the spread of the COVID-19 virus, and which reflects the Governor's order to all residents to heed the orders of local public health officers, as stated in paragraph 1 of Executive Order N-25-20 that was issued by the Governor of California on March 12, 2020.

D. "Days" means calendar days.

E. "Enforcement Officer" means the City Manager, any peace officer with jurisdiction in the City of Fort Bragg, or anyone identified by resolution of the City Council.

F. "Responsible Party" means the legal entity, or the officer, agent, employee or representative operating on behalf of or in the course of the business of such entity, whose action or failure to act violates a COVID-19 Order.

**Section 6. Adoption of County Health Officer Orders as City Law.**

All COVID-19 Orders are hereby incorporated into this Ordinance as the law of the City of Fort Bragg.

**Section 7. Violation and Enforcement.**

A. A violation of a COVID-19 Order shall be a misdemeanor, a public nuisance, and a violation of this Ordinance, and as such, a violation of this Ordinance may be enforced as a misdemeanor, as a public nuisance, or as a civil violation through imposition of administrative penalties as detailed in this ordinance.

B. It shall be a violation of this ordinance and the Law of the City of Fort Bragg, enforceable as an infraction, nuisance, or civil penalty by way of an Administrative Citation, for any individual person to willfully or negligently refuse to wear a Facial Covering in compliance with a COVID-19 Order after an Enforcement Officer has informed the person that a facial covering is required by this section. As used herein "Facial Covering" means any worn garment, mask or device without holes that covers both the nose and mouth, such as a banana, a scarf, a neck gaiter, or other homemade cover, which can be secured to the head with ties or straps or wrapped securely around the lower-face, including but not limited to a face shield.

B. This Ordinance may be enforced by an Enforcement Officer.

C. Use of this Ordinance shall be at the sole discretion of the City, its officers, agents and employees.

**Section 8. No Exclusivity and Election of Proceedings.**

This Ordinance provides for enforcement proceedings that are supplemental to all other enforcement proceedings provided by local, state or federal law, whether administrative, civil or criminal in nature. As such, the provisions of this Ordinance may be utilized alone or in conjunction with any other remedy at law or in equity, including, but not limited to, temporary restraining order and preliminary or permanent injunctive relief. Election to employ one or more proceedings provided by this Ordinance shall be at the sole discretion of the City and shall be without prejudice to the City choosing to also proceed simultaneously or subsequently by pursuing different enforcement proceedings or remedies with respect to the same violation.

**Section 9. Issuance of Notice or Citation; Penalty Amounts.**

A. Each and every day a violation of a COVID-19 Order exists constitutes a separate and distinct offense. One or more citations may be issued for each day the violation continues.

B. Any Responsible Party violating any provision of a COVID-19 Order may be issued an Administrative Citation by an Enforcement Officer.

C. The Enforcement Officer may issue a Citation for a violation not committed in their presence, if they determine through investigation, including but not limited to credible input from witnesses, City staff, and interested persons, that the Responsible Party did commit or is otherwise responsible for the violation.

D. When an Enforcement Officer discovers, or otherwise determines that a violation of a COVID-19 Order occurred, such Enforcement Officer may issue a Notice of Violation to the Responsible Party that provides twenty-four (24) hours to abate the violation, or may proceed with issuing an administrative citation for either a violation involving non-commercial activity or for any violation of Section 7.B, without providing 24 hours to abate the violation. The decision to issue a Notice of Violation rather than a Citation is at the discretion of the Enforcement Officer.

E. If the Responsible Party has not abated, or otherwise repeats the same violation as stated in the Notice of Violation, after the passage of twenty-four (24) hours from the service of the Notice of Violation, the Enforcement Officer may then issue an Administrative Citation that imposes a civil penalty.

F. The civil penalty for each violation involving a non-Commercial Activity shall be a fine of \$100.00 for the first offense committed by a Responsible Party, \$250.00 for the second offense committed by that Responsible Party and \$500.00 for the third or subsequent offenses committed by that Responsible Party.

G. The civil penalty for each violation involving a Commercial Activity shall be a fine of \$100.00 for the first offense committed by a Responsible Party, \$250.00 for the second offense committed by that Responsible Party, \$500.00 for the third offense committed by that Responsible Party and \$1,000.00 for the fourth or subsequent offenses committed by that Responsible Party.

H. The administrative penalty becomes effective and due immediately upon issuance of the Citation. The Responsible Party has ninety (90) days from the date of service of the Citation to

pay the penalty in the absence of a timely submitted request for an administrative hearing to appeal the citation.

I. The administrative penalty, or any portion thereof, may be waived by the City Manager as the Director of Emergency Services at her discretion.

**Section 10. Form and Service for Citation or Notice.**

A. The Administrative Citation or Notice of Violation shall contain the following information:

1. The name and address of the Responsible Party; and
2. The date, time and address or description of the location where the violation occurred; and
3. Reference to the COVID-19 Order that the act or omission violated, including reference to the paragraph number containing the provision violated and the date of issuance of the COVID-19 Order; a brief description of the violation should be included if greater specificity is required to provide adequate notice of the violation; and
4. The amount of the penalty if the notice provided is for an Administrative Citation; and
5. Identification of appeal rights and a description of how to appeal; and
6. Location and method of payment
7. The signature of the Enforcement Officer issuing the Citation along with the date of issuance of the Citation.

B. Any Administrative Citation or Notice of Violation issued pursuant to this Ordinance shall be served upon the Responsible Party pursuant to Section 11 of this Ordinance.

**Section 11. Service Procedures.**

An Administrative Citation may be served on the Responsible Party as follows:

A. Personal service: Personal service may be accomplished without violating the COVID-19 Orders by setting the Citation documents down near the Responsible Party and stating, in a voice loud enough to be heard by the Responsible Party, that the documents are for the Responsible Party, if the Responsible Party subsequently either picks up the documents or makes an indication that they understand that the documents are intended for them; or

B. Posting and Mailing: Posting and mailing requires both of the following:

1. Posting the Citation on any real property within the City in which the City has knowledge that the Responsible Party has a legal interest, or at the location at which the violation occurred; posting shall be placed in a position that is likely to catch the attention of a

person entering the property, including but not limited to a front door, gate, or near a mailbox; and

2. Mailing the Citation by first class mail, postage prepaid, to the address that the citation was posted, or to any other mailing address of the Responsible Party that is known to the City if the City reasonably believes that such mailing address will be at least as effective at reaching the Responsible Party, including but not limited to an address provided by a Responsible Party in a request for appeal of a Citation; or

C. By Mail: Service by mail may be accomplished by sending the Citation by first class mail, to the location that the violation occurred, or to any other mailing address of the Responsible Party that is known to the City if the City reasonably believes that such mailing address will be at least as effective at reaching the Responsible Party, including but not limited to an address provided by a Responsible Party in a request for appeal of a Citation.

D. Service shall be complete at the time of personal service, or forty-eight (48) hours after posting and mailing, or five days after service by mail alone.

**Section 12. Procedure to Appeal an Administrative Citation.**

A. Any recipient of a Citation who is identified as a Responsible Party may contest that he or she was responsible for violating the COVID-19 Order as cited by appealing the citation to the City.

B. To appeal the Citation, the recipient must give notice to the City within ten (10) days from the date of service of the Citation that they are appealing the Citation. The notice to the City may be made by providing a document, in writing, which may be transmitted electronically to the City Manager at [tmiller@fortbragg.com](mailto:tmiller@fortbragg.com), bearing the title, "Appeal of Administrative Citation," containing the following:

1. The name, address and phone number of the appellant; and
2. Sufficient information to identify the Citation; and
3. The grounds on which the Citation is being contested; and
4. All information, including copies of any exhibits, that supports the grounds for appealing the Citation.

C. Upon receipt of a timely requested appeal, the City will present the matter to the County Health Officer, City Manager, or their designee, so that they can make an initial determination about whether the appellant violated a COVID-19 Order as stated in the citation being appealed.

1. The County Health Officer, City Manager, or designee, will consider the appeal by reviewing any or all of the associated documents presented by the appellant or the City;

2. The County Health Officer, City Manager, or designee, may choose to consult the appellant, or any other person they believe may offer relevant information;

3. If the County Health Officer, City Manager, or designee, determines that a violation did not occur, the City will withdraw its citation along with the associated penalty;

4. If the County Health Officer, City Manager, or designee, determines that a violation occurred, the City will give notice to the appellant, pursuant to Section 9, of the determination along with instructions on how to continue pursuing their appeal, if desired.

D. If appellant does not submit a timely request to the City for a hearing by a Hearing Officer after appellant is served the notice of determination of the County Health Officer, City Manager, or designee, such determination shall become the final administrative order.

E. If the appellant wishes to have a hearing after determination by the County Health Officer, City Manager, or designee, the appellant must provide written notice to the City within ten (10) days of service of the notice of the County Health Officer, City Manager, or designee's determination, at which point the City will arrange for the matter to be heard by the City Council as detailed below.

F. The City Council authorizes the appointment and use of the City's Hearing Officer(s) pursuant to Fort Bragg City Municipal Code § 1.06 for the purpose of hearing appeals pursuant to this Ordinance.

G. If the matter is sent to the City Council, the City will cause the matter to be set for hearing at the earliest practicable date after the lifting of all shelter-in-place and/or other social distancing orders of the County Health Officer that were issued to control the spread of COVID-19.

H. The City will provide notice to the appellant that specifies the date, time and location of the hearing. Notice may be given by first class mail at the mailing address listed in the request for appeal. If by mail, such notice shall be placed in the mail no later than fifteen (15) days prior to the hearing.

I. Prior to the hearing in front of the City Council, the City will provide the City Council all the documents provided by the appellant, along with any additional documents that the City believes are relevant and supportive of its case.

