



# 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, December 12, 2016

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### AGENDA REVIEW

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

- 1A. [16-492](#) Presentation of Proclamation Recognizing the Fort Bragg High School Champion Varsity Football Team

**Attachments:** [25-2016 FBHS Champion Varsity Football Team](#)

- 1B. [16-493](#) Recognize Public Works Maintenance Worker II Tom Mitchell for his 30 Years of Service to the City of Fort Bragg; January 5, 1987 - January 5, 2017

#### **7. CONDUCT OF BUSINESS**

- 7A. [16-494](#) 2016 CITY COUNCIL REORGANIZATION
1. Adopt City Council Resolution Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and Such Other Matters as Provided by Law
  2. Recognize Outgoing City Councilmembers Hammerstrom and Deitz
  3. Administer Oaths of Office and Issue Certificates of Election
  4. Conduct City Council Reorganization
    - a. Selection of Mayor
    - b. Selection of Vice Mayor

**Attachments:** [12122016 Council Reorganization](#)

[Attachment 1\(a\) - RESO Certifying Nov Election Results](#)

[Attachment 1\(b\) - Exhibit A to RESO Certifying Nov Election Results](#)

[Attachment 2 - Oaths & Certificates](#)

## **2A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)**

*MANNER OF ADDRESSING THE CITY COUNCIL: Any member of the public desiring to address the City Council may submit a Speaker Card to the City Clerk and proceed to the podium after being recognized by the Presiding Officer. Speakers will be called up in the order the Speaker Cards are received. Those who have not filled out a Speaker Card will be given an opportunity to speak after all those who have filled out Speaker Cards have spoken. All remarks and questions shall be addressed to the City Council and no discussion or action shall be taken on any requests, in accordance with Brown Act Requirements. No person shall speak without being recognized by the Mayor or acting Mayor.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period. If necessary, an additional 30 minutes shall be allotted to public comments after Conduct of Business, but only if the first 30-minute Public Comment period was not sufficient to allow all those who wished to speak 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 but not limited to, the number of persons wishing to speak on a particular topic or at a particular meeting, 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: Pursuant to the Brown Act, the Council cannot discuss issues or take action on any requests during this comment period.*

## **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. [16-478](#)** Adopt Fort Bragg Municipal Improvement District Board Resolution Authorizing District Manager to Execute a Financial Assistance Application for a Financing Agreement with the State Water Resources Control Board for the Wastewater Treatment Plant Upgrade Project

**Attachments:** [RESOID SRF Funding for WWTF](#)

- 5B. [16-489](#)** Adopt City Council Resolution Approving Public, Educational, and Government (PEG) Access Funding Agreement between the County of Mendocino and the City of Fort Bragg and Authorizing City Manager to Execute Same (Funding Amount \$14,371; Account No. 110-4190-0623)

**Attachments:** [RESO PEG Funding Agreement - Mendo Co](#)  
[PEG Funding Agreement \(Nov 2016 - June 2017\)](#)

- 5C. [16-490](#) Adopt City Council Resolution Approving Amendment of the Professional Services Agreement with Mendocino TV to Extend Term of Agreement to June 30, 2017 and to Increase Contract Amount to \$30,000, Authorizing City Manager to Execute Same, and Approving Budget Amendment #2016-16 (Amount Not to Exceed \$15,000; Account No. 110-4190-0623)

**Attachments:** [RESO Mendocino TV PEG Services Amendment](#)  
[Mendocino TV PEG Amendment 2016-12-12](#)

- 5D. [16-497](#) Approve Maddy Act Notice Providing List of Appointed Terms Expiring in 2017

**Attachments:** [12162016 Maddy Act Notice](#)

- 5E. [16-496](#) Authorize Cancellation of the December 26, 2016 Meeting

- 5F. [16-498](#) Reject Claim of Weslie Hall

**Attachments:** [Claim of Weslie Hall](#)  
[Weslie Hall Rejection Letter 2016-12-12](#)

- 5G. [16-500](#) Receive and File Minutes of October 25, 2016 Community Development Committee Meeting

**Attachments:** [CDCM 10252016](#)

- 5H. [16-501](#) Approve Minutes of November 28, 2016

**Attachments:** [CCM2016-11-28](#)

## **6. 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.*

## **7. CONDUCT OF BUSINESS**

- 7B. [16-491](#) Receive Oral Report from Fort Bragg-Mendocino Coast Historical Society and Consider Adoption of Resolution Approving Renewal of Guest House Museum Lease Agreement with the Historical Society and Authorizing City Manager to Execute Same

**Attachments:** [12122016 Guest House Museum Lease Renewal](#)  
[RESO Historical Society Guest House Lease](#)  
[Exhibit A - Historical Society Lease](#)

- 7C. [16-495](#) Receive First Quarter Financial Report from City Finance Director/Treasurer

**Attachments:** [12122016 FY 2016-17 First Quarter Financial Report](#)  
[Q1 2017 Financial Report](#)

- 7D. [16-499](#) Receive Report Regarding Business License Fees and Taxes for Residential Rental Properties and Provide Direction to Staff

**Attachments:** [12122016 Business License Fees](#)  
[FBMC Title 5](#)

## **2B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)**

*The second 30-minute Public Comment period shall only be held if the first 30-minute Public Comment Period was not sufficient to allow all those wishing to speak to do so. Please see 2A above.*

## **8. 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, JANUARY 9, 2017**

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 December 7, 2016.

---

Brenda Jourdain, Administrative Assistant

### **NOTICE TO THE PUBLIC:**

### **DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:**

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

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

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

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

*The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during the Council meetings.*

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

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# City of Fort Bragg

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## Text File

File Number: 16-492

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Mayor's Office

**In Control:** City Council

**File Type:**  
Recognition/Announcements

**Agenda Number:** 1A.

Presentation of Proclamation Recognizing the Fort Bragg High School Champion Varsity Football Team

PROCLAMATION

HONORING THE FORT BRAGG HIGH SCHOOL TIMBERWOLVES -  
2016 CHAMPION VARSITY FOOTBALL TEAM

**WHEREAS**, the Fort Bragg High School varsity football team, the mighty Timberwolves, were declared the 2016 champions of the North Central League I on November 4, 2016, after winning the championship game against Kelseyville High School; and

**WHEREAS**, the Fort Bragg City Council wishes to recognize this championship team, its coaches, and its supporters, for a truly outstanding season; and

**WHEREAS**, the Fort Bragg Timberwolves' had a sterling record of eight wins and no losses in the League and nine wins and one loss in the regular season; and

**WHEREAS**, the Fort Bragg Timberwolves made it to the North Coast Sectional playoffs where they won their first two games and proceeded to the championship game of the North Coast Section Division V; and

**WHEREAS**, this is the third consecutive year and fourth time in five years that Head Coach Roy Perkins has led the Timberwolves to the League Championships; and

**WHEREAS**, the championship team members include: Cameron Maxey, Dominic Gorman, Jason McCoard, Shane Giaccani, Ian Sutton, Ryan Hall, Justin Mertle, Lucas Triplett, JR Devito, Daniel Cook, Wyatt Lawrason, Isaac Vargas, Clay Pyorre, Zach Silva, Blake Kirwan, Bailey Comer, Trystin Strickland, Ryan Colombi, Cody Morgan, William Robertson, Dillon Cudney, Wyatt Hobart, James Nelson, Cody Filosi, Michael Cavender, Jeremy Segura, Jesse Cavender, Dedrion Hendricks, Alex Ybarra, Justin Celeri, Rigo Jara, Johnny Delgado, Shane Ortiz, Isaac Arnold and Daniel Solano; and

**WHEREAS**, the coaches responsible for this outstanding team are: Roy Perkins, Head Coach, and Mark Cimolino, Justin Sipila, Adam Dondanville, Jason Orsi, Jill Dunsing, Frank Celeri and Dave Cimolino, Assistant Coaches; and

**WHEREAS**, the Fort Bragg High School cheerleaders and the Timberwolves' dedicated fans also deserve recognition for their help in repeatedly cheering the Timberwolves to victory with the Timberwolves' fans typically far outnumbering and out cheering the supporters for opposing teams.

**NOW, THEREFORE, I, Dave Turner**, Mayor of the City of Fort Bragg, on behalf of the entire City Council, offer congratulations to the team, coaches, parents, families and supporters of the Fort Bragg High School Timberwolves Varsity football team for a stellar performance during the 2016 football season.

**SIGNED this 12<sup>th</sup> day of December, 2016.**

\_\_\_\_\_  
**Dave Turner, Mayor**

**ATTEST:**

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

No. 25-2016



# City of Fort Bragg

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Phone: (707) 961-2823  
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## Text File

File Number: 16-493

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Mayor's Office

**In Control:** City Council

**File Type:**  
Recognition/Announcements

**Agenda Number:** 1B.

Recognize Public Works Maintenance Worker II Tom Mitchell for his 30 Years of Service to the City of Fort Bragg; January 5, 1987 - January 5, 2017

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# City of Fort Bragg

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## Text File

File Number: 16-494

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 7A.

### 2016 CITY COUNCIL REORGANIZATION

1. Adopt City Council Resolution Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and Such Other Matters as Provided by Law
2. Recognize Outgoing City Councilmembers Hammerstrom and Deitz
3. Administer Oaths of Office and Issue Certificates of Election
4. Conduct City Council Reorganization
  - a. Selection of Mayor
  - b. Selection of Vice Mayor



**AGENCIES:** City Council / MID /  
Redevelopment  
Successor Agency  
**MEETING DATE:** December 12, 2016  
**DEPARTMENT:** Admin Services  
**PRESENTED BY:** J. Lemos

## AGENDA ITEM SUMMARY

**TITLE:**  
2016 CITY COUNCIL REORGANIZATION

**ISSUE:**

A Presidential General Election was held and conducted in the City of Fort Bragg, California, on Tuesday, November 8, 2016, as required by law. The Mendocino County Clerk-Recorder has canvassed the returns of the election and has certified the results. Those results are included in Attachment 1. There are a number of actions for the City Council to take to complete the election process and reorganize, as listed below.

**RECOMMENDED ACTION:**

1. Move to adopt a City Council Resolution reciting the fact of the Presidential General Election held on November 8, 2016, declaring the result and such other matters as provided by law.
2. Present outgoing City Councilmembers with City plaque recognizing their service on the Fort Bragg City Council.
3. The City Clerk will administer Oaths of Office and issue Certificates of Election to newly elected Councilmembers Bernie Norvell and Will Lee.
4. Conduct City Council Reorganization by taking the following actions:
  - a. Vice Mayor Peters will turn the meeting over to the City Clerk who will call for nominations for Mayor, close the nominations, and call for a vote.
  - b. The newly elected Mayor will then call for nominations for Vice Mayor, close the nominations, and call for a vote.

**ALTERNATIVE ACTION(S):**

None.

**ANALYSIS:**

None.

**FISCAL IMPACT:**

None.

**CONSISTENCY:**

Not applicable.

**IMPLEMENTATION/TIMEFRAMES:**

None.

**ATTACHMENTS:**

1. City Council Resolution reciting the fact of the Presidential General Election held on November 8, 2016, declaring the result and such other matters as provided by law.
2. Oaths of Office and Certificates of Election for Bernie Norvell and Will Lee.

**NOTIFICATION:**

None.

**City Clerk's Office Use Only**

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

**RESOLUTION NO. \_\_\_\_-2016**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

**WHEREAS**, a Presidential General Election was held and conducted in the City of Fort Bragg, California, on Tuesday, November 8, 2016, as required by law; and

**WHEREAS**, notice of election was given in time, form and manner as provided by law; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the applicable provisions of the Elections Code of California for the holding of elections in general law cities; and

**WHEREAS**, the Mendocino County Clerk-Recorder has canvassed the returns of the election and has certified the results to the City Clerk, the results are received, attached and made a part hereof as Exhibit "A."

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg, does resolve, declare, determine and order as follows:

SECTION 1. That the whole number of ballots cast in the precincts of the City of Fort Bragg was 245 and that the whole number of vote by mail voter ballots cast in the City was 2,575, making a total of 2,820 votes cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows: Bernie Norvell, Rex Gressett, Will Lee, Scott Menzies and Curtis Bruchler; and

That the measures voted upon at the election are as follows:

**MEASURE AA: APPROVAL OF INCREASE TO THE TRANSIENT OCCUPANCY TAX**

Shall Ordinance No. 924-2016 amending portions of Chapter 3.12 of the Fort Bragg Municipal Code to increase the City of Fort Bragg's existing Transient Occupancy Tax (a bed tax paid when overnight visitors rent a room) from ten percent (10%) to twelve percent (12%) to fund public services and maintain public areas, effective April 1, 2017, which proposed rate increase and amendment is anticipated to raise an additional \$400,000 per year in revenue and which will continue until repealed by the City Council or the city voters, be adopted?	Yes	
	No	

**MEASURE AB: ADVISORY VOTE ONLY**

If Measure AA is approved by voters, shall the People of the City of Fort Bragg advise the City Council to use the additional funds in the following manner: (i) One-half of the revenues to substantially increase promotions, events, and marketing for Fort Bragg; (ii) One-quarter of the revenues to enhance Coastal Trail maintenance and security; (iii) One-eighth of the	Yes	
	No	

revenues to support establishment of the Noyo Center for Marine Science as a premiere visitor attraction; and (iv) One-eighth of the revenues to undertake special projects that support tourism and benefit the community including, but not limited to, repair and enhancement of local athletic fields?		
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SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measures were as listed in Exhibit "A" attached.

SECTION 4. That the City Council does declare and determine that Bernie Norvell and Will Lee were elected as Members of the City Council for the full term of four years; and

That as a result of the election, a majority of the voters voting on the measures relating to the Transient Occupancy Tax and Advisory did vote in favor of them and that the measures were carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The office each person was voted for; (4) The number of votes given at each precinct to each person; (5) The total number of votes given to each person.

SECTION 6. That the City Clerk shall immediately make and deliver to the person so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to the person elected the Oath of Office prescribed in the Constitution of the State of California and shall have him subscribe to it and file it in the office of the City Clerk. The person so elected shall then be inducted into the office to which he has been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**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 12<sup>th</sup> day of December, 2016, by the following vote:**

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

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**June Lemos**  
**City Clerk**

**CERTIFICATE OF COUNTY CLERK TO RESULT OF THE CANVASS  
OF THE PRESIDENTIAL GENERAL ELECTION  
HELD ON NOVEMBER 8, 2016**

STATE OF CALIFORNIA        )  
  )SS  
COUNTY OF MENDOCINO     )

I, SUSAN M. RANOCHAK, County Clerk of said County, do hereby certify that I did canvass the returns of the votes cast in the PRESIDENTIAL GENERAL Election held TUESDAY, NOVEMBER 8, 2016, in the COUNTY OF MENDOCINO, CITY OF FORT BRAGG, and that the Statement of the Votes Cast, to which this certificate is attached, shows the whole number of votes cast in each of the respective consolidated precincts therein, and that the totals of the respective columns and the totals as shown for each candidate and for and against each measure are full, true and correct.

WITNESS MY HAND AND OFFICIAL SEAL this 1<sup>st</sup> day of December, 2016.

(SEAL)



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SUSAN M. RANOCHAK  
Assessor-County Clerk-Recorder



**STATEMENT OF ALL VOTES CAST  
 COUNTY OF MENDOCINO  
 NOVEMBER 8, 2016 GENERAL ELECTION  
 CITY OF FORT BRAGG**

Date: 12/05/16  
 Time: 14:00:35  
 Page: 13 of 38

	TURN OUT			FB COUNCIL MBR						
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	BERNIE NORVELL	REX GRESSETT	WILL LEE	SCOTT MENZIES	CURTIS BRUCHLER
Total	210	163	77.62%	-	-	-	-	-	-	-
999421-OCEAN										
Polling	226	0	0.00%	-	-	-	-	-	-	-
VBM	226	175	77.43%	-	-	-	-	-	-	-
Total	226	175	77.43%	-	-	-	-	-	-	-
999422-OCEAN MEADOWS										
Polling	56	0	0.00%	-	-	-	-	-	-	-
VBM	56	46	82.14%	-	-	-	-	-	-	-
Total	56	46	82.14%	-	-	-	-	-	-	-
999423-ISLAND										
Polling	80	0	0.00%	80	0	0	0	0	0	0
VBM	80	65	81.25%	80	65	32	4	32	21	7
Total	80	65	81.25%	80	65	32	4	32	21	7
999424-SPRUCE										
Polling	242	0	0.00%	242	0	0	0	0	0	0
VBM	242	201	83.06%	242	201	98	11	105	81	14
Total	242	201	83.06%	242	201	98	11	105	81	14
999425-BUSH										
Polling	231	0	0.00%	231	0	0	0	0	0	0
VBM	231	192	83.12%	231	192	81	8	105	108	9
Total	231	192	83.12%	231	192	81	8	105	108	9
999426-FIR										
Polling	158	0	0.00%	158	0	0	0	0	0	0
VBM	158	119	75.32%	158	119	45	10	72	54	9
Total	158	119	75.32%	158	119	45	10	72	54	9
999427-LAUREL										
Polling	164	0	0.00%	164	0	0	0	0	0	0
VBM	164	124	75.61%	164	124	56	8	85	45	7
Total	164	124	75.61%	164	124	56	8	85	45	7
999428-FERN										
Polling	237	0	0.00%	237	0	0	0	0	0	0
VBM	237	189	79.75%	237	189	98	8	108	68	18
Total	237	189	79.75%	237	189	98	8	108	68	18
999429-TAUBOLD										
Polling	213	0	0.00%	213	0	0	0	0	0	0
VBM	213	178	83.57%	213	178	110	7	110	50	14
Total	213	178	83.57%	213	178	110	7	110	50	14
999430-MONSEN										
Polling	0	0	-	0	0	0	0	0	0	0
VBM	0	0	-	0	0	0	0	0	0	0
Total	0	0	-	0	0	0	0	0	0	0
999431-MADSEN										
Polling	0	0	-	0	0	0	0	0	0	0
VBM	0	0	-	0	0	0	0	0	0	0
Total	0	0	-	0	0	0	0	0	0	0
999432-DENNISON										
Polling	193	0	0.00%	193	0	0	0	0	0	0
VBM	193	159	82.38%	193	159	108	5	100	49	11
Total	193	159	82.38%	193	159	108	5	100	49	11
999433-FRANKLIN										
Polling	126	0	0.00%	126	0	0	0	0	0	0
VBM	126	94	74.60%	126	94	46	6	55	32	4
Total	126	94	74.60%	126	94	46	6	55	32	4
999434-ALDER										
Polling	215	0	0.00%	215	0	0	0	0	0	0
VBM	215	177	82.33%	215	177	99	6	104	50	11
Total	215	177	82.33%	215	177	99	6	104	50	11



**STATEMENT OF ALL VOTES CAST  
COUNTY OF MENDOCINO  
NOVEMBER 8, 2016 GENERAL ELECTION  
CITY OF FORT BRAGG**

Date: 12/05/16  
Time: 14:00:35  
Page: 18 of 38

	TURN OUT			FB COUNCIL MBR						
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	BERNIE NORVELL	REX GRESSETT	WILL LEE	SCOTT MENZIES	CURTIS BRUCHLER
999551-LOW GAP										
Polling	106	0	0.00%	-	-	-	-	-	-	-
VBM	106	95	89.62%	-	-	-	-	-	-	-
Total	106	95	89.62%	-	-	-	-	-	-	-
999552-RANCH										
Polling	2	0	0.00%	-	-	-	-	-	-	-
VBM	2	0	0.00%	-	-	-	-	-	-	-
Total	2	0	0.00%	-	-	-	-	-	-	-
999553-SOZZONI NORTH										
Polling	0	0	-	-	-	-	-	-	-	-
VBM	0	0	-	-	-	-	-	-	-	-
Total	0	0	-	-	-	-	-	-	-	-
999554-SOZZONI SOUTH										
Polling	0	0	-	-	-	-	-	-	-	-
VBM	0	0	-	-	-	-	-	-	-	-
Total	0	0	-	-	-	-	-	-	-	-
999555-HENSLEY NORTH										
Polling	14	0	0.00%	-	-	-	-	-	-	-
VBM	14	12	85.71%	-	-	-	-	-	-	-
Total	14	12	85.71%	-	-	-	-	-	-	-
999556-MUIR CANYON										
Polling	150	0	0.00%	-	-	-	-	-	-	-
VBM	150	122	81.33%	-	-	-	-	-	-	-
Total	150	122	81.33%	-	-	-	-	-	-	-
999557-JEFFERSON										
Polling	94	0	0.00%	-	-	-	-	-	-	-
VBM	94	56	59.57%	-	-	-	-	-	-	-
Total	94	56	59.57%	-	-	-	-	-	-	-
999558-FAIRVIEW COURT										
Polling	259	0	0.00%	-	-	-	-	-	-	-
VBM	259	192	74.13%	-	-	-	-	-	-	-
Total	259	192	74.13%	-	-	-	-	-	-	-
Total										
Polling	51035	6036	11.83%	3674	245	144	13	151	76	14
VBM	51035	32694	64.06%	3674	2575	1383	157	1472	895	214
Total	51035	38730	75.89%	3674	2820	1527	170	1623	971	228
COUNTY BOARD OF SUPERVISORS										
1ST SUPERVISORIAL DISTRICT										
Polling	10026	1435	14.31%	0	0	0	0	0	0	0
VBM	10026	6026	60.10%	0	0	0	0	0	0	0
Total	10026	7461	74.42%	0	0	0	0	0	0	0
2ND SUPERVISORIAL DISTRICT										
Polling	8818	586	6.65%	0	0	0	0	0	0	0
VBM	8818	5999	68.03%	0	0	0	0	0	0	0
Total	8818	6585	74.68%	0	0	0	0	0	0	0
3RD SUPERVISORIAL DISTRICT										
Polling	10825	1689	15.60%	0	0	0	0	0	0	0
VBM	10825	5935	54.83%	0	0	0	0	0	0	0
Total	10825	7624	70.43%	0	0	0	0	0	0	0
4TH SUPERVISORIAL DISTRICT										
Polling	10107	967	9.57%	3674	245	144	13	151	76	14
VBM	10107	6959	68.85%	3674	2575	1383	157	1472	895	214
Total	10107	7926	78.42%	3674	2820	1527	170	1623	971	228
5TH SUPERVISORIAL DISTRICT										
Polling	11259	1359	12.07%	0	0	0	0	0	0	0
VBM	11259	7775	69.06%	0	0	0	0	0	0	0

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 CITY OF FORT BRAGG

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	TURN OUT			FB COUNCIL MBR						
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Times Counted	BERNIE NORVELL	REX GRESSETT	WILL LEE	SCOTT MENZIES	CURTIS BRUCHLER
Total	11259	9134	81.13%	0	0	0	0	0	0	0
Total										
Polling	51035	6036	11.83%	3674	245	144	13	151	76	14
VBM	51035	32694	64.06%	3674	2575	1383	157	1472	895	214
Total	51035	38730	75.89%	3674	2820	1527	170	1623	971	228
CITIES										
FORT BRAGG										
Polling	3674	245	6.67%	3674	245	144	13	151	76	14
VBM	3674	2575	70.09%	3674	2575	1383	157	1472	895	214
Total	3674	2820	76.76%	3674	2820	1527	170	1623	971	228
POINT ARENA										
Polling	274	0	0.00%	0	0	0	0	0	0	0
VBM	274	206	75.18%	0	0	0	0	0	0	0
Total	274	206	75.18%	0	0	0	0	0	0	0
UKIAH										
Polling	8207	586	7.14%	0	0	0	0	0	0	0
VBM	8207	5559	67.73%	0	0	0	0	0	0	0
Total	8207	6145	74.88%	0	0	0	0	0	0	0
WILLITS										
Polling	2753	410	14.89%	0	0	0	0	0	0	0
VBM	2753	1478	53.69%	0	0	0	0	0	0	0
Total	2753	1888	68.58%	0	0	0	0	0	0	0
No Matching District										
Polling	36127	4795	13.27%	0	0	0	0	0	0	0
VBM	36127	22876	63.32%	0	0	0	0	0	0	0
Total	36127	27671	76.59%	0	0	0	0	0	0	0
Total										
Polling	51035	6036	11.83%	3674	245	144	13	151	76	14
VBM	51035	32694	64.06%	3674	2575	1383	157	1472	895	214
Total	51035	38730	75.89%	3674	2820	1527	170	1623	971	228

STATEMENT OF ALL VOTES CAST  
 COUNTY OF MENDOCINO  
 NOVEMBER 8, 2016 GENERAL ELECTION  
 CITY OF FORT BRAGG

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	MEASURE AA - FB TOT				MEASURE AB - FB ADVISORY			
	Reg. Voters	Times Counted	YES	NO	Reg. Voters	Times Counted	YES	NO
300002-BUCKEYE								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300003-WALKER								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300004-BERRY CREEK								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300005-LAKEWOOD								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300006-REDWOOD								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300007-BAECHTEL								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
300008-LONG VALLEY								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400001-CLEONE								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400002-PUDDING CREEK								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400003-HARE CREEK								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400004-WOODLAND								
Polling	1020	245	129	95	1020	245	140	74
VBM	1020	491	258	197	1020	491	306	138
Total	1020	736	387	292	1020	736	446	212
400005-TURNER								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400006-RUSSIAN GULCH								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
400007-JUG HANDLE CREEK								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
500001-SURFWOOD								

STATEMENT OF ALL VOTES CAST  
 COUNTY OF MENDOCINO  
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 CITY OF FORT BRAGG

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	MEASURE AA - FB TOT				MEASURE AB - FB ADVISORY			
	Reg. Voters	Times Counted	YES	NO	Reg. Voters	Times Counted	YES	NO
Total	-	-	-	-	-	-	-	-
999421-OCEAN								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999422-OCEAN MEADOWS								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999423-ISLAND								
Polling	80	0	0	0	80	0	0	0
VBM	80	65	39	23	80	65	46	14
Total	80	65	39	23	80	65	46	14
999424-SPRUCE								
Polling	242	0	0	0	242	0	0	0
VBM	242	201	114	72	242	201	132	53
Total	242	201	114	72	242	201	132	53
999425-BUSH								
Polling	231	0	0	0	231	0	0	0
VBM	231	192	121	56	231	192	129	43
Total	231	192	121	56	231	192	129	43
999426-FIR								
Polling	158	0	0	0	158	0	0	0
VBM	158	119	59	51	158	119	74	35
Total	158	119	59	51	158	119	74	35
999427-LAUREL								
Polling	164	0	0	0	164	0	0	0
VBM	164	124	63	52	164	124	77	38
Total	164	124	63	52	164	124	77	38
999428-FERN								
Polling	237	0	0	0	237	0	0	0
VBM	237	189	114	56	237	189	119	48
Total	237	189	114	56	237	189	119	48
999429-TAUBOLD								
Polling	213	0	0	0	213	0	0	0
VBM	213	178	107	58	213	178	128	35
Total	213	178	107	58	213	178	128	35
999430-MONSEN								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
999431-MADSEN								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
999432-DENNISON								
Polling	193	0	0	0	193	0	0	0
VBM	193	159	97	53	193	159	96	50
Total	193	159	97	53	193	159	96	50
999433-FRANKLIN								
Polling	126	0	0	0	126	0	0	0
VBM	126	94	43	41	126	94	55	25
Total	126	94	43	41	126	94	55	25
999434-ALDER								
Polling	215	0	0	0	215	0	0	0
VBM	215	177	97	62	215	177	104	50
Total	215	177	97	62	215	177	104	50

STATEMENT OF ALL VOTES CAST  
 COUNTY OF MENDOCINO  
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 CITY OF FORT BRAGG

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	MEASURE AA - FB TOT				MEASURE AB - FB ADVISORY			
	Reg. Voters	Times Counted	YES	NO	Reg. Voters	Times Counted	YES	NO
999435-HAZEL								
Polling	183	0	0	0	183	0	0	0
VBM	183	129	73	47	183	129	75	43
Total	183	129	73	47	183	129	75	43
999436-SANDERSON								
Polling	188	0	0	0	188	0	0	0
VBM	188	148	79	60	188	148	91	43
Total	188	148	79	60	188	148	91	43
999437-CYPRESS								
Polling	255	0	0	0	255	0	0	0
VBM	255	181	90	71	255	181	108	50
Total	255	181	90	71	255	181	108	50
999438-CANYON VIEW								
Polling	144	0	0	0	144	0	0	0
VBM	144	106	50	48	144	106	69	24
Total	144	106	50	48	144	106	69	24
999439-DEER MEADOWS								
Polling	16	0	0	0	16	0	0	0
VBM	16	14	8	6	16	14	9	5
Total	16	14	8	6	16	14	9	5
999440-RIVERVIEW								
Polling	9	0	0	0	9	0	0	0
VBM	9	8	5	2	9	8	7	1
Total	9	8	5	2	9	8	7	1
999441-JACKSON								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999442-NORTHSPUR								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999501-CUMMINGS								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999502-CRESTWOOD								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999503-LANSING								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999504-MAIN								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999505-MENDOCINO WOODLANDS								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999506-BIG RIVER								
Polling	-	-	-	-	-	-	-	-
VBM	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-
999507-OCEAN BLUFF								



STATEMENT OF ALL VOTES CAST  
 COUNTY OF MENDOCINO  
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	MEASURE AA - FB TOT				MEASURE AB - FB ADVISORY			
	Reg. Voters	Times Counted	YES	NO	Reg. Voters	Times Counted	YES	NO
Total	0	0	0	0	0	0	0	0
Total								
Polling	3674	245	129	95	3674	245	140	74
VBM	3674	2575	1417	955	3674	2575	1625	695
Total	3674	2820	1546	1050	3674	2820	1765	769
CITIES								
FORT BRAGG								
Polling	3674	245	129	95	3674	245	140	74
VBM	3674	2575	1417	955	3674	2575	1625	695
Total	3674	2820	1546	1050	3674	2820	1765	769
POINT ARENA								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
UKIAH								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
WILLITS								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
No Matching District								
Polling	0	0	0	0	0	0	0	0
VBM	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
Total								
Polling	3674	245	129	95	3674	245	140	74
VBM	3674	2575	1417	955	3674	2575	1625	695
Total	3674	2820	1546	1050	3674	2820	1765	769



## *Oath or Affirmation of Allegiance for Public Officers and Employees*

*State of California*        )  
  ) ss.  
*County of Mendocino*    )

*The Execution of this Oath is Required by Article XX, Section 3, of the  
Constitution of the State of California.*

*I, Will Lee, do solemnly swear that I will support and defend the  
Constitution of the United States and the Constitution of the State of  
California against all enemies, foreign and domestic; that I will bear  
true faith and allegiance to the Constitution of the United States and  
the Constitution of the State of California; that I take this obligation  
freely, without any mental reservation or purpose of evasion; and that  
I will well and faithfully discharge the duties upon which I am about  
to enter.*

*Subscribed and sworn to before me this 12<sup>th</sup> day of December, 2016.*

---

*June Lemos  
City Clerk*

---

*Will Lee  
Councilmember*



## *Oath or Affirmation of Allegiance for Public Officers and Employees*

*State of California        )*  
*) ss.*  
*County of Mendocino    )*

*The Execution of this Oath is Required by Article XX, Section 3, of the  
Constitution of the State of California.*

*I, Bernie Norwell, do solemnly swear that I will support and defend  
the Constitution of the United States and the Constitution of the State  
of California against all enemies, foreign and domestic; that I will  
bear true faith and allegiance to the Constitution of the United States  
and the Constitution of the State of California; that I take this  
obligation freely, without any mental reservation or purpose of evasion;  
and that I will well and faithfully discharge the duties upon which I  
am about to enter.*

*Subscribed and sworn to before me this 12<sup>th</sup> day of December, 2016.*

---

*June Lemos  
City Clerk*

---

*Bernie Norwell  
Councilmember*

*United States of America*

# *Certificate of Election*

*State of California )*

*) SS.*

*County of Mendocino )*

*I, June Lemos, City Clerk of the City of Fort Bragg,  
State of California, certify that at a Presidential General  
Election held in the City of Fort Bragg on Tuesday,  
November 8, 2016.*

***BERME NORVELL***

*was elected to the office of City Council for the City of Fort  
Bragg as appears by the official returns of the election and  
the statement of votes cast now on file in my office.*

*I affix my hand and official seal this 12<sup>th</sup> day of  
December, 2016.*

*June Lemos*  
\_\_\_\_\_  
*June Lemos*  
*City Clerk*



*United States of America*

# *Certificate of Election*

*State of California )*

*) SS.*

*County of Mendocino )*

*I, June Lemos, City Clerk of the City of Fort Bragg,  
State of California, certify that at a Presidential General  
Election held in the City of Fort Bragg on Tuesday,  
November 8, 2016,*

**WILL LEE**

*was elected to the office of City Council for the City of Fort  
Bragg as appears by the official returns of the election and  
the statement of votes cast now on file in my office.*

*I affix my hand and official seal this 12<sup>th</sup> day of  
December, 2016.*

*June Lemos*

*June Lemos*

*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: 16-478

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5A.

Adopt Fort Bragg Municipal Improvement District Board Resolution Authorizing District Manager to Execute a Financial Assistance Application for a Financing Agreement with the State Water Resources Control Board for the Wastewater Treatment Plant Upgrade Project

The Fort Bragg Municipal Improvement District (FBMID) is seeking funding for the Wastewater Treatment Facility Upgrade Project. An estimated \$11M is needed for completion of the project. The intent is to apply for \$6M in grant funding from the State Water Resources Control Board (SWRCB) through their State Revolving Fund (SRF), and to seek a possible loan as well. It is necessary to pass a resolution authorizing the District Manager to sign and file an application on behalf of the FBMID. The application is a Financial Assistance Application for a financing agreement from the SWRCB.

**RESOLUTION NO. ID \_\_\_\_-2016**

**RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD  
AUTHORIZING DISTRICT MANAGER TO EXECUTE A FINANCIAL ASSISTANCE  
APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER RESOURCES  
CONTROL BOARD FOR THE WASTEWATER TREATMENT PLANT UPGRADE PROJECT**

**WHEREAS**, the Fort Bragg Municipal Improvement District (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

**WHEREAS**, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with monies ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board);

**NOW, THEREFORE, BE IT RESOLVED** that District Board hereby authorizes and directs the District Manager (the "Authorized Representative") or designee to sign and file, for and on behalf of the Agency, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the construction of Wastewater Treatment Plant Upgrade Project (the "Project").

This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

The Authorized Representative, or his/her designee, is designated to represent the Agency in carrying out the Agency's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Agency and compliance with applicable state and federal laws.

**The above and foregoing Resolution was introduced by Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_, and passed and adopted at a regular meeting of the District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 12<sup>th</sup> day of December 2016, by the following vote:**

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

---

**Chair**

**ATTEST:**

---

**June Lemos  
District 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: 16-489

**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5B.

Adopt City Council Resolution Approving Public, Educational, and Government (PEG) Access Funding Agreement between the County of Mendocino and the City of Fort Bragg and Authorizing City Manager to Execute Same (Funding Amount \$14,371; Account No. 110-4190-0623)

The County of Mendocino and the City of Fort Bragg both have franchise agreements with Adelphia Communications (now Comcast Communications) that include a provision for the operation of Public, Educational, and Government (PEG) channels on cable television throughout Comcast's service area. In the past, Mendocino County and Fort Bragg have pooled a portion of the franchise fees received from Comcast to help fund PEG services. In FY 2015-16, the County and City entered into a Funding Agreement whereby the County remitted \$21,556 to the City in exchange for the provision of PEG services to Comcast customers in the coastal region. These funds were used by the City to help offset costs of its contract with the current coastal PEG provider, Mendocino TV.

This past June, the City Council entered into a contract with Mendocino TV to provide PEG services for a term extending from July 1, 2016 to December 31, 2016. The 6-month term corresponded to the \$15,000 in franchise fees that the City had budgeted for PEG services in FY 2016-17. Since that time, staff has pressed the County to provide their share of the funding in order for PEG services to continue for the remainder of the fiscal year. Thanks in large part to the efforts of 4th District Supervisor Dan Gjerde, the County recently agreed to enter into a new Funding Agreement which will provide \$14,371 to the City of Fort Bragg in exchange for the provision of PEG services through June 30, 2017.

The Resolution authorizes the City Manager to execute the Funding Agreement with the County for the City to receive \$14,371 in funding in FY 2016-17 for the provision of PEG services on the coast. The funding agreement has a term that extends from November 1, 2016 - June 30, 2017. The funding would be utilized to extend the City's current contract with Mendocino TV to provide PEG services through the end of the fiscal year. A separate item is on the Council's consent calendar approving an amendment to the City's Professional Services Agreement with Mendocino TV. If the City does not enter into the Funding Agreement with the County to receive the franchise fees, there would not be a funding source for the Mendocino TV contract, and rather than being extended, it would expire on December 31, 2016.