### **Section 13. Hearing Procedure.**

At the time and place stated in the notice of public hearing, the City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the Responsible Party, witnesses, City staff, and interested persons relative to such violation of a COVID-19 order. The hearing may be continued from time to time. The City Council may request additional information from the parties prior to issuing a written decision. The failure of any appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

**Section 14. Administrative Order.**

A. At the conclusion of the hearing, the City Council shall determine whether the Responsible Party violated a COVID-19 Order as specified in the Citation being contested, and shall state the reasons for that decision in a written order.

B. If the City Council determines that the Responsible Party violated a COVID-19 Order as detailed in the appealed Citation, then the penalty amount identified in the Citation, or as otherwise adjusted by the City Council, shall be immediately due and payable to the City upon service of the notice of determination.

C. If the City Council determines that the Responsible Party did not violate a COVID-19 Order as detailed in the appealed Citation, the City Council shall order the Citation dismissed, and the Citation will be deemed withdrawn by the City.

D. The City Council shall provide a copy of the written decision and administrative order to the City, and the City shall serve the City Council's decision and order to appellant either personally or by first class United States mail, postage prepaid.

E. The City Council's written decision and order shall become the final administrative order of the City.

**Section 15. Right to Judicial Review.**

Any Responsible Party aggrieved by the decision of the City Council may obtain further review by filing a petition for review with the Mendocino County Superior Court in accordance with the timelines and provisions as set forth in California Government Code § 53069.4.

**Section 16. Failure to Pay Fines.**

The City may pursue any remedy authorized by law to collect administrative penalties that are not timely paid, including but not limited to a civil action for collection of civil penalties.

**Section 17. Notices.**

A. The Administrative Citation and all notices to be given or served pursuant to this Ordinance shall be given or served on the Responsible Party in accordance with the provisions of this Ordinance.

B. If a notice is required by this Ordinance, including but not limited to a notice of Citation, and the notice is properly given or served pursuant to the provisions of this Ordinance, the failure to receive such notice shall not affect the validity of proceedings conducted pursuant to his Ordinance.

**Section 18. Urgency Ordinance.**

This Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health, and safety and will take effect and be in force upon its adoption by a four-fifths (4/5) vote of the members of the Fort Bragg City Council. The facts constituting the urgency are as follows:

1. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 17, 2020, the City's Director of Emergency Services declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 Special City Council meeting. Due to directives from federal, state, and local health officers, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.
2. On March 16, 2020, the Governor issued Executive Order N-25-20. The order mandates that residents heed any order by local public health officers, “including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.”
3. On March 18, 2020, the Health Officer of the County of Mendocino issued a shelter in place order, the violation of which is punishable as a misdemeanor. The Health Officer has since issued revisions to that original order including an order requiring members of the public to wear facial coverings..
4. The purpose of these restrictions on travel and shelter in place orders and requiring members of the public to wear facial coverings is to inhibit and reduce the spread of the COVID-19 coronavirus to protect the health of the City, Mendocino County, the State of California and the entire country.
5. Violations of the orders of the County Health Officer related to the control of the spread of COVID-19 present an immediate threat to the public peace, health and safety in that they increase the likelihood that the COVID-19 virus will spread throughout the County and City in a manner that may overwhelm our health care systems and may lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the County Health Officer.
6. The immediate enforcement of the orders of the County Health Officer is necessary for the effective implementation of such orders for the purpose of controlling the spread of COVID-19 in Mendocino County and the City of Fort Bragg.
7. It would substantially defeat the purpose of the temporary administrative enforcement mechanism for orders of the County Health Officer provided by this Ordinance and endanger the health of the community, if the effective date of this Ordinance were delayed to permit introduction at one City Council meeting, adoption at a second meeting and a referendum period of 30 days following adoption of the Ordinance.

**Section 19. CEQA Compliance.**

The adoption of this Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and because there is no possibility that it may have a significant effect on the environment.

**Section 20. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held



by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**The foregoing Urgency Ordinance was introduced by Councilmember and adopted at a regular meeting of the City Council of the City of Fort Bragg held on July 27, 2020 by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:**

---

**William V. Lee,  
Mayor**

**ATTEST:**

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**June Lemos, CMC  
City Clerk**

**PUBLISH:  
EFFECTIVE DATE:        July 27, 2020.**

**From:** [leni](#)  
**To:** [Miller, Tabatha](#)  
**Subject:** Virus Control  
**Date:** Sunday, July 26, 2020 8:31:28 AM

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City Manager Miller,

I have written to County Supervisor Dan Gjerde and CEO Carmel Angelo who were helpful but advised me to address my concerns to you.

I wish to strongly advise you that social distancing and mask requirements are NOT being practiced on the Coast Trail. During weekdays most people are following the county's guidelines (locals I assume), but on the weekends MOST people do not. I bike the Coastal Trail every day and have witnessed the explosion of visitors in the last three weekends. I strongly recommend closing the Trail on weekends or posting a Police Officer at the Glass Beach entrance to ensure that everyone who enters the Coastal Trail area is wearing a mask. I'm sure citations will not be necessary since those without masks will be turned away.

Please help us with our community and the general community by tightening down now. The recent jump in cases is likely to get much worse and we need to do everything we can to slow the virus.

Sincerely,

Nicholas Lucco

## Lemos, June

---

**From:** Mary Rose Kaczorowski <mrkaczorowski@gmail.com>  
**Sent:** Monday, July 27, 2020 7:14 PM  
**To:** Lemos, June  
**Subject:** Public Comment

There are infractions that happen of no masks when large groups are walking around town on downtown streets and coastal trail and by the time anyone is called the person is gone- some biz owners will tell you that.

My Best Regards,

**Mary Rose Kaczorowski**

How to pronounce my name? <https://www.youtube.com/watch?v=5SIk7LKijTY>

How to pronounce Polish Names:

<https://www.youtube.com/watch?v=BJpkWzd17oI>

**Connect with me on:**

[linkedin.com/in/mrk2008](https://www.linkedin.com/in/mrk2008)

<https://muckrack.com/mary-rose-kaczorowski>



# City of Fort Bragg

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

## Text File

**File Number: 20-807**

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8B.

Receive Report and Consider Adoption of: (1) Joint City Council / Redevelopment Successor Agency Resolution Approving Budget Amendment No. 2021-02; and (2) Joint City Council / Redevelopment Successor Agency Resolution Authorizing Execution of a Pre-Development Loan Agreement Between the City of Fort Bragg and Danco for the Plateau Project - An Affordable Senior, Multi-Family and Permanent Supportive Housing Project to be Located at 441 South Street (APN 018-340-04)



AGENCY:	City Council / Redev. Successor Agency
MEETING DATE:	July 27, 2020
DEPARTMENT:	Administration
PREPARED BY:	T Miller / S McCormick
EMAIL ADDRESS:	tmiller@fortbragg.com smccormick@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of: (1) Joint City Council / Redevelopment Successor Agency Resolution Approving Budget Amendment No. 2021-02; and (2) Joint City Council / Redevelopment Successor Agency Resolution Authorizing Execution of a Pre-Development Loan Agreement Between the City of Fort Bragg and Danco for the Plateau Project - An Affordable Senior, Multi-Family and Permanent Supportive Housing Project to be Located at 441 South Street (APN 018-340-04)**

**ISSUE:**

Over the past four years, the City has been working with Danco to secure support and funding for the Plateau Project; an affordable housing development with sixty-eight (68) affordable housing units, a manger’s unit and common structures, located at 441 South Street. The project includes three primary components:

**25 units – Family / Workforce Housing**

1,230 SF two-story duplex and triplex units with three bedrooms. Private outdoor space for each unit, and a community building with laundry facilities and indoor gathering space next to the playground area.

**23 units – Affordable / Low Income Senior Housing**

Two clusters of independent cottages with private outdoor space and covered porches, oriented around central garden (17 single-bedroom and 6 two-bedroom units). Community building with laundry, common kitchen, gathering space and some storage.

**20 units – Permanent Supportive Housing**

Designed as a pocket neighborhood of independent cottages with private outdoor yard and covered porch. The site would be fenced and supported by a common structure that contains residential style common kitchen, gathering space, Manager’s office, Security office, Support Staff offices, laundry facility and mail room.

**ANALYSIS:**

As a reminder, Planning Commission approved a Coastal Development Permit (CDP 3-17/19) and Design Review Permit (DR 5-17/19) for the project on February 13, 2019. All funding for the project has been identified and staff is currently reviewing preliminary site plans. A formal building permit application submittal is anticipated in August and issuance of building permits in October. The following list includes funding for the project:

- September 11, 2018, the City Council declared a commitment to provide loan funds in the amount of \$250,000 from the City’s Housing Trust Fund.

- December 2018, the project was awarded \$3,000,000 in funds from the Continuum of Care Homeless Emergency Aid Program (HEAP) for the construction of 20 Permanent Supportive Housing (PSH) units.
- June of 2019, Mendocino County dedicated 20 project-based vouchers for the PSH units of the project.
- April 2020, California Tax Credit Allocation Committee awarded \$1,017,909 in federal Tax Credits annually for each of ten years; and \$6,821,486 in total state Tax Credits over four-year period.
- June 2020, the Department of Housing and Community Development awarded the Infill Infrastructure Grant in the amount of \$3,089,000.

**PROPOSED ACTION:**

Staff recommends City Council and Successor Agency Board adopt both joint resolutions: (1) Budget Amendment 2021-02 for the committed \$250,000 loan at 3% interest from the Housing Trust Fund and \$3,000,000 of HEAP grant funds for the Plateau Project; and (2) Authorization to execute service agreement between the City and Danco for the Plateau Project.

**ALTERNATIVE ACTION(S):**

Withdraw the loan commitment.

**FISCAL IMPACT:**

Commitment of Housing Trust Fund monies will reduce the amount of funding in the housing fund(s). However, these funds must be used for the creation of affordable housing units. The funds would be paid back over the 55-year life of the loan.

**GREENHOUSE GAS EMISSIONS IMPACT:**

The proposed project would increase GHG emissions over the short term related primarily to operation of construction equipment. The project would increase vehicular trips to the area, however EV Charging Stations are included in all three components and the project is designed with open space, gardens, and pedestrian pathways to encourage pedestrian travel. Also, the development would be subject to the California Energy Code, which contains performance and prescriptive compliance approaches for achieving energy efficiency.