**RESOLUTION NO. \_\_\_\_\_-2016**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) ACCESS FUNDING AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND THE CITY OF FORT BRAGG AND AUTHORIZING CITY MANAGER TO EXECUTE SAME (FUNDING AMOUNT \$14,371; ACCOUNT NO. 110-4190-0623)**

**WHEREAS**, for Fiscal Year 2015-2016, the City of Fort Bragg (“City”) and the County of Mendocino (“County”) entered into a Funding Agreement whereby the County provided a total of \$21,556 to the City to provide PEG services to coastal residents outside the city limits of Fort Bragg; and

**WHEREAS**, the Funding Agreement with the County of Mendocino expired on June 30, 2016; and

**WHEREAS**, the County wishes to enter into a new Funding Agreement with the City of Fort Bragg for the continued provision of PEG services to coastal residents outside city limits for the period of November 1, 2016 through June 30, 2017; and

**WHEREAS**, the City will receive \$14,371 from the County for providing said services; and

**WHEREAS**, the City Council’s PEG ad hoc committee recommends entering into the Funding Agreement with the County in order for the City to receive the necessary funds to continue operation of the PEG station(s) beyond December 31, 2016; and

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

1. The City has determined that the proposed funds from the County of Mendocino will enable it to continue to provide PEG (Public, Educational, and Government) Distribution and Programming Services for the remainder of the current fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve a Public, Educational, and Government (PEG) Access Funding Agreement between the County of Mendocino and the City of Fort Bragg and Authorizes City Manager to execute the same (Funding Amount \$14,371; Account No. 110-4190-0623).

**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 12<sup>th</sup> day of December, 2016, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

---

**Mayor**

**ATTEST:**

---

**June Lemos  
City Clerk**

**PUBLIC EDUCATION AND GOVERNMENT ACCESS (PEG) FUNDING  
AGREEMENT BETWEEN MENDOCINO COUNTY AND THE CITY OF FORT  
BRAGG**

THIS AGREEMENT is made and entered into this 18 day of November 2016, by and between Mendocino County, a political subdivision of the State of California ("County"), and the City of Fort Bragg, a municipal corporation ("Contractor" or "Fort Bragg"), for funding of expenses and equipment for Fort Bragg's Public Education and Governmental ("PEG") Access Channel;

WHEREAS, the County entered into a Franchise Agreement with Adelphia Communications ("Adelphia") on April 19, 2005, wherein the Franchise stipulates that Adelphia Communications (now Comcast Communications) is to make payments to the County for cable franchise fees, and the County will fund Public Education and Governmental Access ("PEG") channels within the County ("Franchise Agreement");

WHEREAS, the City of Fort Bragg operates its own PEG, through which it provides public, educational, and governmental programming to the residents of Fort Bragg and surrounding unincorporated area;

WHEREAS, the County desires that the funding received from Comcast Communications be apportioned among designated access management entities on a proportional subscriber basis; and

WHEREAS, the County further desires that programming shown on Public Education and Governmental Access Channels support the County's efforts to communicate and educate the residents of the County of Mendocino.

NOW, THEREFORE, in accordance with the provisions of this Agreement, County and Contractor agree as follows:

**SECTION 1. TERM**

1.1 The term of this agreement shall be from November 1, 2016 through June 30, 2017.

**SECTION 2. PURPOSES, USES AND DUTIES**

2.1 Fort Bragg hereby agrees to be responsible for purchasing, maintaining, and operating equipment and facilities used for production and playback of programming shown on public, educational, and governmental access channels serving residents in Fort Bragg and surrounding unincorporated areas.

**SECTION 3. PAYMENTS**

3.1 In consideration of full and satisfactory performance of services by Fort Bragg, the County shall make payments to Fort Bragg from funds provided by Comcast Communications (previously Adelphia) in accordance with the provision of the term as

aforementioned, subject to the limitations and provisions set forth in this Section and Section 4 below.

3.2 Method of Payment.

- (a) Within thirty days after execution of this Agreement and upon receipt of an invoice from the City of Fort Bragg, the County will authorize payment of funds received from Comcast Communications for the term specified for fiscal year 2016/2017, as follows:

Operating = \$14,371

3.3 Limit of County Funding Liability.

The parties agree that the County's funding obligations to Fort Bragg are contingent upon the County receiving payments in accordance with its Franchise Agreement with Comcast Communications (previously Adelphia). This Agreement does not obligate the General Fund or any other moneys or credits of Mendocino County. The County shall not be liable for and Fort Bragg shall release, indemnify and hold the County harmless from any claims or demands for:

- (a) Costs paid, or expenses reimbursed by any third party;
- (b) Expenses incurred either prior to or after the term of this Agreement; or
- (c) Expenses incurred in violation of the terms of this Agreement and its attached exhibits.

**SECTION 4. CONTRACTOR RESPONSIBILITIES**

Fort Bragg shall manage, administer, and operate PEG access in the city of Fort Bragg and the surrounding unincorporated area and, either by itself or through contract, provide all contracted services, paid and volunteer personnel, equipment, and supplies necessary to its performance. Fort Bragg is free to solicit other sources of funds to support cable access related services, and to engage in any other lawful activity within its powers as a nonprofit corporation.

Fort Bragg shall have the following responsibilities under this Agreement:

- (a) Adopt and administer policies and procedures for the use of the community access channels, equipment, and facilities by the public and by educational and governmental users;
- (b) Enter into an agreement with a PEG provider to ensure contracted services are supplied for programming for the duration of this Agreement;
- (c) Allow the County of Mendocino use and access to equipment utilized for PEG services for the purpose of taping, recording and broadcasting County public meetings held in the City of Fort Bragg;

- (d) Manage, administer, and operate the community access channels as a public forum, ensuring that the channels are available for all forms of public expression, information, and debate on public issues. Enforce only such control over program content as is permitted by law;
- (e) Ensure the public's access to community access channels, equipment, facilities, and media literacy training on an equitable basis;
- (f) Carefully account for all money and property entrusted to Fort Bragg. Monies provided to Fort Bragg by the County are public resources, and their use and accounting is a public trust. The County shall hold Fort Bragg strictly accountable for these funds;
- (g) Establish reasonable fees, when appropriate, for the use of production facilities, equipment, and services;
- (h) Promote diversity in community access utilization, assuring that programming serves under-served populations and reflects a broad range of community interests within the cable service area; and
- (i) Explore cooperative exchange agreements with other communities within Mendocino County, including the County.

#### 4.1 Financial Reporting Requirements

The Contractor shall:

- (a) Keep full and accurate accounting of the receipt and expenditure of all funds paid to Contractor by the County under this Agreement;
- (b) Separately account for funds received from all other sources.
- (c) Keep all books of account in accordance with generally accepted accounting principles, and these books of account shall be open to inspection by the County and its authorized representatives upon reasonable advance notice.

### **SECTION 5. REPRESENTATIONS AND WARRANTIES**

The Contractor represents and warrants that:

- (a) All information, reports and data furnished to the County by Contractor are complete and accurate as of the date furnished to the County, and that Contractor shall promptly notify the Officer in the event of any material change affecting the accuracy or completeness;
- (b) All financial statements and information furnished to the County are complete, accurately reflect the financial condition of the Contractor on

the date shown on said report, accurately show the results of the operation for the period covered by the report, and that since said date there has been no material change, adverse or otherwise, in the financial condition of the Contractor;

- (c) Contractor has notified the Officer of any and all pending or threatened legal proceedings against the Contractor;
- (d) None of the provisions herein violates, or is in conflict with, the authority under which the Contractor is doing business, or the terms of any obligation or agreement of the Contractor;
- (e) The Contractor has the power to enter into this Agreement and accept payments hereunder, and the Contractor has taken all necessary action to authorize such acceptance under the terms and conditions of this Agreement;

**SECTION 6. ASSIGNMENTS**

Contractor shall not transfer, pledge or otherwise assign this Agreement or any interest therein, or any claim arising thereunder, to any other party, bank, trust company or other financial institution. Any purported transfer or assignment made in violation of this Section is null and void.

**SECTION 7. NO THIRD PARTY BENEFICIARIES**

This Agreement does not confer any enforceable rights to any person or entity, which is not a party to this Agreement.

**SECTION 8. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS**

The Contractor shall comply with all applicable laws, rules, regulations, procedures and policies of the Federal, State and local governments.

**SECTION 9. LEGAL AUTHORITY**

The persons executing this Agreement on behalf of Contractor represent and warrant that they are duly authorized and empowered to execute this Agreement, that Contractor has taken all action necessary to approve this Agreement, and that this Agreement is a lawful and binding obligation of Contractor.

**SECTION 10. SEVERABILITY OF PROVISIONS**

If any provision of this Agreement, or its application to any person or set of circumstances is held to be unconstitutional, invalid, or unenforceable, that holding shall only affect the words, phrases, clauses, or provisions so held, and such holding shall not affect the remaining portions of this Agreement, this being the intent of the Parties in entering into this transaction; and all provisions of this agreement are declared to be severable for this purpose.

**SECTION 11. INDEMNITIES**

Contractor for itself and its agents, employees, subcontractors, and the agents and employees of said subcontractors, shall defend, indemnify and hold the County, its successors, assigns, officers, employees and elected officials harmless from and against any and all claims, demands, suits, causes of action and judgments, whether in agreement or in tort (including negligence and strict liability), arising out of, or incident to, concerning or resulting from the performance of any services under this Agreement or the negligence or willful misconduct of Contractor, its agents employees, and/or subcontractors, in the performance of services under this Agreement, including, but not limited to, claims for:

- (a) damage to or loss of the property of any person (including but not limited to Contractor, its agents, officers, employees and subcontractors, Owner’s agents, officers and employees, and third parties);
- (b) death, bodily injury, illness, disease, worker’s compensation, loss of services, or loss of income or wages to any person (including but not limited to the agents, officers and employees of Contractor, Contractor’s subcontractors and third parties); and
- (c) violations of any laws, rules regulations, procedures and policies of the Federal, State and local governments.

It is the intention of the parties, and Contractor expressly agrees, that the provisions of this Section shall not exclude claims, damages, and losses, if any, caused by the negligence of the County.

**SECTION 12. AGREEMENT ENTIRE AGREEMENT**

This Agreement, together with the attached exhibits constitutes the entire agreement between the parties hereto with respect to the matters covered by its terms. No other agreement, assertion, statement, understanding, or other promise made by any party, or to any employee, officer, or agent of any party that is not embodied in this Agreement shall have force or effect.

**SECTION 13. VENUE**

The obligations and undertakings of each of the parties to this Agreement shall be performed in Mendocino County, California.

**SECTION 14. CHOICE OF LAW**

The laws of the State of California shall govern any disputes that arise concerning this agreement.

**SECTION 15. CONSTRUCTION OF AGREEMENT**

Although this Agreement may have been substantially drafted by one Party, it is the intent of the parties that all provisions be constructed in a manner fair to both Parties, reading no

provision more strictly against one Party or the other.

**SECTION 16. NOTICES**

For purposes of this Agreement, all communications and notices among the parties shall be deemed made if sent postage prepaid to the parties and addresses set forth below:

The Contractor:

City of Fort Bragg  
416 N Franklin St  
Fort Bragg, CA 95437

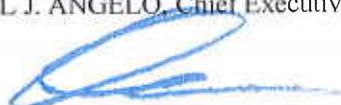
Mendocino County:

Attn: Christopher D. Shaver  
501 Low Gap Road  
Room #1010  
Ukiah, CA 95482

IN WITNESS WHEREOF, the undersigned have executed this Agreement by their duly authorized representatives as of the 18 day of November, 2016.

**DEPARTMENT FISCAL REVIEW:**  
DEPARTMENT NAME: Executive Office  
  
DEPARTMENT HEAD 11/17/16  
DATE

Budgeted: Yes  No   
Budget Unit: 2110  
Line Item: 760780  
Grant: Yes  No   
Grant No: N/A

CARMEL J. ANGELO, Chief Executive Officer  
  
By: \_\_\_\_\_  
PURCHASING AGENT

**INSURANCE REVIEW:**  
RISK MANAGER  
  
By: \_\_\_\_\_  
ALAN D. FLORA, Risk Manager

CONTRACTOR:

By: \_\_\_\_\_  
City of Fort Bragg

**COUNTY COUNSEL REVIEW:**  
APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT,  
County Counsel  
  
By: \_\_\_\_\_  
Deputy

**FISCAL REVIEW:**  
  
By: \_\_\_\_\_  
Deputy CEO/Fiscal

**EXECUTIVE OFFICE REVIEW:**  
APPROVAL RECOMMENDED  
  
By: \_\_\_\_\_  
CARMEL J. ANGELO, Chief Executive Officer



# City of Fort Bragg

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

## Text File

File Number: 16-490

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5C.

Adopt City Council Resolution Approving Amendment of the Professional Services Agreement with Mendocino TV to Extend Term of Agreement to June 30, 2017 and to Increase Contract Amount to \$30,000, Authorizing City Manager to Execute Same, and Approving Budget Amendment #2016-16 (Amount Not to Exceed \$15,000; Account No. 110-4190-0623)

In July, 2015, the City entered into a Professional Services Agreement with Mendocino TV to complete the setup of the necessary hardware and software to get the Public, Educational, and Government (PEG) channel up and running after the prior PEG operator (MCTV) folded in 2013. The Agreement included monthly programming of the PEG, content development and oversight of two PEG ad hoc committees. In June, 2016, the City entered into an Agreement that extended Mendocino TV's services to December 31, 2016. The expiration date was established based on the amount of funding that the City had available in FY 2016-17 for PEG services. A total of \$18,000 was budgeted to cover a \$15,000 expenditure for the Mendocino TV contract and provide \$3,000 for equipment replacement and repair and IT services, as needed. At that time, Mendocino County had not proffered any funds for PEG services in FY 2016-17.

A separate Consent Calendar item is on the Council agenda for the Council to adopt a Resolution approving a Funding Agreement with the County of Mendocino. If approved, the County will contribute \$14,371 in exchange for the City providing PEG services through June 30, 2017. These additional funds will provide sufficient funding to extend PEG services through June 30, 2017.

The resolution include a budget amendment which would obligate the \$14,371 the City is to receive from the County of Mendocino and an additional \$629 from the currently budgeted PEG revenues, to cover the cost of the contract extension(Amount Not to Exceed \$15,000; Account #110-4190-0623).

**RESOLUTION NO. \_\_\_\_-2016**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MENDOCINO TV TO EXTEND TERM OF AGREEMENT TO JUNE 30, 2017 AND TO INCREASE CONTRACT AMOUNT TO \$30,000, AUTHORIZING CITY MANAGER TO EXECUTE SAME, AND APPROVING BUDGET AMENDMENT #2016-16 (AMOUNT NOT TO EXCEED \$15,000; ACCOUNT NO. 110-4190-0623)**

**WHEREAS**, since July 2015, the City has contracted with Mendocino TV to set up the necessary hardware and software to relaunch the Public, Educational, and Government (PEG) channel after the prior PEG provider (MCTV) folded in 2013 and to administer and manage the day-to-day programming of the channel; and

**WHEREAS**, the current contract with Mendocino TV is set to expire on December 31, 2016; and

**WHEREAS**, an amendment to the Professional Services Agreement with Mendocino TV is included as Exhibit A to this resolution and will enable the continuation of PEG services, including engineering, management, administration and operation of PEG Distribution and Programming Facilities and other services; and

**WHEREAS**, a 6-month contract extension with Mendocino TV through June 30, 2017 is proposed for two reasons:

1. The City continues to explore the possibility of a countywide PEG contract with Mendocino County;
2. Funding has been procured from the County for the additional 6 months of services; and

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

1. The City has determined that it requires the continued professional services from a consultant: to provide PEG (Public, Educational, and Government) Distribution and Programming Services; and
2. Mendocino TV continues to be fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees.
3. Mendocino TV is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in a Professional Services Agreement ("Agreement") which is included as Exhibit A to this Resolution and incorporated herein; and
4. The Council has determined that sufficient funds are available in the FY 2016/17 Budget from franchise fees received from Comcast for providing PEG services within the city limits as well as funds received from the County for providing PEG services outside the city limits.

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

1. Amendment to the Professional Services Agreement with Mendocino TV for PEG Support Services extending the term of service to June 30, 2017 and authorizing City Manager to execute same (Amount Not to Exceed \$30,000; Account No. 110-4190-0623);
2. Budget Amendment #2016-16 (Amount Not To Exceed \$15,000; Account #110-4190-0623).

**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 12<sup>th</sup> day of December, 2016, by the following vote:**

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

---

**Mayor**

**ATTEST:**

---

**June Lemos  
City Clerk**

**FIRST AMENDMENT**  
**TO PROFESSIONAL SERVICES AGREEMENT WITH MENDOCINO TV**  
**TO PROVIDE PEG (PUBLIC, EDUCATIONAL AND GOVERNMENT) SUPPORT**

**THIS FIRST AMENDMENT** is made and entered into this \_\_\_\_ day of December 2016, by and between the City of Fort Bragg, a California Municipal Corporation, 416 N. Franklin Street, Fort Bragg, California, 95437 ("City"), and Terrence Vaughn, dba: Mendocino TV, 308B N. Main Street, Fort Bragg, California 95437 ("Consultant").

**WHEREAS**, on June 27, 2016, City contracted with Consultant and determined that it required professional services from a consultant to provide PEG (Public, Educational and Government) Support; and

**WHEREAS**, the Term of the agreement expires on December 31, 2016; and

**WHEREAS**, City desires continued assistance to complete these services; and

**WHEREAS**, Consultant represents and warrants that it is fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such service.

**NOW, THEREFORE**, for the aforementioned reasons and other valuable consideration, the receipt and sufficiency of which is acknowledged, City and Consultant hereby agree that the Professional Services Agreement to provide PEG (Public, Educational and Government) Support between the City and Consultant dated June 27, 2016, is hereby amended as follows:

1. **TERM AND TIME OF COMPLETION:**

The Term and Time of Completion are hereby amended to **June 30, 2017**.

2. **PAYMENT TERMS AND NOT TO EXCEED AMOUNT:**

The Payment Terms and Not to Exceed Amount are hereby amended as follows:

City agrees to pay Consultant for Services that are actually performed in accordance with this Agreement. To be eligible for payment, Consultant invoices must be submitted not more often than monthly to the City and list the Services performed and the amounts to be paid according to the cost categories and prices in the Proposal. In no event will the City's obligation to pay the Consultant under this Agreement exceed \$2,500 per month (\$30,000 for the twelve-month period) (the "Not to Exceed Amount"), unless this Agreement is first modified in accordance with its terms. Where the Proposal provides for compensation on a time and materials basis, Consultant must maintain adequate records to permit inspection and audit of Consultant's time and material charges under this Agreement. Consultant will make such records available to the City during normal business hours upon reasonable notice. In accordance with California

Government Code § 8546.7, if the Not to Exceed Amount exceeds TEN THOUSAND DOLLARS (\$10,000.00), this Agreement and the Consultant's books and records related to this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

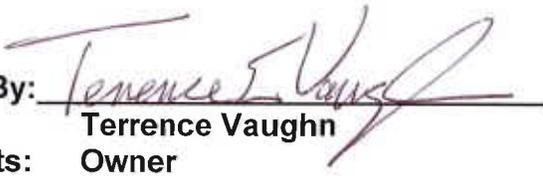
3. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated June 27, 2016, is hereby reaffirmed.

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

**CITY OF FORT BRAGG**

**MENDOCINO TV**

By: \_\_\_\_\_  
Linda Ruffing  
Its: City Manager

By:   
Terrence Vaughn  
Its: Owner

**ATTEST:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
June Lemos  
City Clerk

By: \_\_\_\_\_  
Samantha Zutler  
City Attorney

Government Code § 8546.7, if the Not to Exceed Amount exceeds TEN THOUSAND DOLLARS (\$10,000.00), this Agreement and the Consultant's books and records related to this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

3. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated June 27, 2016, is hereby reaffirmed.

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

**CITY OF FORT BRAGG**

**MENDOCINO TV**

By: \_\_\_\_\_

Linda Ruffing

Its: City Manager

By: \_\_\_\_\_

Terrence Vaughn

Its: Owner

**ATTEST:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

June Lemos  
City Clerk

By: \_\_\_\_\_

Samantha Zutler  
City Attorney



# City of Fort Bragg

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

## Text File

**File Number: 16-497**

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5D.

Approve Maddy Act Notice Providing List of Appointed Terms Expiring in 2017

The City is required by Government Code section 54972 to post a list of Committee and Board openings for the upcoming year. The legislative body (City Council) needs to approve the list and direct the City Clerk to post and publish it. Attached is the list showing the vacancies for 2017.



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

### **PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** that the City of Fort Bragg encourages residents to apply for a position on City Boards, Commissions, and Committees that will have vacancies in **2017**.

At the end of each year, the City publishes a list of expiring appointed terms for the coming year, names of incumbents, and the dates of appointments. Following is a list for 2017:

#### **LIBRARY ADVISORY BOARD**

The City of Fort Bragg recommends an individual for appointment by the Board of Supervisors to the Mendocino County Library Advisory Board. The Library Advisory Board plays an important role in development of quality improvements in the local library branches by exposing the membership to changes and innovations in the library world. Preference will be given to a City resident. This will be a two year appointment.

<b>NAME</b>	<b>APPOINTED</b>	<b>TERM ENDS</b>
<b>Ann Rennacker</b>	<b>10/26/2015</b>	<b>10/31/2017</b>

#### **FORT BRAGG FIRE PROTECTION AUTHORITY**

The Joint Powers Authority Agreement that created the Fort Bragg Fire Protection Authority in 1990 provides, in part, that one member of the five member board shall be appointed jointly by the Board of Directors for the Fort Bragg Rural Fire District and the City Council of the City of Fort Bragg. The District Board and City Council shall consult with the Fort Bragg Volunteer Fire Department prior to selecting the jointly-appointed member. At its option, the Fort Bragg Volunteer Fire Department may submit one or more candidates for this position. The appointee must be a resident of the Fire Protection area. Appointment to this Board would be for a two year term. The Authority meets regularly on the fourth Tuesday of each month.

<b>NAME</b>	<b>APPOINTED</b>	<b>TERM ENDS</b>
<b>Joe Sutphin</b>	<b>07/08/2013</b>	<b>03/31/2017</b>

Persons interested in appointment to the above boards or committees are urged to contact City Clerk June Lemos at 961-1694 to obtain an application form.

Residents of the City of Fort Bragg and persons owning a business or commercial property in the City shall be given preference for appointment to advisory committees. The City Council will review applications and interview applicants for appointment to the Fort Bragg Fire Protection Authority in March and recommendation for appointment to the Mendocino County Library Advisory Board in May.

#### **ADDITIONAL BOARDS AND COMMISSIONS**

In addition to those listed above, the following is a list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position:

**Planning Commission** – Each member of the City Council may submit the name of a resident of the City as a nominee for a seat on the Planning Commission. Each member of the Planning Commission shall be a registered voter of the City at the time of his/her appointment and during his/her incumbency.

**Noyo Harbor Commission** – Appointees to the Noyo Harbor Commission must reside within the Noyo Harbor District boundaries.

Dated: December 16, 2016

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

Published: December 22, 2016 and December 29, 2016

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 notice to be posted in the City Hall notice case on December 16, 2016 and delivered to the Mendocino County Public Library, 499 East Laurel Street, Fort Bragg, California.

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

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# City of Fort Bragg

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

## Text File

**File Number: 16-496**

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5E.

Authorize Cancellation of the December 26, 2016 Meeting

Traditionally, the City Council cancels its second meeting in December due to the holidays. Action should be taken now to cancel the December 26th meeting. Should the need arise, a special meeting can be scheduled to deal with any items that cannot wait until the January 9, 2017 regular meeting.

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# City of Fort Bragg

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

## Text File

**File Number: 16-498**

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5F.

### Reject Claim of Weslie Hall

On November 28, 2016, the City received a claim from attorney Douglas L. Losak on behalf of Weslie Hall. The claim was for money damages against the City of Fort Bragg in connection with injuries received by the plaintiff on October 9, 2016 while walking down the stairs to Glass Beach. The claim was forwarded to Redwood Empire Municipal Insurance Fund (REMIF) for review and direction. REMIF's General Manager reviewed the claim and recommended that it be rejected by the City Council. A copy of the claim and the proposed Notice of Rejection are attached for Council's review. If the claim is rejected, the City Clerk will issue the Notice of Rejection and advise REMIF that that claim has been rejected.

DUNCAN M. JAMES  
DONALD J. McMULLEN  
CHRISTOPHER L. BROOKE  
K. J. FLAVETTA  
DOUGLAS L. LOSAK  
GINEVRA K. CHANDLER

**LAW OFFICE OF DUNCAN M. JAMES**

LAMBS INN  
P. O. BOX 1381  
445 NORTH STATE STREET  
UKIAH, CALIFORNIA 95482  
(707) 468-9271

FAX (707) 468-0453  
lawoffice@duncanjames.com

November 22, 2016

City Clerk's Office  
City of Fort Bragg  
416 N. Franklin Street  
Fort Bragg, CA 95437

Re: Weslie Hall

Dear City Clerk:

Enclosed please find an original and one (1) copy of a *Claim for Money Damages Against the City of Fort Bragg*. Please file the original, and return a conformed copy in the envelope provided.

Call if you have any questions. Thank you.

Very truly yours,



DOUGLAS L. LOSAK

DLL/kab  
Encls.

**RECEIVED**

**NOV 28 2016**

**CITY OF FORT BRAGG  
CITY CLERK**

File With:  
City Clerk's Office  
City of Fort Bragg  
416 N. Franklin Street  
Fort Bragg, CA 95437

**CLAIM FOR MONEY OR  
DAMAGES AGAINST THE  
CITY OF FORT BRAGG**

RESERVE FOR FILING STAMP

CLAIM NO. \_\_\_\_\_

**RECEIVED**

**NOV 28 2016**

**CITY OF FORT BRAGG  
CITY CLERK**

Weslie H

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

Name of Claimant: Weslie Hall

Post Office Address:

2. Post Office address to which the person presenting the claim desires notices to be sent:

Name of Addressee: Law Office of Duncan James

Telephone: (707) 468-9271

Post Office Address: 445 N. State St., Ukiah CA 95482

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of Occurrence: October 9, 2016

Time of Occurrence:

Location: Glass Beach, Fort Bragg CA

Circumstances giving rise to this claim: Walking down stairs down to beach, tripped and fell, foot caught

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

Compound fracture, shattered ankle, lost wages, medical bills, pain and suffering and other damages unknown at this time.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

Unknown at this time

6. **If amount claimed totals less than \$10,000:** The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

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**If amount claimed exceeds \$10,000:** If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

Limited Civil Case

Unlimited Civil Case

**You are required to provide the information requested above in order to comply with Government Code §910.**

7. Claimant(s) Date(s) of Birth:

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8. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

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9. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

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*If applicable, please attach any medical bills or reports or similar documents supporting your claim.*

10. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.:

Telephone:

Address:

Insurance Policy No.:

Insurance Broker/Agent:

Telephone:

Address:

Claimant's Veh. Lic. No.:

Vehicle Make/Year:

Claimant's Drivers Lic. No.:

Expiration:

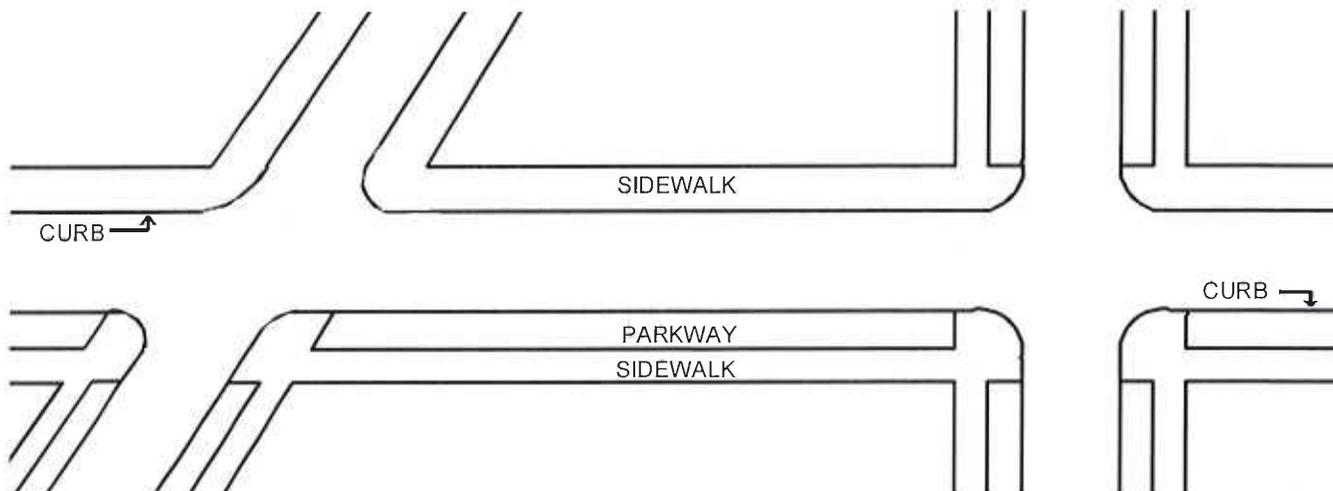
*If applicable, please attach any repair bills, estimates or similar documents supporting your claim.*

**READ CAREFULLY**

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



**Warning:** Presentation of a false claim is a felony (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature:

*Weslie Hall*

Date:

*November 22, 2016*



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

VIA CERTIFIED MAIL  
Return Receipt Requested  
#7014 1820 0002 1877 1025

December 12, 2016

Mr. Douglas L. Losak  
Law Office of Duncan M. James  
P.O. Box 1381  
Ukiah, CA 95482

**RE: Notice of Rejection of Claim of Weslie Hall by City of Fort Bragg**

Dear Mr. Losak:

NOTICE IS HEREBY GIVEN that the claim which you presented to the City of Fort Bragg on November 22, 2016 was rejected by the Fort Bragg City Council at its regular meeting on December 12, 2016.

### **WARNING TO CLAIMANT WESLIE HALL**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a State Court action on this claim (refer to State of California Government Code Section 945.6). Your time for filing an action in Federal Court may be less than six (6) months.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.6 and 1038 of the California Code of Civil Procedure, the City of Fort Bragg will seek to recover all costs of defense in the event an action is filed in the matter and it is determined that the action was not brought in good faith or with reasonable cause.

Should you have any questions regarding the above notice, please do not hesitate to contact me at 707.961.1694.

Sincerely,

June Lemos  
City Clerk

cc: Mark Ferguson, REMIF  
Master File #473-16/A



# City of Fort Bragg

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

## Text File

**File Number: 16-500**

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Committee Minutes

**Agenda Number:** 5G.

Receive and File Minutes of October 25, 2016 Community Development Committee Meeting



# City of Fort Bragg

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

## Meeting Minutes Community Development Committee

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Tuesday, October 25, 2016

3:00 PM

Town Hall, 363 N. Main Street

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### MEETING CALLED TO ORDER

Committee Member Deitz called the meeting to order at 3:00 PM.

### ROLL CALL

**Present:** 2 - Scott Deitz and Michael Cimolino

### 1. APPROVAL OF MINUTES

1A. Approve Minutes of August 23, 2016

A motion was made by Committee Member Deitz and seconded by Committee Member Cimolino that these Committee Minutes be approved for council review.

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public Comments in support of developing a Bee City Committee were received from Ruth Sparks, Cornelia Reynolds, and Scott Schneider.

Committee Member Deitz recommended this item be brought to the next regularly scheduled Community Development Committee Meeting.

### 3. CONDUCT OF BUSINESS

3A. Receive Report and Consider Making a Recommendation to City Council Regarding Establishment of a Mural Competition In Fort Bragg

Associate Planner Perkins presented the report for the establishment of a Mural Competition in Director Jones absence. Jonathan Palmer and Lia Wilson gave short summaries of their potential projects. Palmer's project is a mural competition and Wilson's is an Alley art concept.

#### Discussion Included:

- Candidate selection procedures
- Potential themes
- Impacts of mural projects in other communities
- Advertising
- Project timeline
- Financial contributions from business owners
- Paint type for longevity

- Suitability of murals on building facades
- QR Codes for alley art
- Documentary for the process
- Potential for extending this concept to 3 dimensional art
- Graffiti prevention

**Committee Members supported both ideas and recommended bringing the items forward to Council.**

### **MATTERS FROM COMMITTEE / STAFF**

Staff discussed potential alternate November meeting dates. Committee Member Deitz recommended keeping the regularly scheduled November 22, 2016 meeting.

### **ADJOURNMENT**

Committee Member Deitz adjourned the meeting at 3:45 PM.

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# City of Fort Bragg

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

## Text File

File Number: 16-501

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5H.

Approve Minutes of November 28, 2016



# 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, November 28, 2016

6:00 PM

Town Hall, 363 N. Main Street

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### CALL TO ORDER

Mayor Turner called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

### AGENDA REVIEW

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

Mayor Turner presented photographs of the Public Works and Lyme Timber crews with the 47-foot tall Christmas tree that will be installed in front of the Guest House Museum.

#### 2A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)

None.

#### 3. STAFF COMMENTS

City Manager Ruffing spoke about local holiday activities and thanked Councilmembers Hammerstrom and Deitz for their years of service to the City. She also thanked Mayor Turner for his service as Mayor. Chief Lizarraga mentioned Neighborhood Watch meeting, a Lion's Club toy run, and Police Activities League Christmas party. The Chief stated that the Police Department's newest officer, Michael Herringshaw, was sworn in this morning.

#### 4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Peters reported on the Fort Bragg High School championship football game and Mendocino Transit Authority board meeting. Councilmember Cimolino reported on a Bee City USA meeting. Councilmember Deitz thanked Mayor Turner for appointing him to the Planning Commission and to the community for electing him twice. Councilmember Hammerstrom reported on a League of California Cities meeting.

#### 5. CONSENT CALENDAR

Vice Mayor Peters requested that Item 5C be removed from the Consent Calendar for further

discussion. Councilmember Hammerstrom recused himself from voting on Item 5B, citing a conflict of interest.

### Approval of the Consent Calendar

**A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, to approve the Consent Calendar with the exception of Items 5B and 5C. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

- 5A. [16-436](#)** Adopt City Council Resolution Approving First Amendment to Office Space Lease Agreement with County of Mendocino and Authorizing City Manager to Execute Same

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

Enactment No: RES 3956-2016

- 5D. [16-479](#)** Accept Final Bainbridge Park Master Plan

**The Final Bainbridge Park Master Plan was approved on the Consent Calendar.**

- 5E. [16-473](#)** Receive and File Minutes of September 8, 2016 Special Finance and Administration Committee Meeting

**These Committee Minutes were received and filed on the Consent Calendar.**

- 5F. [16-475](#)** Receive and File Minutes of September 28, 2016 Public Works & Facilities Committee Meeting

**These Committee Minutes were received and filed on the Consent Calendar.**

- 5G. [16-464](#)** Approve Minutes of November 14, 2016

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

### ITEMS REMOVED FROM CONSENT CALENDAR

- 5B. [16-446](#)** Adopt City Council Resolution Approving Lease Agreement with Noyo Center for Marine Science for Rental of the Noyo Center for Marine Science Visitor Center (aka The Crow's Nest aka The Chalet) and Authorizing City Manager to Execute Same

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

**Aye:** 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

**Recuse:** 1 - Councilmember Hammerstrom

Enactment No: RES 3957-2016

- 5C. [16-471](#)** Adopt City Council Resolution Amending the FY 2016-17 Budget to Appropriate \$93,323 Received from the Noyo Harbor District to Fund Additional Restoration and Mitigation Work on the Coastal Restoration & Trail Project (Budget Amendment No. 2017-15; Amount not to Exceed \$93,323; Account No. 407-5028-0731)

Vice Mayor Peters asked if the amount set forth in the resolution was intended to cover the costs for all four years, to which Community Development Director Jones responded, yes.

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

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3958-2016

## **6. PUBLIC HEARING**

- 6A. [16-476](#)** Receive Report, Conduct Public Hearing, and Consider Adoption of: (1) City Council Resolution Adopting Updated Fees for Various Planning and Building Services; (2) Joint City Council/Improvement District Resolution Adopting Updated Fees for Miscellaneous City/District Services; and (3) Resolution Extending Temporary Waiver of In-Lieu Parking Fees

City Manager Ruffing presented the staff report on revisions to the City Fee Schedule. Two changes to the document presented in the agenda packet are: (1) Public Works fees, page 17 of 24, Permit Inspection Fees, Trenching, should state "Less than 100 lineal feet," instead of 50 lineal feet; (2) Planning & Development fee pages should be deleted from Exhibit A to the Miscellaneous Fees resolution.

**Mayor Turner opened the public hearing at 6:46 PM.**

- Marianne McGee asked how the City collects business license payments from the owners of residential rental properties and how payments are calculated for rental management companies.
- Rex Gressett recommended that the Council ask developers to pay for the costs associated with an appeal.

**Mayor Turner closed the public hearing at 6:52 PM.**

The Council directed Finance Director Damiani to research and report on the issue of business license fees for second residential units at the December 12, 2016 Council meeting. Council directed that the Public Works and Finance Committee research and discuss capacity connection fees next year. There was general agreement that if an appeal is sustained, the appeal fee is to be refunded to the appellant. The Council was in favor of extending the temporary waiver of in lieu parking fees for another year.