**CONSISTENCY:**

This infill project is consistent with numerous policies and programs of the City’s Housing Element. The Plateau Project includes a range of affordable housing types to serve homeless, seniors and families. The City partnered with the developer and collaborated with agencies to obtain grant funds and approve planning incentives.

Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure. Policy H-1.7 Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

Program H-1.7.2: Site Improvements. Obtain grant funding for off-site improvements in

support of affordable multi-unit housing projects.

Program H-1.7.4: Attract Multi-Unit Developers. Work to attract multi-unit housing developers to the Fort Bragg Market place.

Program H-1.6.2: Planning Incentives: Consider adopting planning incentives for new residential development on infill sites.

Policy H-2.1 Available Funding Sources: Utilize County, State and Federal programs and other funding sources that provide housing opportunities for lower-income and special needs households.

Program H-2.1.1 Available Funding: Seek available State and Federal assistance to develop affordable housing for seniors, the disabled, persons with developmental disabilities, lower-income large households, and households with special housing needs. Work with non-profit and for-profit affordable housing developers to apply for State and Federal funding. Seek funding for affordable housing from all sources.

Policy H-2.2 Encourage Senior Housing: Encourage affordable and market rate senior housing projects to be developed with density bonuses and flexible parking standards where consistent with maintaining the character of the surrounding neighborhood.

Program H-2.2.1 Affordable Senior Housing: Maintain an inventory which identifies properties which are potentially well-suited for senior housing. Work with developers to facilitate funding and construction of senior housing.

Policy H-2.4 Increase Affordable Housing Development: Encourage the construction of housing units which are affordable to households with very low to moderate incomes.

Policy H-2.6 Large Families: Encourage housing for large families.

Policy H-2.8 Emergency and Transitional Housing: Continue to support emergency shelters, transitional housing and supportive housing within the City.

Program H-2.8.1 Ongoing Estimates of the Demand for Emergency Housing: Continue to work with the Fort Bragg Police Department and homeless service providers in the community to maintain ongoing estimates of the demand for emergency housing in Fort Bragg and to develop strategies to meet that demand.

Program H-2.8.2 Inter-Agency Cooperation: Continue to work with private, non-profit, County, and State agencies to provide transitional housing, supportive services and emergency housing for the homeless.

Program H-2.8.3 Transitional and Supportive Housing: Continue to regulate transitional and supportive housing as a residential use subject to the same restrictions that apply to other residential use types and dwellings of the same type in the same zone.

Policy H-3.2 Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.

Program H-3.2.1 Use Housing Funds: Use housing funds as available, to support renovations and improvements to accessibility in affordable housing for qualified seniors, persons with disabilities and persons with developmental disabilities.

Program H-3.2.3 Reasonable Accommodation: Ensure all new, multi-family construction meets the accessibility requirements of the federal and State Fair Housing Acts through local permitting and approval processes.

City Council Priority Area 3: Housing – Goal 1 – 200 units of housing in the next five years.

**IMPLEMENTATION/TIMEFRAMES:**

It is anticipated Danco will submit complete Building Permit Application in August, the required building permits will be issued in October and construction will commence in November 2020.

**ATTACHMENTS:**

1. Resolution Budget Amendment
2. Exhibit A to Budget Amendment Resolution
3. Resolution Danco Service Agreement
4. Loan Agreement

**NOTIFICATION:**

Chris Dart, Danco Group  
“Notify Me” Subscriber Lists: Affordable Housing; Homeless



**RESOLUTION NO. \_\_\_\_-2020  
RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

and

**RESOLUTION NO. RS \_\_\_\_-2020  
RESOLUTION OF FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY**

**ADOPTING BUDGET AMENDMENT 2021-02 AMENDING FY 2020-21 BUDGET**

**WHEREAS**, on June 29, 2020, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 District Board adopted the Fiscal Year (FY) 2020-21 Budget; and

**WHEREAS**, on January 23, 2012, the City Council adopted Resolution No 3506-2012, to have the City of Fort Bragg retain the housing assets and housing functions previously performed by the Fort Bragg Redevelopment Agency, pursuant to Health and Safety Code Section 34176; and

**WHEREAS**, the City of Fort Bragg in collaboration with the Danco Group (Danco) applied for and received Homeless Emergency Aid Program (HEAP) funds in the amount of \$3,000,000 from the Mendocino County Continuum of Care to contribute to a 69-unit affordable housing project, the Plateau Project, which will provide twenty (20) permanent supportive residential cottage units, twenty-three (23) affordable senior residential cottages, twenty-five (25) two-story workforce/family residential duplex units and one (1) manager's unit; and

**WHEREAS**, on January 13, 2020, the City Council approved a Service Agreement with the County of Mendocino relating to the Administration and Distribution of the HEAP funds in the amount \$3,000,000; and

**WHEREAS**, on September 11, 2018, the City Council declared a commitment to provide a \$250,000 as a 55-year term loan with 3% interest from the City's Housing Trust Fund, if the project received required entitlements and committed to construction; and

**WHEREAS**, Danco has secured the additional funding to construct the Plateau Project. Funding sources include federal and state tax credit equity, solar tax credit equity, a California Infill Infrastructure grant, the HEAP funding from the Mendocino County Continuum of Care, the \$250,000 commitment from the City of Fort Bragg Redevelopment Agency Housing Successor, and other developer loans; and

**WHEREAS**, the Fiscal Year 2020-21 Budget adopted by the City Council on June 29, 2020, did not include the \$3,000,000 HEAP Grant funds or the \$250,000 commitment from the City of Fort Bragg Redevelopment Successor Agency to the Plateau Housing Project; and

**WHEREAS**, the adjustments are identified in Exhibit A attached hereto; and

**WHEREAS**, there is sufficient revenue and adequate fund balance to fund the allocations; and

**WHEREAS**, based on all the evidence presented, the City Council / Governing Board of the Fort Bragg Successor Agency finds as follows:

1. Certain adjustments to the FY 2020-21 Budget are necessary as shown in Exhibit A.
2. There are sufficient funds to fund the allocations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg and the Governing Board of the Fort Bragg Redevelopment Successor Agency do hereby approve Budget Amendment No. 2021-02 amending the previously adopted FY 2020-21 Budget to incorporate the changes enumerated in Exhibit A.

**The above and foregoing Resolution was introduced by Councilmember / Successor Agency Member \_\_\_\_\_, seconded by Councilmember / Successor Agency Member \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of July, 2020, by the following vote:**

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

---

**WILLIAM V. LEE  
Mayor / Chair**

**ATTEST:**

---

**June Lemos, CMC  
City Clerk / Successor Agency Secretary**

**Exhibit A**

**Budget Adjustment**

**Budget Adjustment #: 2021-02**

Budget FY: FY 2020-21

Type of Acct. (Rev./Exp.)		Budget Amt Before Adj.			Increase	Decrease	Budget Amt After Adj.
GL Acct:	Revenue	329	6123	3336	\$ -	\$ 3,000,000.00	\$ 3,000,000.00
GL Acct:	Expenditure	329	6123	0319	\$ -	\$ 3,000,000.00	\$ 3,000,000.00
GL Acct:	Expenditure	176	4810	0607	\$ -	\$ 250,000.00	\$ 250,000.00
GL Acct:							\$ -
GL Acct:							\$ -
GL Acct:							\$ -
GL Acct:							\$ -
GL Acct:							\$ -
GL Acct:							\$ -
GL Acct:							\$ -

**RESOLUTION NO. \_\_\_\_-2020  
RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

**and**

**RESOLUTION NO. RS \_\_\_\_-2020  
RESOLUTION OF FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY**

**APPROVING EXECUTION OF A PRE-DEVELOPMENT LOAN AGREEMENT BETWEEN  
THE CITY OF FORT BRAGG AND DANCO FOR THE DEVELOPMENT OF THE PLATEAU  
PROJECT – AN AFFORDABLE HOUSING PROJECT LOCATED AT 441 SOUTH STREET  
(APN 018-340-04)**

**WHEREAS**, existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012; and

**WHEREAS**, on January 23, 2012, the City Council adopted Resolution No 3506-2012, to have the City of Fort Bragg retain the housing assets and housing functions previously performed by the Fort Bragg Redevelopment Agency, pursuant to Health and Safety Code Section 34176; and

**WHEREAS**, existing law requires the housing successor to expend funds received from the successor agency to meet its enforceable obligations, and for specified administrative and monitoring costs relating to ensuring the long-term affordability of units subject to affordability restrictions. The housing successor may then expend a specified amount per fiscal year for homeless prevention and rapid rehousing services, including specified types of services described in that provision, and must use all funds remaining thereafter for the development of affordable housing, as specified; and

**WHEREAS**, the City partnered with developer, Danco, to secure funding and support for a 69-unit affordable housing project that includes a range of housing types to serve homeless, seniors, workforce/family; and

**WHEREAS**, on September 11, 2018, the City Council declared the financial support of \$250,000 from the Fort Bragg Redevelopment Successor Agency's Housing Trust Fund, if the project received planning entitlements and committed to construction; and

**WHEREAS**, the twenty (20) permanent supportive housing units, twenty-three (23) affordable senior units and twenty-five (25) workforce/family units which make up the Plateau Project were determined to be statutorily exempt from the California Environmental Quality Act (CEQA), under Section 15192 (Affordable Housing); and

**WHEREAS**, on February 13, 2019, the Planning Commission approved a Coastal Development Permit (CDP 3-17/19) and Design Review Permit (DR 5-17-19) for the project; and

**WHEREAS**, Danco is preparing a building permit application submittal to construct the Plateau Project after having secured financing for the project through numerous sources, which include federal and state tax credit equity, solar tax credit equity, a California Infill Infrastructure grant, the HEAP funding from the Mendocino County Continuum of Care, the \$250,000

commitment from the City of Fort Bragg Redevelopment Successor Agency, and other developer loans; and

**WHEREAS**, on July 29, 2020 an amendment to the FY 2020-21 Budget was adopted to include the allocation of \$250,000 of Housing Trust Funds and \$3,000,000 of Homeless Emergency Assistance Program (HEAP) funds to the Plateau Project;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg and the Governing Board of the Fort Bragg Redevelopment Successor Agency do hereby approve the Services Agreement with Danco Communities, and authorize the City Manager to execute the same and any amendments thereto.

**The above and foregoing Resolution was introduced by City Councilmember / Successor Agency Member \_\_\_\_\_, seconded by City Councilmember / Successor Agency Member \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council / Fort Bragg Redevelopment Successor Agency held on the 27<sup>th</sup> day of July, 2020, by the following vote:**

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

---

**WILLIAM V. LEE**  
Mayor, Chair

**ATTEST:**

---

**June Lemos, CMC**  
City Clerk / Successor Agency Secretary

## PRE-DEVELOPMENT LOAN AGREEMENT

THIS PRE-DEVELOPMENT LOAN AGREEMENT (the “Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the CITY OF FORT BRAGG, a California municipal corporation (“City”) and DANCO COMMUNITIES, a California corporation (“Danco”).

### RECITALS

A. Danco entered into a Vacant Land Purchase Agreement with Richard Nelepovitz (“Seller”) dated February 2, 2017, as amended by Addendum No. 1, dated February 2, 2017; Addendum No. 2, dated January 12, 2018; Addendum No. 3, dated February 28, 2019; Addendum No. 5, (sic) dated January 17, 2020; and Addendum No. 6, dated July 21, 2020 (collectively, the “Purchase Agreement”), for real property located at 441 South Street, Fort Bragg California, County of Mendocino, APNs 018-340-04 and 018-340-08 (the “Property”), as more fully described in Exhibit A, attached hereto and incorporated herein by reference. As of the date of this Agreement, the Purchase Agreement provides that close of escrow is to occur by July 1, 2020.

B. Seller is willing to extend the date for the close of escrow on the purchase of the Property to November 30, 2020, on the condition that Danco deposits the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) (“Deposit”) by July 31, 2020, which Deposit shall be credited against the purchase price of the Property of TWO MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$2,760,000).

C. Danco has proposed developing the Property for an affordable housing project (the “Project”) with three components: (i) 20 units of permanent supportive housing, plus a manager’s unit; (ii) 23 single-story senior residential cottages; and (iii) 25 workforce/family residential units. Danco has received preliminary planning entitlements for the Project, and has submitted an award of tax credits from the California Tax Credit Allocation Committee.

D. The City applied for a grant of Three Million Dollars (\$3,000,000) (the “Grant”) from the County of Mendocino Health and Human Services Agency, as the administrative entity for the Mendocino County Homeless Continuum of Care (MCHCOC) from the Homeless Emergency Aid Program (HEAP) to be used for the Project. On February 26, 2019, the City was notified that the Grant was approved for the Project.

E. Danco has received other funding commitments for the Project, including an Infill Infrastructure Grant from the California Department of Housing and Community Development in the amount of Three Million Eight-Nine Thousand Dollars (\$3,089,000); a commitment of Two Hundred Fifty Thousand Dollars (\$250,000) from the City, in its capacity as the Housing Successor to the former Redevelopment Agency of the City of Fort Bragg; and a reservation of low-income housing tax credits as follows: (i) annual federal tax credits for each of 10 years, in the amount of One Million Seven Thousand Nine Hundred Nine Dollars (\$1,017,909); and (ii) total state tax credits Six Million Eight Hundred Twenty-One Thousand Four Hundred Eighty-Six Dollars (\$6,821,486), to be taken over four (4) years.

F. City and Danco have been negotiating the terms of a Project Loan Agreement (the “Project Loan Agreement”) to more fully set forth the terms and conditions of the City’s assistance with the Project, and the development of the Project. The Project Loan Agreement will include a requirement that the Developer execute a new promissory note which will replace and supersede the promissory note executed in connection with this Agreement. The parties anticipate that the Project Loan Agreement shall be considered by the City Council by September 30, 2020.

### AGREEMENTS

1. Recitals are True and Correct. The City and Danco agree that the above recitals are true and correct and are hereby incorporated into this Agreement.

2. City Loan. Subject to the terms and conditions set forth below, the City agrees to lend to Danco, and Danco agrees to borrow from City, the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) (the “Pre-Development Loan”) to be used solely as a deposit on the purchase of the Property for development of the Project and to amend the Purchase Agreement to extend the date for the close of escrow on the conveyance of the Property to November 30, 2020. Said Pre-Development Loan shall be evidenced by a promissory note (the “Note”) in favor of City and in the form attached hereto as Exhibit B and incorporated herein by reference. Danco shall execute and deliver the Note to the City prior to and as a condition to disbursement of any portion of the Pre-Development Loan. Upon execution of the Note, City shall deposit the Pre-Development Loan funds into escrow with First American Title Company, 484 N. Prospect Street, Suite C, Porterville CA 93257; Attn: Ann A. Kay.

3. Danco Authority. Danco covenants, represents and warrants to City that:

- a. Danco is a California corporation, has been duly formed and is validly existing in good standing under the laws of the State of California, and (i) has all requisite power and authority to enter into and perform under this Agreement and the Note, to which it is a party; and (ii) to own and operate its properties and assets and to carry on its business as it is currently being conducted. The execution, delivery and performance by Danco of this Agreement and the Note has been duly authorized by all necessary action on the part of Danco and requires no approval or filing with any governmental authority which has not been obtained or performed. This Agreement and the Note constitutes a legal, valid and binding obligation of Danco enforceable against Danco in accordance with its terms.
- b. Danco maintains its place of business at the address set forth in Section 5 below, and will immediately notify City of any change in such address.
- c. The proceeds of the Pre-Development Loan shall be used solely for a deposit for the purchase of the Property and, pursuant to an executed amendment to the Purchase Agreement, to extend the date for the close of escrow on the Property to November 30, 2020.
- d. No litigation or proceeding against Danco or any affiliate of Danco is pending or threatened before any court, administrative agency, or other governmental

authority which would, if adversely determined, have a material adverse effect on Danco or any affiliate of Danco, or any of their businesses.

- e. There does not exist any pending or, to Danco's knowledge, threatened exercise of the power of eminent domain affecting all or any part of the Property.
- f. To Danco's knowledge, after due inquiry and investigation, (i) the Property does not contain any Hazardous Substances, as defined below; and (ii) no underground storage tanks or underground deposits of Hazardous Substances are or previously have been located on, under or about the Property. As used herein, "Hazardous Substance" means any:

(1) substance, product, waste or other material of any nature whatsoever which is or becomes listed or regulated pursuant to any or all of the following statutes and regulations, as the same may be amended from time to time:

(A) The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601, et seq. ("CERCLA");

(B) The Hazardous Materials Transportation Act, 49 U.S.C. Sections 1801, et seq.;

(C) The Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901, et seq., ("RCRA");

(D) The Toxic Substances Control Act, 15 U.S.C. Sections 2601, et seq.;

(E) The Clean Water Act, 33 U.S.C. Sections 1251, et seq.;

(F) The California Hazardous Waste Control Act, California Health and Safety Code Sections 25100, et seq.;

(G) The California Hazardous Substance Account Act, California Health and Safety Code Sections 25300, et seq.;

(H) The California Safe Drinking Water and Toxic Enforcement Act, California Health and Safety Code Sections 25429.5, et seq.;

(I) California Health and Safety Code Sections 25280, et seq. (pertaining to underground storage of Hazardous Substances);

(J) The California Hazardous Waste Management Act, California Health and Safety Code Sections 25179.1, et seq.;



(K) California Health and Safety Code Sections 25500, et seq. (pertaining to hazardous materials response plans and inventory);

(L) The California Porter-Cologne Water Quality Control Act, California Water Code Sections 13000, et seq.;

(M) California Civil Code Section 2929.5 (pertaining to inspections relating to hazardous substances); or

(N) All other existing and future federal, state and local laws, ordinances, rules, regulations, orders, requirements, and decrees (in each case having the force of law) regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material;

(2) Any substance, product, waste or other material of any nature whatsoever which may give rise to liability (i) under any of the statutes or regulations described in clauses (A) through (N) of Paragraph f.(1) above; or (ii) under any reported decisions of any state or federal court having jurisdiction over Trustor or any portion of the Property;

(3) Petroleum, petroleum products and by-products, gasoline or crude oil, other than petroleum and petroleum products contained within regularly operated motor vehicles; and

(4) Asbestos or asbestos containing materials.

- g. The parties agree that no broker or finder has any claim for commission or fee in connection with this Pre-Development Loan. Danco hereby agrees to indemnify City against any brokers' or finders' fees or commissions claimed through Danco or any of its affiliates in connection with any transactions contemplated hereby.
- h. No event which would constitute an Event of Default under Section 4 of this Agreement shall have occurred and be continuing on the closing date of this Pre-Development Loan.