**A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, that Resolution 3960-2016 adopting updated fees for various planning and building services be adopted, subject to the following amendments: (1) The appeal fee of a Planning Commission decision to the City Council will remain at \$1,000; (2) Insert a notation under Code Enforcement Appeal Fee that says if the appeal is sustained, the appeal fee will be refunded. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3960-2016 / RES 3961-2016 / ID 383-2016 / RES 3959-2016

**A motion was made by Councilmember Deitz, seconded by Vice Mayor Peters, that this Joint Resolution 3961-2016 / ID 383-2016 be adopted subject to the following amendments: (1) Page 17 of 24, Permit Inspection Fees, Trenching, should be modified to state "Less than 100 lineal feet"; (2) Remove Planning & Development fee pages from Exhibit A to the Joint Resolution. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3960-2016 / RES 3961-2016 / ID 383-2016 / RES 3959-2016

**A motion was made by Councilmember Deitz, seconded by Councilmember Cimolino, that this Resolution 3959-2016 approving the temporary waiver of in lieu parking fees for one additional year be adopted. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3960-2016 / RES 3961-2016 / ID 383-2016 / RES 3959-2016

## **7. CONDUCT OF BUSINESS**

### **7A. [16-462](#) Receive Report and Accept Updates to the 2008 Zoning Map**

Community Development Department Administrative Assistant O'Neal presented the staff report on this agenda item and answered questions from Councilmembers.

Public Comment: None.

Discussion: After brief discussion, the Council approved the corrections to the zoning map.

**This Staff Report was approved.**

### **7C. [16-474](#) Receive Oral Report from Sanctuary City Ad Hoc Committee**

Mayor Turner reported on what the ad hoc committee has discovered in their research about Sanctuary Cities, noting that there is a lot of concern in the community. The committee's recommendation to Council is not to adopt the Sanctuary City nomenclature but to reach out to reassure the community that they are safe in Fort Bragg, it is safe to go to the police, and it is safe to live here. As a declaration of Sanctuary City may raise red flags with the federal government and possibly cut federal funding, it is recommended that a resolution or proclamation be used instead to set forth the policies of the City of Fort Bragg regarding illegal immigrants. Police Chief Lizarraga noted that the Police Department's policy toward immigration is that they do not actively demand of officers that they determine someone's status or enforce immigration laws, and only ask for detainees on serious felony suspects.

Public Comment on this agenda item was received from:

- Rex Gressett spoke in support of a definitive declaration informed by community consensus.
- Ann Rennacker said the community should band together and not be afraid to speak up to protect our citizens.
- Freida Fein stated that safety is a true issue for all, silence is dangerous and the City needs to be clear about what it is willing to do to protect the community.
- Simon Smith noted that the term Sanctuary City is not clearly defined, is not a legal status, and supported a proclamation that delineates the rights of members of the community, followed up by a

municipal code update.

Discussion: There was agreement amongst the Councilmembers that the City's general beliefs and policies regarding immigration should be put forth in a resolution or proclamation. The Sanctuary City ad hoc committee was directed to draft a proposed document for consideration by the Council at a future meeting.

**The ad hoc committee was directed to prepare a proclamation or resolution setting forth the City's general beliefs and policies regarding immigration.**

**Mayor Turner recessed the meeting at 8:19 PM; the meeting was reconvened at 8:26 PM.**

**7B. [16-470](#)** Receive Report and Provide Direction to Staff Regarding Proposed Amendments to Article 3, Article 4 and Article 7 of the Fort Bragg Municipal Code Title 18, the Inland Land Use and Development Code (ILUDC)

Community Development Director Jones and Associate Planner Perkins teamed up to give the staff report on changes to the Inland Land Use and Development Code (ILUDC).

Public Comment: None.

The Council was in general agreement with the proposed amendments but had several specific items of direction they wanted staff to take with regard to the ILUDC changes before this matter is brought back in the form of an ordinance.

**City Council provided the following direction to staff:**

- 1. Retain section 18.30.120 - Underground Utilities**
- 2. Revise Section 13.38.080H3 as follows: "Signs with blinking lights, changing letters, or moving lighted graphics are discouraged."**
- 3. Revise section 18.42.170 F to clarify that additional on-site parking is not required for Accessory Dwelling Units, but that it is preferred.**
- 4. Remove section 18.42.170 G dealing with fees and utility requirements. Address this separately in the fee schedule and with Public Works standards.**
- 5. Revise Section 18.42.190 to refer to Vacation Rental Units rather than Vacation Home Rentals.**
- 6. Revise Section 18.42.190 D1 - Location as follows: "Vacation Home Rentals shall be located only within the Central Business District (CBD). Further they shall be permitted only on second or third floors above a commercial use."**

**7D. [16-469](#)** Receive Recommendation from Finance & Administration Committee and Consider Adoption of Joint City Council/ Improvement District Resolution Approving Implementation of Corrective Action Plan to Address Prior Year Cost Allocation Errors

Finance Director Damiani presented the staff report on this item. It was suggested that the 50/25/25 distribution percentages between the Funds should be reviewed.

Public Comment: None.

Discussion: None.

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

**Aye:** 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

**No:** 1 - Councilmember Deitz

Enactment No: RES 3962-2016 / ID 384-2016

- 7E. [16-468](#)** Receive Recommendation from Finance & Administration Committee and Consider Adoption of Joint City Council/Improvement District Resolution to Amend the FY 2016/17 Budget to Reallocate Funding for the Facilities Maintenance and Repair Internal Service Fund

Finance Director Damiani gave the report on this agenda item. The percentage allocated to each Fund was again discussed, with a recommendation that in the next budget cycle, these allocation percentages be reviewed and perhaps recalculated.

Public Comment: None.

Discussion: None.

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

**Aye:** 4 - Vice Mayor Peters, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

**No:** 1 - Councilmember Cimolino

Enactment No: RES 3962-2016 / ID 385-2016

- 7F. [16-466](#)** Receive Report and Provide Direction to Staff Regarding Submittal of Planning Activity for Inclusion in Mendocino Council of Governments' (MCOG) 2017-18 Overall Work Program

Associate Planner Perkins outlined the Overall Work Program contained in the staff report.

Public Comment: None.

Discussion: After a brief discussion of what is included in the plan, the Council directed staff to proceed with the application.

**City Council directed staff to proceed with the MCOG Overall Work Program application.**

- 7G. [16-472](#)** Receive Presentation on Roundabouts as a Traffic Control Device

Because of the lateness of the hour, this matter was continued to a future City Council meeting.

**This Staff Report was not acted on; the item was continued to a future City Council meeting.**

## **2B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)**

### **8. CLOSED SESSION**

### **ADJOURNMENT**

**Mayor Turner adjourned the meeting at 9:57 PM.**

---

DAVE TURNER, MAYOR

---

June Lemos, 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: 16-491**

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 7B.

Receive Oral Report from Fort Bragg-Mendocino Coast Historical Society and Consider Adoption of Resolution Approving Renewal of Guest House Museum Lease Agreement with the Historical Society and Authorizing City Manager to Execute Same



**AGENCY:** City Council  
**MEETING DATE:** December 12, 2016  
**DEPARTMENT:** Admin Services  
**PRESENTED BY:** S. Schneider

## AGENDA ITEM SUMMARY REPORT

**TITLE:**

**RECEIVE ORAL REPORT FROM FORT BRAGG-MENDOCINO COAST HISTORICAL SOCIETY AND CONSIDER ADOPTION OF RESOLUTION APPROVING RENEWAL OF GUEST HOUSE MUSEUM LEASE AGREEMENT WITH THE FORT BRAGG-MENDOCINO COAST HISTORICAL SOCIETY AND AUTHORIZING CITY MANAGER TO EXECUTE SAME**

**ISSUE:**

The current five-year lease with the Fort Bragg-Mendocino Coast Historical Society (Historical Society) for the Guest House Museum expires December 12, 2016. In anticipation of a lease renewal, the Historical Society would like to provide a brief update on current programs, events and other initiatives of the Guest House Museum.

**RECOMMENDED ACTION:**

Adopt Resolution approving a 5-year lease agreement with the Historical Society for the Guest House Museum

**ALTERNATIVE ACTION(S):**

1. No action. Do not renew the lease agreement of the Guest House Museum set to expire December 31, 2016.
2. Provide alternative direction to staff regarding the lease agreement.

**ANALYSIS:**

Since its inception in 1999, the Historical Society has maintained operations of the Guest House Museum. Leases were renewed in 2001, 2002, 2007 and 2012. The Historical Society wishes to continue leasing the Museum and managing its operations under the same terms in the existing lease for an additional five years.

The Historical Society will attend the Council meeting to provide an oral presentation.

**FISCAL IMPACT:**

The Historical Society will continue to pay City one dollar (\$1.00) per year. The City will continue to pay utilities including water, propane, electricity and sewer service for the building and grounds. The existing \$2,000 cap on the City's obligation to pay for propane will remain. The City will continue to maintain the Guest House Museum grounds and the exterior of the building.

**IMPLEMENTATION/TIMEFRAMES:**

The new lease is effective from January 1, 2017 – December 31, 2021

**ATTACHMENTS:**

1. Resolution Authorizing City Manager to Execute the Lease Agreement with the Fort Bragg-Mendocino Coast Historical Society
2. Guest House Museum lease renewal with the Fort Bragg-Mendocino Historical Society

**NOTIFICATION:**

1. Fort Bragg-Mendocino Coast Historical Society

**City Clerk's Office Use Only**

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

**RESOLUTION NO. \_\_\_\_-2016**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT WITH THE FORT BRAGG-MENDOCINO COAST HISTORICAL SOCIETY**

**WHEREAS**, the City of Fort Bragg is the owner of that certain building commonly known as the Guest House Museum located at 343 North Main Street, Fort Bragg California; and

**WHEREAS**, the Fort Bragg-Mendocino Coast Historical Society (Historical Society) was incorporated in September 1999 and is organized under the nonprofit public benefit corporation law for charitable purposes; and

**WHEREAS**, the City entered into a lease agreement with the Historical Society for the operation and management of the Museum in 1999 and has renewed said agreement in 2001, 2007 and 2012; and

**WHEREAS**, the City completed a review of the lease agreement with the Historical Society currently set to expire on December 31, 2016; and

**WHEREAS**, the City desires to continue the lease agreement with the Historical Society for the operation and management of the Museum for an additional five years; and

**WHEREAS**, the Historical Society desires to continue the lease agreement with the City for the operation and management of the Museum for an additional five years.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby authorize the City Manager to execute a 5-year lease agreement with the Fort Bragg-Mendocino Coast Historical Society as presented in "Exhibit A."

**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 12<sup>th</sup> day of December, 2016, by the following vote:**

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

---

**Mayor**

**ATTEST:**

---

**June Lemos  
City Clerk**

## LEASE AGREEMENT

It is agreed by and between the City of Fort Bragg, a Municipal Corporation in the County of Mendocino, State of California (hereinafter "CITY") and the Fort Bragg-Mendocino Coast Historical Society, Inc., A California public benefit corporation, (hereinafter "HISTORICAL SOCIETY") as follows:

1. CITY shall lease to HISTORICAL SOCIETY the Guest House Museum at 343 N. Main Street, Fort Bragg, California, for a term of five (5) years, commencing January 1, 2017. HISTORICAL SOCIETY shall pay to CITY One Dollar (\$1.00) per year beginning January 1, 2017 for a term of five (5) years.
2. CITY shall pay for water, propane, electricity and sewer service for the building and grounds, at 343 N. Main Street, Fort Bragg, CA 95437. CITY payment for propane for heating of building shall be limited to \$2,000 per year. HISTORICAL SOCIETY shall pay for telephone services except that CITY shall pay for the telephone line for the alarm system. HISTORICAL SOCIETY agrees to expend \$2,000 annually toward archival of historical materials.
3. HISTORICAL SOCIETY, at its own expense, shall keep the interior premises in clean and sanitary condition and maintain electrical and plumbing fixtures in good operating condition. HISTORICAL SOCIETY, at its own expense, shall repair any breakage of glass, (excluding the Antique Stained Glass), and shall maintain windows in good operating condition. HISTORICAL SOCIETY shall be responsible for advertising, and memberships. HISTORICAL SOCIETY shall be responsible for staffing of the museum. HISTORICAL SOCIETY may review any changes to the Guest House Grounds proposed by CITY.
4. CITY shall be responsible for maintenance of grounds on the property, exterior of the building to include the Antique Stained Glass windows, and plumbing and electrical lines in the walls and underneath the building and shall maintain the same at its own expense to the extent necessary to keep the building habitable and usable for the purposes intended by the Lease.
5. CITY shall maintain an inventory of building contents ("COLLECTION"), and continue computer indexing of COLLECTION and any new items added by CITY. Said inventory will clearly articulate those items acquired by and for the CITY and those items acquired by and for the HISTORICAL SOCIETY. It is the responsibility of each party, if they so desire, to insure items in their respective "COLLECTION". CITY shall provide and maintain electronic security systems and alarms.
6. HISTORICAL SOCIETY shall not make, or cause to be made, any structural alterations of said premises, or any part thereof, without the prior written consent of CITY. Any additions to, or alterations of, said premises, except movable furniture and trade fixtures, shall become at once a part of the realty and belong to CITY. HISTORICAL SOCIETY shall keep the leased premises free from any liens arising out of any work performed, material furnished or obligations incurred by HISTORICAL SOCIETY. Before making any repairs on the premises of defective conditions that it is CITY's duty to repair, HISTORICAL SOCIETY must first notify CITY of the need for such repairs and allow a reasonable time not to exceed thirty (30) days, for CITY to arrange for the necessary repairs. If CITY does not act within thirty (30) days,

HISTORICAL SOCIETY may have the repairs made and present the receipt to CITY for reimbursement. HISTORICAL SOCIETY may not make such repairs and be reimbursed for any cost exceeding Two Hundred Dollars (\$200.00). This shall not be considered a liquidated damages clause by the parties to this Lease.

7. Notwithstanding paragraph 6 above, HISTORICAL SOCIETY may make interior alterations and additions to the premises which do not involve the alteration of any structural members of the building, and of a kind which may be removed at the expiration of the term at little or no expense. HISTORICAL SOCIETY shall be responsible for removing the same at termination of Lease at the sole discretion of the CITY.

8. HISTORICAL SOCIETY shall comply with all state, federal and all applicable laws, ordinances, rules and orders of the CITY, County of Mendocino, State of California, or other authorities, including but not limited to the licensing, cleanliness, occupancy and maintenance of the leased premises

9. If the premises are damaged or destroyed by any cause whatsoever, CITY may:

- A. at CITY's sole discretion, terminate the Lease; or
- B. rebuild the premises so destroyed or damaged similar to the building or portion thereof so damaged and destroyed; or
- C. negotiate with the HISTORICAL SOCIETY how to promptly repair and restore the same to a building substantially similar or better than the building or portion thereof damaged or destroyed. It is agreed that the proceeds of any insurance covering the damage or destruction shall be made available to HISTORICAL SOCIETY for such repair or replacement. However, in the case of destruction of the building, or damage thereto from any cause so as to make it untenable during the term thereof, HISTORICAL SOCIETY, if not then in default thereunder, may elect to terminate this Lease by written notice served on CITY within thirty (30) days after the occurrence of such damage or destruction. In the event of such termination, there shall be no obligation on the part of HISTORICAL SOCIETY to repair or restore the building and improvements, but CITY in such event, shall be entitled to all of the insurance collected under any insurance policies maintained by HISTORICAL SOCIETY covering said building or any part thereof.

Should this lease be terminated for any reason, CITY shall not be responsible to pay HISTORICAL SOCIETY any costs for being displaced from the tenancy either temporarily or permanently.

10. At the expiration of this lease term, and in the event that no extension of the lease is successfully negotiated, HISTORICAL SOCIETY shall quit and surrender the premises, including CITY's entire "COLLECTION" thereby leased in as good state and condition as they were at the commencement of the term, reasonable use and wear thereof and damage by the elements excepted.

11. In the event the HISTORICAL SOCIETY shall cease to operate in accordance with their

Articles of Incorporation filed on September 22, 1999 with the Secretary of State, State of California, a copy of which is attached hereto as Exhibit "B" it is the intent of the HISTORICAL SOCIETY and their legal obligation to transfer all historical artifacts and collections that they have obtained to another appropriate, publicly accessible repositories qualified to receive such donation per Section 501(c)(3) of the Internal Revenue Code. CITY shall receive any and all artifacts or other items in HISTORICAL SOCIETY'S collection at the time of such dissolution originating with or otherwise relating to the Guest House Museum to CITY for permanent preservation and display. Other holdings by HISTORICAL SOCIETY pertaining to the history of Fort Bragg and immediate environs will, in such an event, be donated to the nearest appropriate repository(ies); which could include CITY itself. CITY shall have the right to review the remaining items from the HISTORICAL SOCIETY collection that may be of interest to the CITY prior to their donation to another repository. All contributions of the HISTORICAL SOCIETY's collection will be subject to approval by the register of charitable trusts at the California Attorney General's Office.

12. HISTORICAL SOCIETY shall indemnify and defend CITY and hold CITY harmless of and from any and all loss, cost, damage, injury or expense arising out of or related to claims of injury to or death of persons or to claims of damage to the premises occurring or resulting directly or indirectly from HISTORICAL SOCIETY's use or occupancy of the premises or from HISTORICAL SOCIETY's activities on or about the premises; provided that such indemnity shall not extend to any loss arising from CITY's negligence. In addition, HISTORICAL SOCIETY shall hold and save CITY harmless and indemnify CITY of and from any and all loss, cost, damage, injury or expense arising out of or in any way related to claims for work or labor performed or to claims for materials or supplies furnished to or at the request of HISTORICAL SOCIETY or in connection with performance of any work done for the account of HISTORICAL SOCIETY on the premises.

CITY shall indemnify HISTORICAL SOCIETY and hold HISTORICAL SOCIETY harmless of and from any and all loss, cost, damage, injury or expense arising out of or related to claims of injury to or death of persons or to claims of damage to the premises occurring or resulting directly or indirectly from CITY's use of the Guest House grounds or from CITY's activities on or about the Guest House grounds; provided that such indemnity shall not extend to any loss arising from HISTORICAL SOCIETY's negligence. In addition, CITY shall hold and save HISTORICAL SOCIETY harmless and indemnify HISTORICAL SOCIETY of and from any and all loss, cost, damage, injury or expense arising out of or in any way related to claims for work or labor performed or to claims for materials or supplies furnished to or at the request of CITY or in connection with performance of any work done for the account of CITY on the Guest House grounds.

13. HISTORICAL SOCIETY assumes the risk of loss or damage to its collection and personal property used or stored on the premises, except loss or damage caused by act or negligence of agents or employees of the CITY and for which the CITY is legally liable.