4. Default and Remedies.

a. The occurrence of any of the following events shall constitute an event of default hereunder (an "Event of Default"):

(1) Danco shall fail to make any payment under the Note when due; or

(2) Any representation or warranty made by Danco in this Agreement or in any certificate, agreement, instrument or statement contemplated by or made or delivered pursuant to or in connection with this Agreement shall prove to have been known by Danco, or should have been known by Danco, to be incorrect in any material respect when made; or

(3) Danco shall fail to perform or observe any other term, covenant or agreement contained in this Agreement or Note on its part to be performed or observed, and any such failure continues for a period of thirty (30) days after written notice thereof shall have been given to Danco by City; or

(4) If, for any reason (other than full satisfaction or written release by City) this Agreement or the Note shall cease to be valid and binding and in full force and effect or Danco shall assert that it is not liable under any of this Agreement or the Note; or

(5) Danco shall (A) apply for or consent to the appointment of a receiver, trustee, liquidator or custodian or the like of itself or of its property, (B) admit in writing its inability to pay its debts generally as they become due, (C) make a general assignment for the benefit of creditors, (D) be adjudicated a bankrupt or insolvent, or (E) commence a voluntary case under the federal bankruptcy laws of the United States of America or file a voluntary petition or answer seeking reorganization, an arrangement with creditors or an order for relief or seeking to take advantage of any insolvency law or file an answer admitting the material allegations of a petition filed against it in any bankruptcy, reorganization or insolvency proceeding; or corporate or other action shall be taken by it for the purpose of effecting any of the foregoing; or

(6) Without the application, approval or consent of Danco, a proceeding shall be instituted in any court of competent jurisdiction under any law relating to bankruptcy, insolvency, reorganization, or relief of debtors seeking in respect of Danco, respectively, an order for relief or an adjudication in bankruptcy, reorganization, dissolution, winding up, liquidation, a composition or arrangement with creditors, a readjustment of debts, the appointment of a trustee, receiver, liquidator or custodian or the like of either Danco, of all or any substantial part of its assets, or other like relief in respect thereof under any bankruptcy or insolvency law, and, if such proceeding is being contested by Danco, in good faith, the same shall (A) nevertheless result in the entry of an order for relief or in any such adjudication or appointment, or (B) continue undismissed, or pending and unstayed, for any period of sixty (60) consecutive days; or

(7) Danco shall fail to make any payment in respect of any of its indebtedness when due (whether at maturity or upon acceleration) or within any applicable grace period, or any other event or condition shall occur which results in acceleration of the maturity of such indebtedness which would have a material adverse effect on Danco, its business or operations, its business or operations; or

(8) A judgment or order for the payment of money shall be rendered against Danco, which would have a material adverse effect on Danco, or

any of its business or operations and such judgment or order shall continue unsatisfied and unstayed for a period of ninety (90) days; or

(9) Any change occurs in the beneficial ownership of any interest in Danco without City's prior written consent.

- b. Upon the occurrence of an Event of Default in addition to any other rights or remedies it may have under this Agreement or the Note, at law, in equity or otherwise, City may, at its option, declare all sums of interest and principal remaining outstanding on the Loan and all other sums outstanding under or in respect of this Agreement or the Note to be immediately due and payable, without notice of default, presentment, demand, protest, or further notice of any kind, all of which are hereby expressly waived by Danco. Notwithstanding anything to the contrary in the preceding sentence, if an Event of Default described in Section 4.a.(5) or 4.a.(6) above shall occur, all sums of interest and principal remaining outstanding on the Loan and all other sums outstanding under or in respect of this Agreement or the Note shall be deemed automatically and immediately due and payable, without any declaration or other determination by City and without notice of default, presentment, demand, protest, or further notification of any kind, all of which are hereby expressly waived by Danco.

5. Notices. All notices and other communications provided for under this Agreement shall be in writing and shall be personally delivered or sent by first class United States mail, by nationally recognized overnight courier such as Federal Express or DHL, or by telecopy or by other means of telecommunication, to the following addresses:

If to Danco: Danco Communities  
5251 Ericson Way  
Arcata, CA 95521  
Attention: Chris Dart, President  
Email: [cdart@danco-group.com](mailto:cdart@danco-group.com)

If to City: City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437  
San Diego, CA 92101  
Attention: Tabatha Miller, City Manager  
Email: [tmiller@fortbragg.com](mailto:tmiller@fortbragg.com)

or, as to each party, at such other address as shall be designated by such party in a written notice to the other party complying as to delivery with the terms of this Section. All such notices and communications shall be deemed received (i) if personally delivered, upon delivery; (ii) if sent by first class United States mail, following deposit in the mail with first class postage prepaid, upon receipt; (iii) if sent by courier service with next Business Day delivery charges prepaid, upon

receipt; and (iv) if sent by telex, telecopy or similar form of telecommunications, upon receipt. For purposes hereof, "Business Day" means each day which is not a Saturday, Sunday, or other day on which commercial banks in the State of California are authorized or required to close under the laws of the State of California or federal law.

6. Legal Fees. In the event City employs counsel to collect on the Pre-Development Loan, or otherwise to exercise its remedies, including without limitation filing a claim in connection with any bankruptcy or insolvency proceedings, Danco shall pay the reasonable fees, costs and expenses of City, including, without limitation, attorneys' fees, whether or not suit is brought.

7. No Waiver; Remedies. No failure on the part of City or Danco to exercise, and no delay in exercising, any right, power, or remedy under this Agreement or the Note shall operate as a waiver thereof; nor shall any single or partial exercise thereof or the exercise of any other right. The remedies provided in the this Agreement or the Note are cumulative and not exclusive of any remedies provided by law.

8. Governing Law; Consent to Jurisdiction. This Agreement shall be governed by, and construed in accordance with the laws of the State of California. Danco and City hereby agree that the appropriate venue for any action arising under or relating to this Agreement or the Loan is the Superior Court for Mendocino County, California. Borrower and Lender further consent to service of process upon each of them in such manner as shall be permitted by the laws of the State of California if litigation or other legal process is commenced in the courts of the State of California.

9. Severability. Any provision of this Agreement or the Note which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of the Agreement or Note or affecting the validity or enforceability of such provision in any other jurisdiction.

10. Miscellaneous. Amendments of this Agreement may be made only in writing by both City and Danco. Compliance with any warranty, covenant, or condition herein set forth may be omitted or waived only in writing by City. This Agreement, together with the Note, constitutes the entire agreement among the parties with respect to the subject matter contained herein and therein, and supersedes any prior agreements or understanding among the parties, whether written or oral. This Agreement and the Note do not create and the parties do not intend to create a joint venture, partnership, trust or other business or fiduciary relationship between Danco and City, other than that of debtor and creditor. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns. Danco shall not transfer or assign any of its rights or obligations hereunder without the prior written consent of City which may be withheld for any reason or no reason. City may assign, transfer, sell, or otherwise convey in whole or in part, at any time, in the form of participations or otherwise, its rights, duties, title, and interest under, in, and to its Loan and this Agreement and Note. This Agreement may be executed in one or more counterparts, each of which shall be

deemed to be an original and all of which together shall be deemed to constitute one and the same document.

*[Remainder of Page Intentionally Left Blank—Signature Page Follows]*

[Signature page to Pre-Development Loan Agreement]

**“CITY”:**

CITY OF FORT BRAGG, a California municipal corporation

By: \_\_\_\_\_  
Tabatha Miller, City Manager

Date: \_\_\_\_\_, 2020

Attest: \_\_\_\_\_  
\_\_\_\_\_, City Clerk

**“DANCO”:**

DANCO COMMUNITIES, INC., a California corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2020

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

#### Parcel One:

That certain real property situated in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Sections 7 and 18, Township 18 North, Range 17 West, Mount Diablo Meridian, more particularly described as follows:

Commencing at the section corner common to Sections 1 and 12, Township 18 North, Range 18 West and Sections 6 and 7, Township 18 North, Range 17 West, Mount Diablo Meridian; thence East, 2670 feet; thence South 5310 feet; thence West 320 feet to the true point of beginning (said true point of beginning also being the north corner common to Lots 70 and 71 of Union Lumber Company Suburban Lots as shown on that certain record of survey map filed for record February 3, 1967 in Map Case 2, Drawer 8, Page 22, Mendocino County Records); thence from said point of beginning and along the exterior boundaries of the following described parcel, North 88°40'20" West, 320.00 feet to the Northwest corner of said Lot 71; thence along the westerly line of said Lot 71, South 01°19'40" West, 511.40 feet to the southwest corner of said Lot 71 and the northerly line of South Street; thence along the southerly line of said Lot 71 and Lot 70 and said northerly line of South Street, South 71°44'00" East, 341.01 feet; thence leaving said northerly line of South Street, North 22°28'54" East, 297.48 feet; thence South 88°40'20" East, 206.42 feet to a point on the easterly line of the lands of Joe J. Rossi as shown on aforesaid record of survey map; thence along said easterly line, North 43°12'00" East, 287.91 feet; thence North 00°40'20" West, 119.00 feet to the north line of said lands of Joe J. Rossi and the northerly line of said Lot 70; thence along said northerly line of said Lot 70, North 88°40'20" West, 508.00 feet to the true point of beginning.

The above legal description is pursuant to the City of Fort Bragg Lot Line Adjustment #1-94 by deed recorded May 23, 1994 in Book 2177, Page 587, Mendocino County Records.

APN: 018-340-04

#### Parcel Two:

That part of the North half of the Northwest quarter of Section 18, Township 18 North, Range 17 West, MDB&M, particularly described as follows, to wit:

Commencing at the southwesterly corner of Lot 71 of a certain subdivision in said North half of the Northwest quarter of said Section 18 for the point of beginning; thence around the piece or parcel of land to be conveyed by the following courses and distances:

Northerly and along the westerly boundary line of said Lot 71, 500 feet, more or less, to the northerly boundary line of Lot 71; thence westerly 20 feet to the easterly boundary line of said Lot 72; thence southerly and along the easterly boundary line of Lot 72, 500 feet, more or less, to the southerly boundary line of Lot 72; thence easterly and along the northerly boundary line of a certain lane or road, 20 feet, more or less, to the point of beginning.

APN: 018-340-06

EXHIBIT B

FORM OF PROMISSORY NOTE

**PROMISSORY NOTE**

**\$250,000**

\_\_\_\_\_, 2020  
**Fort Bragg, California**

1. FOR VALUE RECEIVED, **DANCO COMMUNITIES, INC.**, a California corporation, (“Borrower”) hereby promises to pay to the order of the **CITY OF FORT BRAGG**, a California municipal corporation, (“Lender”) at its place of business located at 416 North Franklin, Fort Bragg, CA 95437, or at such other place as the Lender may designate in writing, the principal sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$250,000), together with interest on the unpaid principal balance from time to time outstanding at an annual rate equal to three percent (3%) simple interest, with all principal and interest due and payable on the date that is Fifty-Five (55) years after the date of this Note (the “Maturity Date”). This Promissory Note is the “Note” referred to in the Pre-Development Loan Agreement of even date herewith (as may be amended from time to time, the “Loan Agreement”), between Borrower and Lender, and is entitled to all of the benefits of the Loan Agreement. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Loan Agreement.