14. HISTORICAL SOCIETY shall procure and maintain, for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with HISTORICAL SOCIETY's operation and use of the leased premises. The cost of such insurance shall be borne by the HISTORICAL SOCIETY. Requirements for

Insurance to be maintained by HISTORICAL SOCIETY are attached hereto as Attachment 1, and made a part hereof

15. CITY shall maintain in effect throughout the term of the Lease, at the cost of the CITY, a policy or policies of insurance on the building which is part of the leased premises, providing protection against any peril of property damage, exclusive of trade fixtures and equipment of HISTORICAL SOCIETY, but inclusive of contents, exhibits, and artifacts comprising the "Collection."

16. CITY and HISTORICAL SOCIETY agree that every condition, covenant and provision of this Lease is material and reasonable. Any breach by HISTORICAL SOCIETY of a condition, covenant or provision of this Lease will constitute a material breach. For any material breach by HISTORICAL SOCIETY, CITY may provide HISTORICAL SOCIETY with a written notice that describes the breach and demands that HISTORICAL SOCIETY cure the default (if a cure is possible). If HISTORICAL SOCIETY does not cure the default within thirty (30) days, or if a cure is not possible, this Lease will be terminated. Termination of this Lease for a breach by HISTORICAL SOCIETY will not occur unless the foregoing events occur.

Specifically, the following shall constitute a default by the HISTORICAL SOCIETY.

- A. Failure to pay rent when due;
- B. Use of the premises for any unlawful purpose that is in violation of any City, State or Federal law as regulation;
- C. Abandonment of the premises;
- D. Assigning or subleasing the leased premises without the prior written consent of CITY;
- E. Committing waste on the leased premises;
- F. Maintaining, committing or permitting the maintenance or commission of a nuisance on the leased premises;
- G. Any material failure to keep the premises in a sanitary condition or to dispose of all trash and garbage;
- H. Altering the premises in any manner, except as provided in this Lease Agreement, or by written CITY approval;
- I. Failure to perform any other provision, covenant or condition of this Lease.

17. In the event that either party thereto shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any Term, covenant or condition of this Lease required by it to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover, in addition to its court costs, reasonable attorneys' fees to be fixed by the court, and such

recovery shall include court costs and attorneys' fees on appeal, if any.

18. Waiver by either party of a breach of any covenant of this Lease Agreement will not be construed to be a continuing waiver of any subsequent breach. No waiver by either party of a provision of this Lease Agreement will be considered to have been made unless expressed in writing and signed by all parties.

19. Time is of the essence of each provision of this Lease Agreement.

20. CITY and HISTORICAL SOCIETY agree that this instrument contains the entire, sole and only agreement between them concerning the leased premises and correctly sets forth their rights and obligations to each other concerning the leased premises as of its date. Any agreement or representations with respect to the leased premises or the duties of either CITY or HISTORICAL SOCIETY in relation thereto not expressly set forth in this instrument is null and void.

21. For the purpose of service of process and service of notices and demands, HISTORICAL SOCIETY's address is:

P.O. Box 71  
Fort Bragg, CA 95437

Notices, demands and service of process for the CITY may be served on the City Manager at the following address:

City of Fort Bragg  
Attn: City Clerk  
416 N. Franklin Street  
Fort Bragg, CA 95437

Executed on \_\_\_\_\_, 2016, in the City of Fort Bragg, County of Mendocino, California.

**CITY OF FORT BRAGG**

**HISTORICAL SOCIETY**

By: \_\_\_\_\_  
Linda Ruffing, City Manager

By: Mark F. Pineda  
Its: PRESIDENT

Attest:

By: \_\_\_\_\_  
June Lemos  
City Clerk

Approved as to form:

By: Samantha W. Zutler  
Samantha W. Zutler  
City Attorney

## ATTACHMENT 1

### Insurance Requirements for Lessees

#### (Not For Daily or Short Term Rentals)

Lessee shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee.

#### **MINIMUM SCOPE AND LIMIT OF INSURANCE**

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than **\$1,000,000** per accident for bodily injury or disease (for lessees with employees).
3. **Property insurance** against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

If the Lessee maintains broader coverage and/or higher limits than the minimums shown above, the City of Fort Bragg requires and shall be entitled to the broader coverage and/or higher limits maintained. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of Fort Bragg.

#### **Other Insurance Provisions:**

The insurance policies are to contain, or be endorsed to contain, the following provisions:

##### ***Additional Insured Status***

The City of Fort Bragg, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Lessee including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Lessee's insurance (at least as broad as ISO Form CG 20 10).

##### ***Primacy Coverage***

For any claims related to this contract, the Lessee's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City of Fort Bragg, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Fort Bragg, its

officers, officials, employees, or volunteers shall be excess of the Lessee's insurance and shall not contribute with it.

### ***Notice of Cancellation***

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City of Fort Bragg.

### ***Waiver of Subrogation***

Lessee hereby grants to City of Fort Bragg a waiver of any right to subrogation which any insurer of said Lessee may acquire against the City of Fort Bragg by virtue of the payment of any loss under such insurance. Lessee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City of Fort Bragg has received a waiver of subrogation endorsement from the insurer.

### ***Acceptability of Insurers***

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City of Fort Bragg.

### ***Self-Insured Retentions***

Self-insured retentions must be declared to and approved by the City of Fort Bragg. At the option of the City of Fort Bragg, either: the Lessee shall obtain coverage to reduce or eliminate such self-insured retentions as respects the City of Fort Bragg, its officers, officials, employees, and volunteers; or the Lessee shall provide a financial guarantee satisfactory to the City of Fort Bragg guaranteeing payment of losses and related investigations, claim administration, and defense expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or the City of Fort Bragg.

### ***Verification of Coverage***

Lessee shall furnish the City of Fort Bragg with original certificates and amendatory endorsements or copies of the applicable policy language providing the insurance coverage required above. All certificates and endorsements are to be received and approved by the City of Fort Bragg before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Lessee's obligation to provide them. The City of Fort Bragg reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time. We strongly recommend obtaining a copy of the policy declarations and endorsement page (make this a requirement in your Contract) to facilitate verification of coverages and spot any undesirable policy limitations or exclusions.

### ***Waiver of Subrogation***

Lessee hereby grants to the City of Fort Bragg a waiver of any right to subrogation which any insurer of said Lessee may acquire against the City of Fort Bragg by virtue of the payment of any loss under such insurance. This provision applies regardless of whether or not the City of Fort Bragg has received a waiver of subrogation endorsement from the insurer.

*Special Risks or Circumstances*

The City of Fort Bragg reserves the right to modify these requirements at any time, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

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# City of Fort Bragg

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

## Text File

File Number: 16-495

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**Agenda Date:** 12/12/2016

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 7C.

Receive First Quarter Financial Report from City Finance Director/Treasurer



**AGENCY:** City of Fort Bragg  
**MEETING DATE:** December 12, 2016  
**DEPARTMENT:** Finance  
**PREPARED BY:** V. Damiani  
**PRESENTED BY:** V. Damiani

## **AGENDA ITEM SUMMARY**

**TITLE:**

**RECEIVE FY 2016-17 FIRST QUARTER FINANCIAL REPORT FROM CITY FINANCE  
DIRECTOR/TREASURER**

**PLEASE SEE ATTACHED INFORMATION**

**AGENDA ITEM NO. 7C**



First Quarter FY 2016-2017

On September 30, 2016, the City completed the first quarter of the 2016-17 fiscal year. This report summarizes the City’s financial results for the period from July 1, 2016 through September 30, 2016 for the City’s General Fund, Water Enterprise and Wastewater Enterprise. It is not meant to be inclusive of all finance and accounting transactions. It is intended only to provide the City Council/Municipal Improvement District Board and the public with an overview of the state of the City’s general fiscal condition. The report has been prepared by the City’s finance department without audit and does not include many of the year-end adjustments required to bring the City’s financial records into compliance with generally accepted accounting principles (i.e. accruals of sales and use tax revenues, payroll and other expenditures). Certain additional information and footnote disclosures normally included in the financial statements prepared in accordance with generally accepted accounting principles have been omitted. It is suggested that this information be read in conjunction with the audited financial statements and notes included in the City’s Comprehensive Annual Financial Report as well as the FY 2016-17 Budget.

The General Fund is the primary operating fund of the City and is used to account for most operating activities. The Enterprise Funds account for the activities of the City’s Water, Wastewater and the C.V. Starr Community Center. Financial information for the C.V. Starr Community Center Fund was not available as of the writing of this report but will be presented at mid-year.

**GENERAL FUND REVENUES**

First quarter General Fund operating revenues were \$1.9M which represents 23% of the FY 2016-17 General Fund budget. A large portion of these revenues are received on a monthly or quarterly basis; however many revenue receipts are dictated by seasonal variations or third party payment schedules. Further, some receipts are simply intermittent or unpredictable. With this variability in mind, it can be useful to look at prior year trends when analyzing first quarter revenues. For example: first quarter General Fund operating revenues were 21% of the FY 2015-16 General Fund budget at the same time last year yet finished the year approximately 3.5% above budget.

Summary of FY 2016-2017 1st Quarter General Fund Revenue Sources			
Source	FY 16-17 Annual Revenue Budget	Actual Receipts	% of Budget
Charges for Services	\$ 2,339,619	\$ 616,751	26%
Transient Occupancy Tax	2,123,931	\$ 688,267	32%
Sales Taxes	1,716,489	\$ 279,523	16%
Other Taxes	506,000	\$ 112,141	22%
Other Revenue	89,474	\$ 110,948	124%
Licenses & Permits	260,340	\$ 14,379	6%
Fines & Forfeitures	29,179	\$ 12,586	43%
Use of Money & Property	65,000	\$ 8,891	14%
Intergovernmental	62,300	\$ 6,454	10%
Property Taxes	949,067	\$ -	0%
<b>Total</b>	<b>\$ 8,141,399</b>	<b>\$ 1,849,941</b>	<b>23%</b>



Additional detail on the preceding revenue categories may be found on page B-21 through B-28 of the FY 2016-17 Budget.

- Discussion of Variances: Transient Occupancy Tax (TOT) receipts tend to be highest in the first and last quarter of each fiscal year. Receipts in the first quarter were 32% of total budget and are in line with prior year trends. TOT appears to be on track for another strong year.
- Sales and use tax receipts lag two months due to the State’s payment schedule. Despite the variation caused by the timing of receipts there are two factors expected to weigh on the sales and use tax category:
  1. The City’s sales tax consultant has revised the FY 2016-17 forecast down by approximately \$60k. The revision is predominantly due to the unanticipated extended period of low fuel prices.
  2. The State Board of Equalization has completed an audit of misallocated local taxes in the City of Fort Bragg. One of the City’s taxpayers erroneously reported local tax based on “delivery” instead of “place of sale/negotiation”. The result of the BOE audit is a negative reallocation for the City of \$54k.

Sales and use taxes are expected to end the year 6% under budget.

- Other Revenues are comprised of miscellaneous revenues which are not received in a predictable manner. This category is already above the annual projection due to an unanticipated receipt of dredge sands tipping fees from the Harbor District of approximately \$90k. Council has agreed that these funds will be used for ongoing Noyo Headlands Park mitigation costs.
- Licenses and Permits: The majority of the License & Permit fees are from annual renewals of business licenses which will begin in January 2017. This results in the percent of budget at less than 25%. At the same time last year, licenses and permits were at 5% of budget yet finished the year approximately 8% above budget.
- Property Tax and Other Tax receipts are not scheduled to be received during the first quarter due to the State’s payment schedule. Receipt is expected in Q3 and Q4.

**GENERAL FUND EXPENDITURES**

As shown in the table below, expenditures summarized by department were generally on target for the first quarter of the year.

Summary of FY 2016-2017 1st Quarter General Fund Expenditure by Department					
Expenditure by Department	FY16-17 Annual Budget as Amended	Quarterly Budget	Actual Expenditures	Over/(Under) Budget	% of Budget
City Council	\$ 148,912	\$ 37,228	\$ 36,956	\$ (272)	25%
Administrative Services	818,940	204,735	186,808	(17,927)	23%
Finance	443,707	110,927	117,326	6,399	26%
Non-departmental	1,719,568	429,892	458,028	28,135	27%
Public Safety	3,890,868	972,717	959,365	(13,352)	25%
Community Development	471,899	117,975	118,053	79	25%
Public Works	1,671,759	417,940	422,314	4,375	25%
<b>Total</b>	<b>\$ 9,165,653</b>	<b>\$ 2,291,413</b>	<b>\$ 2,298,850</b>	<b>\$ 7,436</b>	<b>25%</b>



Discussion of Variances:

- Administrative Services is under budget primarily due to lag time in billing for legal services.
- Non-departmental includes several payments made on an annual or semiannual basis such as debt service, OPEB funding and liability premiums. Although this department is marginally over budget, generally it is trending consistent with budget assumptions.
- The Finance Department is slightly over budget due to audit costs which normally accrue high in the first quarter due to audit activity related to closing of the prior year.

The table below shows expenditures summarized by category.

Summary of FY 2016-2017 1st Quarter General Fund Expenditure by Category					
Expenditure by Category	FY16-17 Annual Budget as Amended	Quarterly Budget	Actual Expenditures	Over/(Under) Budget	% of Budget
Salaries	\$ 3,597,732	\$ 899,433	\$ 896,593	\$ (2,840)	25%
Benefits	2,511,826	627,957	615,953	(12,003)	25%
Materials & Services	2,447,925	611,981	677,671	65,690	28%
Allocations to Internal Service Funds	424,640	106,160	106,160	(0)	25%
Capital Outlay	35,000	8,750	1,800	(6,950)	5%
Other Expenditures	960	240	672	432	70%
Debt Service	147,569	36,892	-	(36,892)	0%
Total	\$ 9,165,653	\$ 2,291,413	\$ 2,298,850	\$ 7,436	25%

Discussion of Variances:

- Materials & Services are over budget due to the variability of payments in Non-departmental and Finance previously discussed. Further overages were noted in the Police Department, Parks, and Traffic Safety budgets.
- The Capital Outlay budget is for storm drain repair as needed; as of the end of the first quarter minimal project work has been completed.
- Debt Service payments are made twice yearly in December and June. See FY 2016-17 Budget page C-70 for more detail.

**REVENUES OVER (UNDER) EXPENDITURES**

As shown in the previous sections, first quarter General Fund operating revenues were \$1.9M and first quarter General Fund operating expenditures were \$2.3M resulting in a decrease in financial position of approximately \$448k. It should be noted that the FY 2016-17 Budget included a planned appropriation of fund balance in the amount of \$557k. Additionally, as the year progresses it is likely that most revenue categories will “catch up” to their expected levels.



**LITIGATION RESERVE EXPENDITURES**

Expenditures from the City's Litigation Reserve in the first quarter were \$4.5k and were related to attorney fees for the Central Coast Transfer Station EIR. These costs will be reimbursed from the Caspar Transfer Station "rent" fund managed by MSWMA.

**WATER ENTERPRISE**

The Water Enterprise FY 2016-17 first quarter revenues total \$738k. Water revenues are expected to be somewhat higher during the first and last quarter of each year as those comprise the spring and summer months when tourism and outdoor irrigation result in higher consumption. As of quarter end, revenues slightly exceeded expectations at 29% of the annual budget. First quarter Water Enterprise operating revenues were 30% of the FY 2015-16 Water Enterprise budget at the same time last year.

Summary of FY 2016-2017 1st Quarter Water Enterprise Revenue			
Source	FY 16-17 Annual Revenue Budget	Actual Receipts	% of Budget
Charges for Services	\$ 2,518,355	\$ 738,101	29%
Other Revenue	13,530	-	0%
Total	\$ 2,531,885	\$ 738,101	29%

The table below shows operating expenditures for the Water Enterprise Fund by category.

Summary of FY 2016-2017 1st Quarter Water Enterprise Expenditure by Category					
Expenditure by Category	FY16-17 Annual Budget as Amended	Quarterly Budget	Actual Expenditures	Over/(Under) Budget	% of Budget
Salary/Benefit Allocation	\$ 684,929	\$ 171,232	\$ 171,232	\$ 0	25%
Debt Service	581,512	145,378	313,133	167,755	54%
Facilities, Fleet and Admin Allocations	311,619	77,905	77,905	-	25%
Materials & Services	426,616	106,654	74,394	(32,260)	17%
Capital Outlay	142,645	35,661	12,241	(23,420)	9%
Miscellaneous	5,500	1,375	-	(1,375)	0%
Total	\$ 2,152,820	\$ 538,205	\$ 648,904	\$ 110,699	30%

Discussion of Variances:

- Materials and Services expenditures are made as scheduled and needed. The first quarter expenditures are below 25% due to work scheduling and seasonal requirements. Areas noted as under budget include professional services, chemicals and equipment repair and maintenance. See FY 2016-17 Budget pages D-6 through D-11 for additional details on this category.
- Similarly to Materials & Services, the first quarter expenditures in the Capital Outlay category are below 25% due to work scheduling. See FY 2016-17 Budget pages D-6 through D-11 for additional details on this category.
- Debt Service expenditures are at 54% of budget due to the semi-annual nature of debt payments. See FY 2016-17 Budget pages C-71, C-72 and C-74 for additional details.



**REVENUES OVER (UNDER) EXPENDITURES**

During the first quarter of FY 2016-17, revenues in the Water Enterprise exceeded expenditures by \$89K. Consistent with the rate study conducted in 2012, the Water Enterprise is generating revenues at a level sufficient to cover operating costs as well as maintaining an operating reserve and funding a capital reserve.

**WASTEWATER ENTERPRISE**

The Wastewater Enterprise FY 2016/17 first quarter revenues total \$868k or 26% of the annual budget. First quarter Wastewater Enterprise operating revenues were 27% of the FY 2015-16 budget at the same time last year.

Summary of FY 2016-2017 1st Quarter Wastewater Enterprise Revenue			
Source	FY 16-17 Annual Revenue Budget	Actual Receipts	% of Budget
Charges for Services	\$ 3,298,438	\$ 867,712	26%
Other Revenue	64,642	-	0%
<b>Total</b>	<b>\$ 3,363,080</b>	<b>\$ 867,712</b>	<b>26%</b>

The table below shows expenditures for the Wastewater Enterprise Fund by category:

Summary of FY 2016-2017 1st Quarter Wastewater Enterprise Expenditure by Category					
Expenditure by Category	FY16-17 Annual Budget as Amended	Quarterly Budget	Actual Expenditures	Over/(Under) Budget	% of Budget
Salaries and Benefits	\$ 855,140	\$ 213,785	\$ 223,562	\$ 9,777	26%
Facilities, Fleet and Admin Allocations	394,700	98,675	98,675	(0)	25%
Salary/Benefit Allocation	351,313	87,828	87,828	0	25%
Materials and Services	522,790	130,697	92,945	(37,752)	18%
Debt Service	59,355	14,839	54,240	39,401	91%
Capital Outlay	387,145	96,786	5,898	(90,888)	2%
Miscellaneous	3,000	750	-	(750)	0%
<b>Total</b>	<b>\$ 2,573,443</b>	<b>\$ 643,361</b>	<b>\$ 563,148</b>	<b>\$ (80,212)</b>	<b>22%</b>

**Discussion of Variances:**

- Materials and Services expenditures are made as scheduled and needed. The first quarter expenditures are below 25% due to work scheduling and seasonal requirements. Areas noted as under budget include professional services and chemicals. See FY 2016-17 Budget pages D-18 through D-23 for additional details on this category.
- Similarly to Materials & Services, the first quarter expenditures in the Capital Outlay category are below 25% due to work scheduling. See FY 2016-17 Budget pages D-18 through D-23 for additional details on this category.
- Debt Service expenditures are at 91% of budget due to the structure of the payment schedule. Principal is paid annually in Q1. An interest only payment is due in Q3. See FY 2016-17 Budget page C-73 for additional details.