2. Payments. If escrow has not closed on Borrower’s purchase of the Property pursuant to the Purchase Agreement by November 30, 2020, the entire principal and interest due on this Note shall become immediately due and payable. The parties understand and acknowledge that this Note may be replaced with a new note pursuant to the terms of the Project Loan Agreement. All payments of principal and interest shall be in lawful money of the United States of America. Payment shall be deemed made at the time the Lender receives such payment subject to the condition subsequent that any check or similar instrument is honored as drawn on sufficient funds.

3. Usury. All agreements between Borrower and Lender are expressly limited, so that in no event or contingency, whether because of the advancement of the proceeds of this Note, acceleration of maturity of the unpaid principal balance, or otherwise, shall the amount paid or agreed to be paid to Lender for the use, forbearance, or retention of the money to be advanced under this Note exceed the highest lawful rate permissible under applicable usury laws. If, under any circumstances, fulfillment of any provision of this Note or the Deed of Trust securing this Note or any other agreement pertaining to this Note, after timely performance of such provision is due, shall involve exceeding the limit of validity prescribed by law that a court of competent jurisdiction deems applicable, then, ipso facto, the obligations to be fulfilled shall be reduced to the limit of such validity. If, under any circumstances, Lender shall ever receive as interest an amount that exceeds the highest lawful rate, the amount that would be excessive interest shall be applied to reduce the unpaid principal balance under this Note and not to pay interest, or, if such excessive interest exceeds the unpaid principal balance under this Note, such excess shall be refunded to Borrower. This provision shall control every other provision of all agreements between Borrower and Lender.



4. Prepayments. Borrower may prepay all or part of the outstanding balance of principal and interest due under this Note, without premium or penalty, at any time. Any prepayments made hereunder shall be applied in accordance with Section 8.

5. Event of Default. An event of default shall occur under this Note upon (a) the failure of Borrower to make any payment within thirty (30) days of the day it is due; (b) Borrower obtains or becomes subject to an order for relief under the Bankruptcy Code; or (c) Borrower consents to or suffers the appointment of a receiver or trustee to any substantial part of its assets that is not vacated within ninety (90) days.

6. Cure Period. Borrower shall have the right to cure any default in payment hereunder for a period of thirty (30) days following notice of non-payment from Lender to Borrower.

7. Waiver of Notice. Borrower, for itself and its legal representatives, successors and assigns, expressly waives presentment, protest, demand, notice of dishonor, notice of nonpayment, notice of maturity, notice of protest, presentment for the purpose of accelerating maturity, and diligence in collection, and consents that Lender may extend the time for payment or otherwise modify the terms of payment of any part or the whole of the debt evidenced hereby. To the fullest extent permitted by law, Borrower waives the statute of limitations in any action brought by Lender in connection with this Note.

8. Application of Payments. All payments on this Note shall be applied first to the payment of the balance of accrued and unpaid interest, and then to the reduction of the principal balance.

9. Attorneys' Fees and Costs. In the event it should become necessary to employ counsel to collect this Note, Borrower agrees to pay the attorneys' fees and costs of the Lender, whether or not suit is brought. This Note and all transactions hereunder and/or evidenced hereby shall be governed by, construed under and enforced in accordance with the laws of the State of California.

10. Waivers By Lender. No waiver of any breach, default or failure of condition under the terms of this Note shall be implied from any failure of Lender to take, or any delay by Lender in taking, any action with respect to any such breach, default or failure of condition or from any previous waiver of any similar or unrelated breach, default or failure of condition. A waiver of any term of this Note must be made in writing and shall be limited to the express written terms of such waiver.

11. Interpretation. Caption headings in this Note are for convenience purposes only and are not to be used to interpret or define the provisions of this Note. If a court of competent jurisdiction finds any provision of this Note to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other person or circumstances, and all provisions of this Note in all other respects shall remain valid and enforceable.

12. Assignment. This Note may not be assigned by Borrower without the prior written consent of Lender.

13. Notices. Except as otherwise set forth herein, all notices or demands by any party relating to this Note shall be in writing and either personally served, sent via USPS or via a reputable overnight carrier to Borrower or to Lender, as the case may be, at their address set forth within. Lender's notice address is 416 North Franklin, Fort Bragg, CA 95437. All notices or demands sent in accordance with this Section 14 shall be deemed received on the earlier of the date of actual receipt, two days after deposit in regular mail, or one day following deposit with an overnight carrier.

IN WITNESS WHEREOF, Borrower has duly executed this Note as of the last date below.

**BORROWER:**

DANCO COMMUNITIES, INC,  
a California corporation

By: \_\_\_\_\_  
Name:  
Title:



# City of Fort Bragg

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

## Text File

File Number: 20-801

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**Agenda Date:** 7/27/2020

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:** 8C.

Receive Report and Consider Extension of Urgency Ordinance No. 960-2020 Providing a Temporary Moratorium on Evictions Due to COVID-19



**AGENCY:** City Council  
**MEETING DATE:** July 27, 2020  
**DEPARTMENT:** Administration  
**PRESENTED BY:** T. Miller  
**EMAIL ADDRESS:** tmiller@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Extension of Urgency Ordinance No. 960-2020 Providing a Temporary Moratorium on Evictions Due to COVID-19**

**ISSUE:**

On March 30, 2020 the City Council adopted Urgency Ordinance 960-2020 establishing a temporary moratorium on both residential and commercial evictions as a result of nonpayment of rent due to the impacts of COVID-19. The moratorium was extended on May 28, 2020 for another month. On June 30, 2020, the eviction moratorium was once again extended for an additional month. At its meeting of July 13, 2020, the Council requested that a further continuation of the moratorium be placed on the next agenda for consideration prior to expiration of the Urgency Ordinance on July 31, 2020.

**ANALYSIS:**

On March 16, 2020, Governor Newsom issued Executive Order N-28-20. The order suspended any state law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

The Governor expressed disappointment that local jurisdictions did not more readily adopt Eviction Moratoriums. The Governor stated the increased risk of homelessness as one of his primary reasons for issuing the Executive Order allowing local governments to adopt Eviction Moratoriums. In response, on March 27, 2020, Governor Newsom issued executive order N-37-20 to directly protect residential tenants from evictions if they are unable to pay rent due to financial impacts of the COVID-19 emergency and to give them a 60+ day extension to answer eviction lawsuits filed from March 27 until May 31, 2020; the Order prevents landlords from enforcing any eviction writ through May 31, 2020. Unlike the Governor's moratorium, the City's moratorium applies to both residential and commercial tenants. On May 29, 2020, the day after Council extended its moratorium, the Governor issued Executive Order N-66-20 that extended the projection to local governments for an additional 60 days to July 28, 2020. On June 30, 2020, by signing Executive Order N-71-20, Governor Newsom further extended the timeframe on the eviction moratorium to September 30, 2020.

Effective April 6, 2020, the California Judicial Council added multiple emergency Rules of Court, including a rule prohibiting courts from processing nearly all unlawful detainees (the "Judicial Rule"). The Judicial Rule applies "until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted" or until the Judicial Council amends the rules. If the court's existing order is not amended, at a minimum, it will last through late summer, and if the state of emergency runs through at least September, then

the Judicial Rule will be effective into 2021. The Judicial Rule protects both residential and commercial tenants.

Even if the Governor's Orders were not extended, the Judicial Rule by itself will stop most evictions. The Judicial Rule applies for 90 days beyond the termination of the Governor's state of emergency, thus tenants will have at least 90 days to make their best case before the judge for why they should not be evicted – if they have repaid their landlord in full by the time of the hearing, a court is less likely to evict the tenant. If there is a backlog of unlawful detainer actions, a court may not hear the case on the very first day possible – such tenants will have more than the minimum of 90 days from the termination of the state of emergency to repay their rent before the court hears the case. Of course, the Judicial Rule does not prohibit a court from still allowing an eviction even where the tenant has repaid all overdue rent – but many courts may be unwilling to evict a tenant in this situation.

### 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 original Ordinance contains the required findings.

### Local Enforcement

Under the City's current Ordinance, so long as a tenant has complied with the notice and documentation requirements, a landlord cannot serve an eviction notice, file or prosecute an unlawful detainer action on a three-day pay or quit notice, or otherwise attempt to evict a tenant for nonpayment of rent. The tenant may use the Ordinance as an affirmative defense in such an action. This would be applicable through court proceedings and not require active City enforcement, unless City Council directed staff to utilize the City Prosecutor from Jones & Mayer, the City's law firm for active enforcement efforts. Staff is not recommending local enforcement outside of the Court's application of local law to eviction actions based on the added costs.

### **RECOMMENDED ACTION:**

Staff recommends that the City Council extend the protection from eviction until September 30, 2020. This essentially falls within the Governor's Order N-71-20. Renters still have the extended protection from eviction provided by the Judicial Rule which will be applicable until 90 days after the State's declaration of emergency is lifted. Even then, there may be a backlog in the court systems that will further delay evictions.

### **ALTERNATIVE ACTION(S):**

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

### **FISCAL IMPACT:**

There will likely be fiscal impacts to both renters and landlords. The Ordinance protects tenants from eviction but it does not relieve or forgive a tenant of the liability for unpaid rent.

Mortgage protections for landlords are beyond the scope or jurisdiction of the City of Fort Bragg.

**GREENHOUSE GAS EMISSIONS IMPACT:**

There may be a small positive reduction in greenhouse gas emissions if tenants are not forced to relocate or transfer belongings by vehicle to another location.

**CONSISTENCY:**

The proposed Urgency Ordinance Amendment is consistent with 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 and will expire September 30, 2020.