**REVENUES OVER (UNDER) EXPENDITURES**

During the first quarter of FY 2016-17, revenues in the Wastewater Enterprise exceeded expenditures by \$304k. Consistent with the rate study conducted in 2012, the Wastewater Enterprise is generating revenues at a level sufficient to cover operating costs as well as maintaining an operating reserve and funding a capital reserve.

**FOR MORE INFORMATION**

This summary is based on detailed information produced by the City's Finance Department. If you would like additional information or have any questions about this report, please call 707-961-2825.



# City of Fort Bragg

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## Text File

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**Agenda Date:** 12/12/2016

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**Status:** Business

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 7D.

Receive Report Regarding Business License Fees and Taxes for Residential Rental Properties and Provide Direction to Staff



**AGENCY:** City Council  
**MEETING DATE:** December 12, 2016  
**DEPARTMENT:** Finance  
**PRESENTED BY:** V. Damiani

## AGENDA ITEM SUMMARY REPORT

**TITLE:**

**RECEIVE REPORT REGARDING BUSINESS LICENSE FEES AND TAXES FOR RESIDENTIAL RENTAL PROPERTIES AND PROVIDE DIRECTION TO STAFF**

**ISSUE:**

At the November 28, 2016 City Council meeting, the Council approved the City's Miscellaneous Fee Schedule for 2017. Business license fees are included in the fee schedule. At the meeting, questions were raised regarding business license fees for residential properties that are rented and for rental management companies. This report provides information responding to those questions.

**RECOMMENDED ACTION:**

Receive report and provide direction to staff.

**ALTERNATIVE ACTION(S):**

1. No action. Under this option, no further action would be taken with regard to the City's business license fees and taxes for residential rental properties.
2. Remand matter to Finance & Administration Committee to consider whether modifications should be made to Fort Bragg Municipal Code, Title 5, Business Licenses and Regulations.
3. Direct staff to prepare additional analysis and bring matter back to full Council for direction.

**ANALYSIS:**

As noted above, at the November 28, 2016 City Council meeting, questions were raised as to how the City collects business license payments from the owners of residential rental properties and how payments are calculated for rental management companies.

The simple answers to the questions raised are as follows:

1. The City's business license ordinance (Fort Bragg Municipal Code, Title 5, Business Licenses and Regulations) requires a business license and payment of a fee and taxes for "professions, trades, and occupations and all and every kind of calling, whether or not carried on for profit" (emphasis added). As written, this includes persons or entities renting properties to others.
2. As established by the 2017 fee schedule, the initial business license fee for a "single rental" would be \$104 (or \$65 if conducted as a home occupation). Similarly, the cost for a rental management company or an individual property owner managing multiple rental properties likewise would be \$104 (or \$65 if conducted as a home occupation). The fee for annual license renewal in the 2017 fee schedule is set at \$77. The business license fee application and renewal fee amounts are based on the City's costs in processing business license permits and renewals.

In addition to the business license fee, the City collects a "tax" based on gross receipts. Gross receipts tax rates were set in 2008 by Resolution No. 3214-2008. The rates are as follows:

- \$0.00 to \$4,999; flat rate of \$10

- \$5,000 to \$29,999; flat rate of \$30
- \$30,000 to \$199,999; flat rate of \$30 plus .1% above \$30,000
- \$200,000 and over; flat rate of \$200 plus .04% above \$200,000

Gross receipts received by a property management company on behalf of a property owner are exempted from the company's gross receipts calculation.

3. Although a business license is currently required for persons or entities renting properties to others, the City does not have a process in place nor has it made any specific effort to discover persons or entities engaged in this particular business. While determining the exact number of licenses issued for this certain activity will require further research, a cursory review indicates that the number is likely to be fewer than 20 including both rental management companies and individuals.

If the City Council is interested in modifying FBMC Title 5 to change the methodology or applicability of its regulations, an ordinance amendment would be necessary. In reviewing how other jurisdictions address business licenses for residential rentals, there are a number of different ways to craft an exemption. Staff recommends that, if the Council wants to delve into this process, additional information and analysis should be assembled in order that the fiscal impact and procedural ramifications can be fully understood. Our suggestion is that this be remanded to the Finance & Administration Committee and that, if any modifications to current practices are recommended, that such amendments be put in place for 2018. It would not be possible to complete the ordinance amendment process prior to initiation of business license collection fees for 2017. That process begins in January and renewals are due on March 1<sup>st</sup>.

**FISCAL IMPACT:**

The City's business license permitting process is in place primarily to raise revenue for municipal purposes. Any changes to the process and/or applicability of the license fees and/or tax may affect general fund revenues.

**IMPLEMENTATION/TIMEFRAMES:**

The timeframe for implementation depends on the direction given. The process of amending an ordinance is complex and typically takes several months from beginning to end. Any modifications to Title 5 would require careful review by the City Attorney's office to ensure internal consistency and also to ensure compliance with Proposition 218.

**ATTACHMENTS:**

1. FBMC Chapter 5.04, General Provisions

**NOTIFICATION:**

1. None.

**City Clerk's Office Use Only**

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

**TITLE 5  
BUSINESS LICENSES AND REGULATIONS**

**Chapter**

[5.04.](#) **GENERAL PROVISIONS**

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[5.12.](#) **PUBLIC DANCES**

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[5.16.](#) **TAXICABS**

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[5.20.](#) **TRAILER PARKS AND CAMPS - TRAILERS**

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[5.24.](#) **FLEA MARKETS**

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[5.28.](#) **BINGO GAMES**

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[5.36.](#) **ALARM SYSTEMS**

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[5.38.](#) **FILM PERMITS**

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**CHAPTER 5.04  
GENERAL PROVISIONS**

## Section

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- [5.04.020](#) Provisions as revenue measure
- [5.04.030](#) Effect on other ordinances
- [5.04.040](#) License and tax payment required
- [5.04.050](#) Separate licenses required for branch establishments
- [5.04.060](#) Evidence of doing business - City permit required for licensing
- [5.04.070](#) Constitutional apportionment for license taxes
- [5.04.080](#) Exemptions from tax payments
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- [5.04.250](#) Taxes - manufacturers' fees
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- [5.04.280](#) Taxes - utility companies' fees
- [5.04.290](#) Taxes - employee formula
- [5.04.300](#) Taxes - reclassification - application - investigation
- [5.04.310](#) Taxes - reclassification - application - hearing - notices
- [5.04.320](#) Taxes - flat rate
- [5.04.330](#) Taxes - vehicle delivery business - optional rate
- [5.04.340](#) Taxes - businesses outside City - rate
- [5.04.350](#) Rules and regulations adoption authority

- [5.04.360](#) Enforcement of provisions
- [5.04.370](#) Penalties and taxes debt to City
- [5.04.380](#) Remedies cumulative
- [5.04.390](#) Effect of provisions on past actions
- [5.04.400](#) Penalty for violation
- [5.04.410](#) Information Confidential

**Statutory reference:**

Provisions authorizing cities to license business in the exercise of the police power and for purposes of regulation, see Cal. Business and Professions Code §§ 16000 through 16003

Provisions authorizing cities to license for revenue and regulation purposes, see Cal. Government Code § 37101

**5.04.010 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AVERAGE NUMBER OF PERSONS EMPLOYED.** The average number of persons employed daily in the licensee's business during the previous year, as determined by adding the total number of employees on the fifteenth day of each month, or on the day of the mid-month payroll period, and each of the preceding 12 months, and dividing the total by 12.

**BUSINESS.** Includes professions, trades, and occupations and all and every kind of calling, whether or not carried on for profit.

**COLLECTOR.** The Director of Finance.

**EMPLOYEE.** For the purpose of determining the number of employees engaged in any business, calling or operation, means any or all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor or any and all other persons employed or working in the business, regardless of number of hours worked.

**FIXED PLACE OF BUSINESS.** The premises occupied for the particular purpose of conducting the business thereat, and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to the business.

**GROSS RECEIPTS.** Includes the total amounts actually received or receivable from sales and the total amount actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not the act or service is done as a part of, or in connection with, the sale of materials, goods, wares, or merchandise. Included

in GROSS RECEIPTS are all receipts, cash, credits, and property of any kind or nature without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from GROSS RECEIPTS shall be the following:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. The part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;
5. Amounts collected for owners when the business is acting as an agent or trustee to the extent that the amounts are paid to those for whom collected; provided that the agent or trustee has furnished the Collector with the names and addresses of the others and the amounts paid to them;
6. That portion of the receipts of a general contractor which represents payments to subcontractors; provided that the subcontractors are licensed under this chapter; and provided that the general contractor furnishes the Collector with the names and addresses of the subcontractors and the amounts paid each subcontractor;
7. Receipts of refundable deposits, except that refundable deposits forfeited and taken into the income of the business shall not be excluded;
8. As to a retail gasoline dealer, a portion of his or her receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Cal. Revenue and Taxation Code Part 2 of Division 2; and
9. As to a retail gasoline dealer, the special motor fuel tax imposed by 26 U.S.C. § 4041 if paid by the dealer or collected by him or her from the consumer or purchaser.

**SALE.** Includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price is likewise deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is, or which, in effect, results in a sale within the contemplation of law.

**SWORN STATEMENT.** An affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

(Ord. 434, § 1, passed -- 1973; Am. Ord. 870, § 7, passed 8-25-2008; Am. Ord. 873, § 2, passed 8-25-2008)

#### **5.04.020 PROVISIONS AS REVENUE MEASURE.**

The ordinance codified in this chapter is enacted primarily to raise revenue for municipal purposes.

(Ord. 434, § 2, passed -- 1973)

#### **5.04.030 EFFECT ON OTHER ORDINANCES.**

Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing the business required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances.

(Ord. 434, § 3, passed -- 1973)

#### **5.04.040 LICENSE AND TAX PAYMENT REQUIRED.**

A. There are imposed upon the businesses, trades, professions, callings, and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from the City to do so and paying the tax hereinafter prescribed or without complying with any and all application provisions of this chapter.

B. This section shall not be construed to require any person to obtain a license prior to doing business within the City if the requirement conflicts with applicable statutes of the United States or of the State of California.

(Ord. 434, § 4, passed -- 1973)

#### **5.04.050 SEPARATE LICENSES REQUIRED FOR BRANCH ESTABLISHMENTS.**

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location; and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in the license; provided that warehouses and distributing plants used in connection with, and incidental to, a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided further that any person conducting two (2) or more types of businesses at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set

of books and records, may, at his or her option, pay only one (1) tax calculated under the schedule for the principal type of business and include all others therein, in which event the license fee will be based on the classification and schedule applicable to the principal business, except that a license fee of \$30 for each separate type of business or additional branch or location shall be paid upon issuance.

(Ord. 434, § 5, passed -- 1973)

#### **5.04.060 EVIDENCE OF DOING BUSINESS - CITY PERMIT REQUIRED FOR LICENSING.**

When any person shall, by use of signs, circulars, cards, telephone books or newspapers, advertise, hold out, or represent that he or she is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he or she is in business in the City, and the person fails to deny by sworn statement given to the collector that he or she is not conducting a business in the City, after being requested to do so by the collector, then these facts shall be considered prima facie evidence that he or she is conducting a business in the City.

A. *Licenses requiring City permits.* No person shall be licensed under this chapter to carry on any type of business activity requiring a use permit, certificate or license under some other ordinance of the City, unless he or she shall at the time of making application for a business license hereunder possess the valid use permit, certificate or license from the City.

B. *Licenses required to comply with zoning ordinance.* No person shall be licensed under this chapter to carry on any type of business activity at a location where the activity is prohibited by a zoning ordinance.

(Ord. 434, § 6, passed -- 1973; Am. Ord. 582, § 1, passed -- 1982)

#### **5.04.070 CONSTITUTIONAL APPORTIONMENT FOR LICENSE TAXES.**

A. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

B. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of the constitutional clauses, he or she may apply to the Collector for an adjustment of the tax. The application may be made before, at, or within six (6) months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show this method of business and the gross volume or estimated gross volume of business and the other information as the Collector may deem necessary in order to determine the extent, if any, of the undue burden or violation. The Collector shall then conduct an investigation, and, after having first obtained the written approval of the City Attorney, fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, order a refund of the amount over and above the license tax so fixed. In fixing

the license tax to be charged, the Collector shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter. Should the collector determine the gross receipts measure of license tax to be the proper basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the City, or at the end of each three (3)-month period, a sworn statement of the gross receipts and pay the amount of license therefor, provided that no additional license tax during any one (1) calendar year shall be required after the licensee has paid an amount equal to the annual license tax as prescribed by this chapter.

(Ord. 434, § 7, passed -- 1973)

#### **5.04.080 EXEMPTIONS FROM TAX PAYMENTS.**

A. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of the taxes as are herein prescribed; providing, however, that the person claiming an exemption shall obtain a license in accordance with this section.

B. Any person claiming an exemption pursuant to this section shall file a sworn statement with the collector stating the facts upon which exemption is claimed, and setting forth the nature and date of any use permits or variances granted pursuant to the applicable zoning ordinance of the City for the place where the business is to be carried on, and in the absence of the statement substantiating the claim, the person shall be liable for the payment of taxes imposed by this chapter.

C. The Collector shall, upon a proper showing contained in the sworn statement and upon the Collector being satisfied that the carrying on of the business at the designated place will not be in violation of the applicable zoning ordinance, issue a license to the person claiming exemption under this section without payment to the City of the license tax required by this chapter.

D. The Collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

E. Organizations which are organized and operated for nonprofit purposes within the provisions of a specific exemption contained in Cal. Revenue and Taxation Code § 23701 shall be exempt from taxes or fees imposed under this chapter of the municipal code. Nonprofit exempt organizations shall obtain a license from the Collector at no cost and shall provide the Collector with adequate proof of their nonprofit status in the form prescribed by the California State Franchise Tax Board.

(Ord. 434, § 8, passed -- 1973; Am. Ord. 440, (part), passed -- 1974; Am. Ord. 582, § 2, passed -- 1982)

**5.04.090 LICENSE - CONTENTS - ISSUANCE.**

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A. Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same, to the Collector of the City, and upon the payment of the prescribed license tax, and the Collector, being satisfied that the carrying on of the business at the designated place will not be in violation of the applicable zoning ordinance, shall issue to the person a license which shall contain the following information:

1. The name of the person to whom the license is issued;
2. The business licensed;
3. The place where the business is to be transacted and carried on;
4. The date of the expiration of the license; and
5. Any other information as may be necessary for the enforcement of the provisions of this chapter.

B. Whenever the tax imposed under the provisions of this chapter is measured by the number of vehicles, devices, machines or other pieces of equipment used, or whenever the license tax is measured by the gross receipts from the operation of the items, the Collector shall issue only one license, provided that he or she may issue for each tax period for which the license tax has been paid, one (1) identification sticker, tag, plate or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the gross receipts from the items.

(Ord. 434, § 9, passed -- 1973; Am. Ord. 440, (part), passed -- 1974)

**5.04.100 FIRST LICENSE - APPLICATION.**

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A. Upon a person making application for the first license to be issued hereunder or for a newly established business, the person shall furnish to the Collector a sworn statement upon a form provided by the Collector setting forth the following information:

1. The exact nature of the kind of business for which a license is requested;
2. The place where the business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;
3. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning the business;
4. In the event that the application is made for the issuance of a license to a corporation or a

partnership, the application shall set forth the names and places of residences of the officers or partners thereof;

5. In all cases where the amount of license tax to be paid is measured by gross receipts, or average number of persons employed, the application shall set forth the information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant;

6. Any further information which the Collector may require to enable him or her to issue the type of license applied for;

7. The nature and date of any use permits or variances granted pursuant to the applicable zoning ordinances of the City for the place where the business is to be carried on;

8. A building department fee in an amount as established from time to time by resolution of the City Council for inspection of the business location by the building official.

9. A planning department fee in an amount as established from time to time by resolution of the City Council for zoning verification by the director of planning or his or her designee.

10. The license number issued pursuant to California state contractor licensing laws, the license expiration date and a statement that the license is in full force and effect. If the applicant is exempt from the provisions of the state contractor licensing laws, proof of facts which entitle the applicant to such an exemption.

B. If the amount of the license tax to be paid by the applicant is measured by gross receipts, or average number of employees, he or she shall estimate the gross receipts or average number of employees for the period to be covered by the license to be issued. The estimate, if accepted by the Collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only, and the person shall, at the request of the Collector, within 30 days after the expiration of the period for which the license was issued, furnish the Collector with a sworn statement, upon a form furnished by the Collector, showing the gross receipts or average number of persons employed during the period of the license, and the license tax for the period shall be finally ascertained and paid in the manner provided by this chapter for the ascertaining and paying of renewal license taxes for other business, after deducting from the payment found to be due, the amount paid at the time the first license was issued.

C. The Collector shall not issue to any such person another license for the same or any other business, until the person has furnished to him or her the sworn statement and paid the license tax and fees as herein required.

D. The determination of the type or class of business the applicant is engaged in or about to be engaged in is an administrative function of the Collector.

(Ord. 434, § 10, passed -- 1973; Am. Ord. 440, (part), passed -- 1974; Am. Ord. 582, § 3, passed -- 1982; Am. Ord. 736, § 1, passed -- 1991; Am. Ord. 871, § 2, passed 8-25-2008; Am. Ord. 875, § 32, passed 8-25-2008)

#### **5.04.110 LICENSE RENEWAL.**

In all cases, the applicant for the renewal of a license shall submit to the Collector for his or her guidance in ascertaining the amount of the license tax to be paid by the applicant a sworn statement, upon a form to be provided by the Collector, setting forth the information concerning the applicant's business during the preceding year as may be required by the Collector to enable him or her to ascertain the amount of the license tax to be paid by the applicant pursuant to the provisions of this chapter and a statement that the applicant is licensed under state contractor licensing laws, the license number and expiration date and a statement that the license is in full force and effect. If the applicant is exempt from the provisions of the state contractor licensing laws, proof of facts which entitle the applicant to such an exemption.