**ATTACHMENTS:**

1. Governor Newsom Executive Order N-71-20
2. Urgency Ordinance 960-2020
3. Amendment to Urgency Ordinance 960-2020
4. Second Amendment to Urgency Ordinance 960-2020
5. Third Amendment to Urgency Ordinance 960-2020

**NOTIFICATION:**

1. Affordable Housing, Notify Me subscriber list
2. Homeless, Notify Me subscriber list
3. Economic Development Planning, Notify Me subscriber list

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-71-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, schools, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) Paragraph 4 of Executive Order N-26-20 is withdrawn and superseded by the following text:

For LEAs that initiate a school closure between March 13, 2020 and June 30, 2020 to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

- 2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, extended via Executive Order N-66-20, Paragraph 20, is hereby extended through September 30, 2020.

3) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, is hereby extended through September 30, 2020.

4) Paragraph 1 of Executive Order N-29-20 is withdrawn and superseded by the following text:

As to individuals currently eligible for benefits under Medi-Cal, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including, but not limited, to California Code of Regulations, Title 22, section 50189(a), that would require redetermination of such benefits is suspended. This Order shall be construed to be consistent with applicable federal laws, including, but not limited, to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of otherwise-applicable Medicaid time limits in emergency situations.

5) Paragraph 3 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The deadline specified in Government Code section 1774(c), related to the Senate's confirmation of an individual appointed or reappointed by the Governor to an office, is extended for a period of 90 days. Additionally, the deadlines specified in Government Code section 1774(a), related to the Governor's reappointment of an incumbent to an office, and Government Code section 1774(b), related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, and which were extended via Executive Order N-35-20, are further extended for a period of 60 days.

6) Paragraph 10 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The timeframes set forth in Executive Order N-35-20, Paragraph 11, are extended by an additional 60 days.

7) The timeframe set forth in Executive Order N-35-20, Paragraph 12, as extended via Executive Order N-65-20, paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

8) The timeframe set forth in Executive Order N-39-20, Paragraph 8, as extended via Executive Order N-69-20, Paragraph 2, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

9) Paragraph 11 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended by an additional 60 days.



- 10) Paragraph 12 of Executive Order N-66-20 is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended by an additional 60 days.

- 11) The timeframe set forth in Executive Order N-40-20, Paragraph 7, as extended via Executive Order N-66-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 12) The timeframe set forth in Executive Order N-40-20, Paragraph 9, as extended via Executive Order N-66-20, Paragraph 14, is hereby extended through August 27, 2020.

- 13) Paragraph 10 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 15, is hereby withdrawn and superseded by the following text:

The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19876, 19877, 19912(a)(1)(B), and any accompanying regulations; the deadlines for submission and processing of any renewal application or related fee, as specified in Business and Professions Code sections 19868, 19876, 19877, 19942, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, as specified in section 12313 of Title 4 of the California Code of Regulations; and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19824, 19870, and 19912, are extended for an additional 60 days for any card room or third-party provider of proposition player service that suspended operations due to the proclaimed emergency.

- 14) Paragraph 16 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days.

- 15) Paragraph 13 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 17, is withdrawn and superseded by the following text:

In order to limit the need for in-person transactions at Department of Motor Vehicle offices and thereby facilitate adherence to physical distancing guidelines, the prohibition in Vehicle Code section 12814.5(e) against renewals by mail of driver's licenses and the

requirements in Vehicle Code section 13002.1(b) for in-person renewals of identification cards, and any accompanying regulations, are waived. This waiver shall be in effect until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 16) Paragraph 18 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 15, is hereby extended by 30 days.

- 17) Paragraph 19 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 16, is hereby extended for 30 days.

- 18) Paragraph 1 of Executive Order N-47-20, as extended via Executive Order N-68-20, Paragraph 10, is, effective August 4, 2020, withdrawn and superseded by the following text:

The provisions of Welfare and Institutions Code sections 12301.1, 12301.2, and 12309 are suspended to the extent necessary to permit in-home initial assessments of IHSS applicants who have known exposure to, present symptoms of, or test positive for COVID-19 to be conducted by video-conferencing, to the extent permitted under federal law.

- 19) The timeframe set forth in Executive Order N-52-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 3, is hereby extended until December 31, 2020.

- 20) The timeframe set forth in Executive Order N-52-20, Paragraph 2 as extended via Executive Order N-69-20, Paragraph 4, is hereby extended until December 31, 2020.

- 21) The timeframe set forth in Executive Order N-52-20, Paragraph 3 as extended via Executive Order N-69-20, Paragraph 5, is hereby extended until December 31, 2020.

- 22) Paragraph 9 of Executive Order N-52-20 is withdrawn and superseded by the following text:

Consistent with the Federal Motor Carrier Safety Administration's Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, and Interstate Drivers Operating Commercial Motor Vehicles, which was issued on March 24, 2020, and which waives certain federal regulations concerning the validity of commercial driver licenses and permits and the status of medical certifications held by the holders of commercial driver licenses and permits, the timeframes set forth in Vehicle Code section 12804.9(c), and accompanying regulations, pertaining to possessing a valid medical certificate in order to maintain a valid commercial driver license or certificate, are waived. This waiver shall apply to holders of current

commercial driver's licenses or certificates, whose required medical certificate has or will expire on or after March 4, 2020, and shall remain in effect for the duration of the Federal Motor Carrier Safety Administration Waiver in Response to the COVID-19 National Emergency and any subsequently issued Federal Motor Carrier Safety Administration waiver granting the same relief.

- 23) Paragraph 1 of Executive Order N-53-20, as extended via Executive Order N-68-20, Paragraph 11, is withdrawn and superseded by the following text:

To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements.

- 24) Paragraph 8 of Executive Order N-69-20, which modified and replaced Paragraph 8 of Executive Order N-53-20, is withdrawn and superseded by the following text:

State extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as required by Welfare and Institutions Code sections 388, 388.1, 11400, and 11403 and accompanying rules or regulations, are suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. In addition, to ensure effective transitions for nonminor dependents, the maximum age criteria for state foster care eligibility for nonminor dependents who turn 21 on or after April 17, 2020, as required by Welfare and Institutions Code sections 11400 and 11403 and accompanying rules or regulations, is suspended through June 30, 2020.

- 25) Paragraph 10 of Executive Order N-53-20, as extended via Executive Order N-69-20, Paragraph 9, is withdrawn and superseded by the following text:

Physical, in-person, face-to-face visitation requirements contained in Section 11405 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

- 26) The timeframe set forth in Executive Order N-53-20, Paragraph 11, as extended via Executive Order N-68-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 27) The timeframe set forth in Executive Order N-53-20, Paragraph 12, as extended via Executive Order N-69-20, Paragraph 10, is hereby



extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 28) The timeframe set forth in Executive Order N-53-20, Paragraph 13, as extended via Executive Order N-69-20, Paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 29) The provisions of Executive Order N-58-20 are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 30) The timeframe set forth in Executive Order N-59-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 31) The timeframe set forth in Executive Order N-59-20, Paragraph 2, as extended via Executive Order N-69-20, Paragraph 14, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 32) The timeframe set forth in Executive Order N-59-20, Paragraph 3, as extended via Executive Order N-69-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 33) The timeframe set forth in Executive Order N-59-20, Paragraph 4, as extended via Executive Order N-69-20, Paragraph 16, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 34) The timeframe set forth in Executive Order N-63-20, Paragraph 6, is extended by 120 days.
- 35) The timeframe set forth in Executive Order N-65-20, Paragraph 5, is extended by an additional 60 days.
- 36) The provisions of Executive Order N-63-20, Paragraph 15, are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 37) Executive Order N-63-20, Paragraphs 8(g) (as modified by Executive Order N-68-30, paragraph 3), 8(h), 8(i), and 8(j), shall become inoperative on August 29, 2020.
- 38) Executive Order N-68-20, Paragraphs 4(i) and 4(ii), shall become inoperative on August 29, 2020.
- 39) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(a), 9(c), and 9(d) of Executive Order N-63-20, including as previously extended, are hereby suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

40) The timeframe set forth in Executive Order N-63-20, Paragraph 8(a), is modified so that the deadlines extend for up to 120 days.

41) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(b) and 9(e) of Executive Order N-63-20, and which were not previously extended, shall be extended for a period of 15 days.

**IT IS FURTHER ORDERED** that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of June 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN URGENCY ORDINANCE OF THE CITY OF FORT BRAGG RELATING TO A TEMPORARY MORATORIUM ON EVICTING TENANTS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**URGENCY ORDINANCE  
NO. 960-2020**

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19").

**WHEREAS**, on March 4, 2020, the Mendocino County Board of Supervisors and Department of Public Health declared a public health emergency in Mendocino County due to COVID-19.

**WHEREAS**, on March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

**WHEREAS**, a copy of the Governor's executive order is attached hereto as Exhibit 1.

**WHEREAS**, on March 17, 2020, the Fort Bragg City Manager, acting as the Director of Emergency Services, declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 City Council meeting.

**WHEREAS**, on March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order.

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 which orders California Residents to stay at home except for certain critical activities. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

**WHEREAS**, the City has been impacted by the health crisis of this global pandemic. Essentially all upcoming social gatherings and events have been cancelled. Mendocino School Districts have issued closures which may extend beyond April 14, 2020. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

**WHEREAS**, many tenants have experienced sudden income loss, and further income

impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

**WHEREAS**, evictions resulting from the conditions identified in Executive Order N-28-20 present an immediate threat to the public peace, health and safety, as described in Government Code section 36937(b) in that they will potentially cause the irregular and increased displacement of residents and commercial businesses, contribute to an increase in the homeless population in City of Fort Bragg, and make it more difficult for the City to enforce the shelter-in-place order designed to promote public health through social distancing to combat the negative effects of the COVID-19 pandemic

**WHEREAS**, nothing in this Ordinance waives a tenant's obligations to pay back rent owed once this Ordinance is no longer effective.

**WHEREAS**, the City Council has the authority to adopt this Ordinance under Government Code Section 8630, and also its authority under California Constitution Art XI, section 7, and pursuant to the Governor's Order N-28-20.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES ORDAIN AS FOLLOWS:**

SECTION 1. Findings and Emergency Declaration.

The City Council finds and declares as follows:

- A. The provisions of the Governor's Executive Order N-28-20, including its recitals, are incorporated herein as if fully set forth.
- B. The above recitals, and the recitals in the Governor's Executive Order N-28-20, are true and correct.
- C. In order to address the immediate threat to the public peace, health and safety, this ordinance temporarily prohibits evictions throughout the City of Fort Bragg related to the existence of the COVID-19 pandemic emergency.
- D. This ordinance is an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934 based on the facts recited above.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the incorporated area for the following reasons is hereby suspended through May 31, 2020, including any extensions unless otherwise terminated:

- A. The basis of the eviction is non-payment of rent, or a foreclosure, arising out of a

substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

- B. The decrease in household or business income or the out-of-pocket medical expenses describe in subparagraph (a) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented; and
- C. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
  - a. Notify the landlord in writing seven (7) days before the day rent is due that the tenant has a covered reason for delayed payment, except rent due April 1, 2020;
  - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due.

Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

### SECTION 3. Other Provisions.

- A. All public housing authorities operating in the City are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- B. Financial institutions in the City holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- C. This ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the City.
- D. The City Manager and all other City officers and department heads are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this ordinance.
- E. Tenants may use the protections afforded in this ordinance as an affirmative defense in an eviction action, including but not limited to an action for unlawful



detainer.

- F. This ordinance may be enforced as stated in the provisions of this ordinance, as a violation of City Code, as a nuisance, or by any other available and legal enforcement mechanism.

**SECTION 4. 180-Day Repayment Period.**

Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 180 days after the expiration on May 31, 2020, including any extensions, to pay their landlord all unpaid rent accrued during the term covered by this ordinance. During that 180-day period, the protections against eviction found in Section 2 of this Ordinance apply for such tenants, and provided the tenant pays all rent due by this deadline, shall not be liable for payment of any late fees or penalties for the delay in payment.

**SECTION 5. Severability.** If any portion of this Ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this Ordinance shall be enforced to the maximum extent legally permissible.

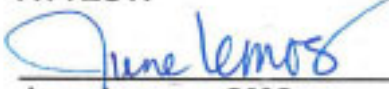
**SECTION 6. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance as required by law.

**The foregoing Urgency Ordinance was introduced by Councilmember Norvell and adopted at a special meeting of the City Council of the City of Fort Bragg held on March 30, 2020 by the following vote:**

**AYES:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters and Mayor Lee.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

  
\_\_\_\_\_  
William V. Lee,  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
June Lemos, CMC  
City Clerk

**PUBLISH:** April 9, 2020 (by summary).  
**EFFECTIVE DATE:** March 30, 2020.

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

EXHIBIT 1



**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.


Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

STATE OF CALIFORNIA     )  
COUNTY OF MENDOCINO   ) ss.  
CITY OF FORT BRAGG     )

I, JUNE LEMOS, CMC, City Clerk of the City of Fort Bragg, California, do hereby certify the attached to be a true and correct copy of Urgency Ordinance No. 960-2020, duly adopted by the City Council on March 30, 2020, and that it was published in its entirety in the Fort Bragg Advocate News on April 9, 2020, pursuant to State Law (G.C. §40806).

Dated: 4.13.2020

  
\_\_\_\_\_  
**June Lemos, CMC**  
City Clerk

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN UNPUBLISHED AND UNCODIFIED  
AMENDMENT TO URGENCY  
ORDINANCE OF THE CITY OF FORT  
BRAGG ESTABLISHING A TEMPORARY  
MORATORIUM AND EXTENDING THE  
EXPIRATION TO JUNE 30, 2020 AND  
DECLARING THE AMENDMENT TO BE  
AN EMERGENCY MEASURE TO TAKE  
EFFECT IMMEDIATELY UPON  
ADOPTION**

**AMENDMENT TO  
URGENCY ORDINANCE  
NO. 960-2020**

**THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY  
INCORPORATE ORDINANCE 960-2020 BY REFERENCE AND AMENDS AND  
REPLACES SECTIONS 1 AND 2 OF SAID ORDINANCE 960-2020 AS FOLLOWS:**

**SECTION 1. Findings and Emergency Declaration.**

The City Council finds and declares as follows:

- A. In order to address the immediate threat to the public peace, health and safety, this ordinance extends the temporary eviction moratorium throughout the City of Fort Bragg related to the existence of the COVID-19 pandemic emergency.
- B. This ordinance is an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934 based on the facts recited above.

**SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.**

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through June 30, 2020, unless otherwise terminated:

- A. The basis of the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and



- B. The decrease in household or business income or the out-of-pocket medical expenses described in Paragraph A was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented; and
- C. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
  - a. Notify the landlord in writing seven (7) days before the day rent is due that the tenant has a covered reason for delayed payment, except rent due June 1, 2020;
  - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due.


Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The foregoing Urgency Ordinance Amendment was introduced by Councilmember Morsell-Haye and adopted at a special meeting of the City Council of the City of Fort Bragg held on May 28, 2020 by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Lee.  
NOES: Councilmember Norvell.  
ABSENT: None.  
ABSTAIN: None.  
RECUSED: None.

  
\_\_\_\_\_  
William V. Lee,  
Mayor

ATTEST:

  
\_\_\_\_\_  
June Lemos, CMC  
City Clerk

EFFECTIVE DATE: May 28, 2020.



**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN UNPUBLISHED AND UNCODIFIED  
AMENDMENT TO URGENCY  
ORDINANCE OF THE CITY OF FORT  
BRAGG ESTABLISHING A TEMPORARY  
MORATORIUM AND EXTENDING THE  
EXPIRATION TO JULY 31, 2020 AND  
DECLARING THE AMENDMENT TO BE  
AN EMERGENCY MEASURE TO TAKE  
EFFECT IMMEDIATELY UPON  
ADOPTION**

**SECOND AMENDMENT TO  
URGENCY ORDINANCE  
NO. 960-2020**

**THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY  
INCORPORATE ORDINANCE 960-2020 AND SUBSEQUENT AMENDMENT BY  
REFERENCE AND AMENDS AND REPLACES SECTIONS 1 AND 2 OF SAID  
ORDINANCE 960-2020 AS FOLLOWS:**

**SECTION 1. Findings and Emergency Declaration.**

The City Council finds and declares as follows:

- A. In order to address the immediate threat to the public peace, health and safety, this ordinance extends the temporary eviction moratorium throughout the City of Fort Bragg related to the existence of the COVID-19 pandemic emergency.
- B. This ordinance is an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934 based on the facts recited above.

**SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.**

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through July 31, 2020, unless otherwise terminated:

- A. The basis of the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand),

or substantial out-of-pocket medical expenses; and

- B. The decrease in household or business income or the out-of-pocket medical expenses described in Paragraph A was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented; and
- C. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
  - a. Notify the landlord in writing seven (7) days before the day rent is due that the tenant has a covered reason for delayed payment, except rent due July 1, 2020;
  - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due.

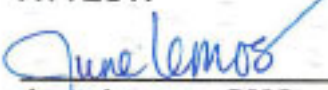
Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The foregoing Urgency Ordinance Amendment was introduced by Councilmember Morsell-Haye and adopted at a special meeting of the City Council of the City of Fort Bragg held on June 30, 2020 by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Lee.  
NOES: Councilmember Norvell.  
ABSENT: None.  
ABSTAIN: None.  
RECUSED: None.

  
\_\_\_\_\_  
William V. Lee,  
Mayor

ATTEST:

  
\_\_\_\_\_  
June Lemos, CMC  
City Clerk

EFFECTIVE DATE: June 30, 2020.

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN UNPUBLISHED AND UNCODIFIED  
AMENDMENT TO URGENCY  
ORDINANCE OF THE CITY OF FORT  
BRAGG ESTABLISHING A TEMPORARY  
MORATORIUM AND EXTENDING THE  
EXPIRATION TO SEPTEMBER 30, 2020  
AND DECLARING THE AMENDMENT TO  
BE AN EMERGENCY MEASURE TO  
TAKE EFFECT IMMEDIATELY UPON  
ADOPTION**

**THIRD AMENDMENT TO  
URGENCY ORDINANCE  
NO. 960-2020**

**THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY  
INCORPORATE ORDINANCE 960-2020 AND SUBSEQUENT AMENDMENTS BY  
REFERENCE AND AMENDS AND REPLACES SECTIONS 1 AND 2 OF SAID  
ORDINANCE 960-2020 AS FOLLOWS:**

SECTION 1. Findings and Emergency Declaration.

The City Council finds and declares as follows:

- A. In order to address the immediate threat to the public peace, health and safety, this ordinance extends the temporary eviction moratorium throughout the City of Fort Bragg related to the existence of the COVID-19 pandemic emergency.
- B. This ordinance is an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934 based on the facts recited above.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

Pursuant to the general police power of the City to protect the health, safety and welfare of its citizens, the authority of any landlord to commence evictions on any residential or commercial property within the unincorporated area for the following reasons is hereby suspended through September 30, 2020, unless otherwise terminated:

- A. The basis of the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

- B. The decrease in household or business income or the out-of-pocket medical expenses described in Paragraph A was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented; and
- C. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
  - a. Notify the landlord in writing seven (7) days before the day rent is due that the tenant has a covered reason for delayed payment, except rent due August 1, 2020;
  - b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due.

Nothing in this ordinance shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

**The foregoing Urgency Ordinance Amendment was introduced by Councilmember \_\_\_\_\_ and adopted at a regular meeting of the City Council of the City of Fort Bragg held on July 27, 2020 by the following vote:**

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

\_\_\_\_\_  
**William V. Lee,  
Mayor**

**ATTEST:**

\_\_\_\_\_  
**June Lemos, CMC  
City Clerk**

**EFFECTIVE DATE: July 27, 2020.**