(Ord. 875, § 33, passed 8-25-2008)

#### **5.04.120 STATEMENTS AND RECORDS - SUBJECT TO AUDIT - MAINTENANCE.**

A. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action the sum as is actually due and payable hereunder. The statement and each of the several items therein contained shall be subject to audit and verification by the Collector, his or her deputies or authorized employees of the City, who are authorized to examine, audit and inspect the books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee due.

B. All persons, subject to the provisions of this chapter, shall keep complete records of business transactions, including sales, receipts, purchases and other expenditures, and retain all the records for examination by the Collector. The records shall be maintained for a period of at least three (3) years. No person required to keep records under this section shall refuse to allow authorized representatives of the Collector to examine the records at reasonable times and places.

(Ord. 434, § 12, passed -- 1973)

#### **5.04.130 STATEMENTS AND RECORDS - INFORMATION CONFIDENTIAL - DISCLOSURES WHEN.**

It is unlawful for the Collector, or any person having an administrative duty under the provisions of this chapter, to make known in any manner whatsoever the business affairs, operations, or

information obtained by an investigation of records and equipment of any person required to obtain a license, or pay a license tax, or any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this section shall be construed to prevent:

- A. The disclosure to, or the examination of, records and equipment by another City official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or collecting taxes imposed hereunder;
- B. The disclosure of information to, or the examination of, records by federal or state officials, or the tax officials of another City or county, or City and county, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;
- C. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding to determine the existence or amount of any license tax liability of the particular taxpayers to the City;
- D. The disclosure, after the filing of a written request to that effect, to the taxpayer himself or herself, or to his or her successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to the items included in the measure of any tax paid, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the City Attorney approves each disclosure and that the Collector may refuse to make any disclosure referred to in this subsection when in his or her opinion the public interest would suffer thereby;
- E. The disclosure of the names and addresses of persons to whom a license has been issued; and the general type or nature of their businesses;
- F. The disclosure, by way of public meeting or otherwise, of the information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him or her by the City for license taxes, or when acting upon any other matter; and
- G. The disclosure of general statistics regarding taxes collected or business done in the City.

(Ord. 434, § 13, passed -- 1973)

#### **5.04.140 FAILURE TO FILE STATEMENT - TAX DETERMINATION - HEARING - NOTICES.**

- A. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the Collector, he or she fails to file a corrected statement, or if any person subject to

the tax imposed by this chapter fails to apply for a license, the Collector may determine the amount of license tax due from the person by means of the information as he or she may be able to obtain.

B. If the Collector is not satisfied with the information supplied in statements or applications filed, he or she may determine the amount of any license tax due by means of any information he or she may be able to obtain.

C. If such a determination is made, the Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Fort Bragg, California, postage prepaid, addressed to the person so assessed, at his or her last known address. The person may, within 15 days after the mailing or serving of the notice, appeal the determination of the Collector in accordance with the procedures described in Chapter 1.08.

(Ord. 434, § 14, passed -- 1973; Am. Ord. 900, § 4, passed 12-12-2011)

#### **5.04.150 APPEAL FROM DECISION - HEARING - NOTICE.**

In any case where a licensee or applicant for a license is dissatisfied with a determination of the Collector as to the classification of his or her business or the amount of license tax to be fixed or is aggrieved by any decision of the Collector with respect to the issuance or refusal to issue any such license, the applicant may, within 30 days after payment of his or her license tax, apply for an appeal hearing in accordance with the procedures described in Chapter 1.08.

(Ord. 900, § 5, passed 12-12-2011)

#### **5.04.160 FILING TIME EXTENSION - PENALTY WAIVER - AUTHORITY.**

In addition to all other powers conferred upon him or her, the Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding 30 days, and in the case to waive any penalty that would otherwise have accrued, except that 10% simple interest shall be added to any tax determined to be payable.

(Ord. 434, § 16, passed -- 1973)

#### **5.04.170 LICENSE - TRANSFERRING ON CHANGE OF LOCATION OR OWNERSHIP - FEE.**

A license issued pursuant to this chapter may be transferable for the remainder of the term, providing that the transfer of the business to third persons or ownerships, shall be reported to the City on an application as in the form of a new license, with the indication that it is an application for transfer of ownership of business, and a fee shall be charged for transferring the license to the new ownership. Any person wishing to transact and carry on business at a place other than a particular location previously designated, if any, or where the location of the business is changed, shall notify the City as to the change of location, and a fee shall be charged for amending the license. This does not include the establishment of branch places of business otherwise provided for in this chapter. Fees shall be

as established from time to time by resolution of the City Council.

(Ord. 871, § 3, passed 8-25-2008)

#### **5.04.180 LICENSE - DUPLICATE - FEE.**

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A duplicate license may be issued by the Collector to replace any license previously issued hereunder which has been lost or destroyed, upon the licensee filing a statement of such fact; and at the time of filing of such statement, paying to the Collector a duplicate license fee in an amount as established from time to time by resolution of the City Council.

(Ord. 871, § 4, passed 8-25-2008)

#### **5.04.190 LICENSE - POSTING AND KEEPING - NONTRANSFERABLE.**

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A. Any licensee transacting and carrying on business at a fixed place of business in the City shall keep the license posted in a conspicuous place upon the premises where the business is carried on.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the City shall keep the license upon his or her person at all times while transacting and carrying on the business for which it is issued.

C. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a license tax, the person to whom the stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefor, at the locations as are designated by the Collector. The sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine or piece of equipment kept in use during the period for which the sticker, tag, plate, or symbol is issued.

D. No person shall fail to affix, as required herein, any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment for which it has been issued at the location designated by the Collector, or to give away, sell, or transfer the identifying sticker, tag, plate, or symbol to another person, or to permit its use by another person.

(Ord. 434, § 19, passed -- 1973)

#### **5.04.200 TAXES - HOW AND WHEN PAYABLE.**

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Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable in advance on the first day of March of each year; provided that license taxes covering new operations, commenced after the first day of March, may be prorated by calendar quarters for the balance of the license period.

(Ord. 434, § 20, passed -- 1973)

**5.04.210 TAXES - DELINQUENT PAYMENTS - PENALTIES.**

A. For failure to pay a license tax when due, the Collector shall add a 10% penalty for the license tax due for each calendar month of the delinquency, compounded monthly, providing that the amount of the penalty to be added shall in no event exceed 100% of the amount of the license tax due. In no event shall such penalty exceed the maximum amount set forth in Government Code § 36901.

B. The penalty for doing business within the City without obtaining a license where necessary, shall be an additional 50% of the license chargeable under this chapter.

C. No license or sticker, tag, plate, or symbol shall be issued, nor shall one which has been suspended or revoked be reinstated or reissued, to any person, who at the time of applying therefor is indebted to the City for any delinquent license taxes.

(Ord. 875, § 34, passed 8-25-2008)

**5.04.220 TAXES - REFUND OF OVERPAYMENTS.**

No refund of an overpayment of taxes imposed by this chapter shall be allowed in whole or in part unless a claim for a refund is filed with the Director of Finance within a period of twelve (12) months from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the Director of Finance on forms furnished by him or her and in the manner prescribed by him or her. Upon the filing of such a claim, and when he or she determines that an overpayment has been made, the Director of Finance may refund the amount overpaid.

(Ord. 873, § 3, passed 8-25-2008)

**5.04.230 TAXES - BASIS FOR FEE CALCULATIONS-MULTIPLE CLASSIFICATIONS.**

Any person doing business under more than one (1) classification shall pay a tax on that amount of business done under each classification. An example would be a contractor who also is involved in the sale of goods in addition to contract work done under a state contract license. The annual gross receipts during the twelve (12)-month period immediately preceding the licensing period is the basis for fee calculation.

(Ord. 582, § 5, passed -- 1982)

**5.04.240 TAXES - GROSS RECEIPTS RATE.**

Taxes based on gross receipts shall be in the amounts as established from time to time by resolution of the City Council.

(Ord. 871, § 5, passed 8-25-2008)

#### **5.04.250 TAXES - MANUFACTURERS' FEES.**

Every person engaged in making from materials, raw or partly finished, goods, wares, merchandise or other things of value suitable for use; or lumber and wood products warehoused for the purpose of sales thereof to wholesalers or retailers, shall pay a license fee based on the employee formula as provided for in § [5.04.290](#), the person may elect to pay a license tax by gross receipts as provided for in § [5.04.240](#) herein, from business done within the City.

(Ord. 434, § 23(B)(1), passed -- 1973; Am. Minute Order, passed 11-12-1973; Am. Ord. 736, § 3, passed -- 1991; Am. Ord. 758, § 1, passed -- 1993)

#### **5.04.260 TAXES - CONTRACTORS' FEES.**

A. Any person licensed by any government agency or authority as a contractor in any field whatsoever, including, but not limited to, general, electrical, plumbing, cement, paint, plaster, etc. performing work which requires the issuance of a building permit will no longer be required to maintain an annual business license. Instead, all contractors shall pay a fee based on the contract valuation of each building permit, the fee at the rate of 0.04% is to be applied and collected with the issuance of each building permit.

B. However, contractors, businesses, or individuals providing construction, maintenance or other goods or services which does not require a building permit will be required to purchase a business license using the standard gross receipts formula under § [5.04.230](#).

(Ord. 875, § 35, passed 8-25-2008)

#### **5.04.270 TAXES - COMMON CARRIERS' FEES.**

All common carriers, within the jurisdiction of the Public Utilities Commission of the state, shall pay a license based on the employee formula set out in § [5.04.290](#).

(Ord. 434, § 23(B)(3), passed -- 1973; Am. Minute Order passed 11-12-1973)

#### **5.04.280 TAXES - UTILITY COMPANIES' FEES.**

All utility companies, within the jurisdiction of the Public Utilities Commission of the state, shall pay a license fee based on the employee formula set out in § [5.04.290](#).

(Ord. 434, § 23(B)(4), passed -- 1973; Am. Minute Order passed 11-12-1973)

#### **5.04.290 TAXES - EMPLOYEE FORMULA.**

Taxes based on employee formula shall be in the amounts as established from time to time by resolution of the City Council.

(Ord. 871, § 6, passed 8-25-2008)

#### **5.04.300 TAXES - RECLASSIFICATION - APPLICATION - INVESTIGATION.**

In any case where a licensee or an applicant for a license believes that his or her individual business is not assigned to the proper classification under §§ [5.04.250](#) through [5.04.290](#) because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he or she may apply to the Collector for reclassification. The application shall contain the information as the Collector may deem necessary and required in order to determine whether the applicant's individual business is properly classified. The Collector shall then conduct an investigation following which he or she shall assign the applicant's individual business to the classification which, in the opinion of the Collector, most nearly fits the applicant's individual business. The reclassification shall not be retroactive, but shall apply at the time of the next regularly ensuing calculation of the applicant's tax. No business shall be classified more than once in one (1) year.

(Ord. 434, § 23(part), passed -- 1973; Am. Minute Order passed 11-12-1973)

#### **5.04.310 TAXES - RECLASSIFICATION - APPLICATION - HEARING - NOTICES.**

The Collector shall notify the applicant of the action taken on the application for reclassification. The notice shall be given by serving it personally or by depositing it in the United States Post Office at Fort Bragg, California, postage prepaid, addressed to the applicant at his or her last known address. The applicant, within 15 days after the mailing or serving of the notice, may appeal the determination of the collector in accordance with the procedures described in Chapter 1.08.

(Ord. 900, § 6, passed 12-12-2011)

#### **5.04.320 TAXES - FLAT RATE.**

Every person transacting and carrying on the businesses enumerated by the City in the following resolution shall pay a license tax in an amount as established from time to time by resolution of the City Council.

(Ord. 871, § 7, passed 8-25-2008)

#### **5.04.330 TAXES - VEHICLE DELIVERY BUSINESS - OPTIONAL RATE.**

Every person not having a fixed place of business within the City, and not being herein otherwise licensed or classified, who delivers goods, wares or merchandise of any kind by vehicle or who provides any service by the use of vehicles in the City, shall pay a license tax in an amount as established from time to time by resolution of the City Council; provided that any such person may elect to pay a license tax by gross receipts in accordance with § [5.04.240](#) herein, from business done within the City.

(Ord. 871, § 8, passed 8-25-2008)

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**5.04.340 TAXES - BUSINESSES OUTSIDE CITY - RATE.**

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Every person not having a fixed place of business within the City who engages in business within the City, and is not subject to the provisions of § [5.04.330](#) of this chapter, shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the City.

(Ord. 434, § 26, passed -- 1973)

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**5.04.350 RULES AND REGULATIONS ADOPTION AUTHORITY.**

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The Collector may make rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the enforcement of the provisions of this chapter.

(Ord. 434, § 27, passed -- 1973)

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**5.04.360 ENFORCEMENT OF PROVISIONS.**

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A. It shall be the duty of the Collector, and he or she is directed, to enforce each and all of the provisions of this chapter, and the Chief of Police shall render the assistance in the enforcement hereof as may from time to time be required by the Collector or the City Council.

B. The Collector, and any police officer, may enter any business free of charge and demand exhibition of the business license. Refusal of any person to so exhibit the license shall be deemed a misdemeanor as set forth in Fort Bragg Municipal Code § 1.12.010.

(Ord. 434, § 28, passed -- 1973; Am. Ord. 581, § 11, passed -- 1982)

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**5.04.370 PENALTIES AND TAXES DEBT TO CITY.**

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A. The amount of any license tax and penalty imposed by the provisions of this chapter is a debt to the City.

B. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent license tax and penalties.

(Ord. 434, § 29, passed -- 1973)

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**5.04.380 REMEDIES CUMULATIVE.**

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All remedies prescribed hereunder shall be cumulative and the use of one (1) or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

(Ord. 434, § 30, passed -- 1973)

**5.04.390 EFFECT OF PROVISIONS ON PAST ACTIONS.**

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A. Neither the adoption of the ordinance codified in this chapter nor its superseding of any portion of any other ordinance of the City shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license or any penal provision applicable to the violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

B. Where a license for revenue purposes has been issued to any person by the City and the tax paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of the license has not expired, then the license tax prescribed for the business by this chapter shall not be payable until the expiration of the term of the unexpired license.

(Ord. 434, § 31, passed -- 1973)

**5.04.400 PENALTY FOR VIOLATION.**

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Any person violating any of the provisions of this chapter knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license or permit herein provided for is guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 874, § 5, passed 8-25-2008)

**5.04.410 INFORMATION CONFIDENTIAL.**

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The information furnished or secured pursuant to the provisions of this Chapter shall be deemed confidential in character, except that which is shown on the face of the license itself, and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Chapter.

Unless in compliance with judicial order or as may be required for the proper administration of this Chapter, the Department of Finance, its agents and employees, shall not divulge facts or information obtained in the administration hereof.

(Ord. 906, § 7, passed 04-22-2013)

## CHAPTER 5.12 PUBLIC DANCES

### Section

- [5.12.010](#) Definitions
- [5.12.020](#) Permits
- [5.12.030](#) Dance operators and organizers
- [5.12.040](#) Loitering where public entertainment offered
- [5.12.050](#) Revoked permit for dance - reissuance
- [5.12.060](#) Permit fees
- [5.12.070](#) Requirements
- [5.12.080](#) Private dances
- [5.12.090](#) Lighting of dance premises
- [5.12.100](#) Waiver of fee

### **5.12.010 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FIXED PLACE OF BUSINESS.** Any establishment for which a business license is required by the City in order to conduct the business.

**PUBLIC DANCE.** Any dance conducted by a not for profit organization to which the general public may gain admission with or without the payment of a fee.

**PUBLIC DANCE HALL.** Any room, place, or space in which a public dance as defined in this section is conducted.

(Ord. 455, § 1, passed -- 1975; Am. Ord. 734, § 1, passed -- 1992; Am. Ord. 870, § 8, passed 8-25-2008)

### **5.12.020 PERMITS.**

- A. It is unlawful to conduct or assist in conducting or maintaining a dance within the City limits unless a person first obtains a permit therefor as provided in this chapter.
- B. Persons desiring the permits shall file a written application therefor with the Chief of Police and the application shall include the following and be on a form approved by the Chief of Police:
  - 1. Name and residence addresses of the applicant (if a corporation or a partnership, the names and residence addresses of all officers and directors or partners; if an unincorporated association, the name of all principals);

2. The location and description of facilities proposed to be used; and
3. The dates, hours, estimated maximum attendance at the proposed dance and the type thereof, including, but not limited to, whether or not there will be live music.

C. The Chief of Police, upon receiving an application, shall consider and shall be satisfied that the public peace, safety, health, and general welfare will not be endangered or jeopardized by the issuance of a dance permit. The Chief may impose conditions upon the issuance of the dance permit to insure the dancing conducted under the permit will be compatible with the preservation of the public peace, safety, health, and general welfare. All applications shall be reviewed by the Fire Chief prior to issuance by the Chief of Police and may contain the conditions of approval as recommended by the Fire Chief. If the Chief of Police finds that the issuance of a dance permit will endanger or jeopardize the public peace, safety, health, or general welfare, the permit shall be denied.

D. The Chief of Police or Fire Chief may revoke any dance permit if he or she finds that the conduct of the dancing violated any condition imposed upon the permit or any provision of the municipal code or state law, or presents any threat to public peace, safety, or health.

(Ord. 455, § 2, passed -- 1975; Am. Ord. 734, § 2, passed -- 1992)

#### **5.12.030 DANCE OPERATORS AND ORGANIZERS.**

The operator of a dance hall and promoter, operator, or organizer of any dance shall be a responsible, reliable, law-abiding adult person.

(Ord. 455, § 3, passed -- 1975)

#### **5.12.040 LOITERING WHERE PUBLIC ENTERTAINMENT OFFERED.**

No person shall loiter between the hours of 10:00 p.m. and 5:00 a.m. about the premises for any public entertainment, including dances when the person is not actively participating in the entertainment or is not an invited spectator thereof.

(Ord. 455, § 4, passed -- 1975)

#### **5.12.050 REVOKED PERMIT FOR DANCE - REISSUANCE.**

If at any time the permit to conduct or maintain a public dance hall or permit allowing dancing upon the premises of the permittee is revoked for violation of the provisions of this chapter, then in such event, at least three (3) months shall elapse before another permit may be granted to the manager, owner, lessee, or permittee of the premises, except in the case of a fixed place of business.

(Ord. 455, § 5, passed -- 1975)

#### **5.12.060 PERMIT FEES.**

The permit fee for dances shall be in the amounts as established from time to time by resolution of the City Council.

(Ord. 871, § 9, passed 8-25-2008)

#### **5.12.070 REQUIREMENTS.**

No person, other than those operating as a fixed place of business having obtained a yearly business license and dance permit, shall operate, promote, maintain, or conduct a public dance or public dance hall except in compliance with the following provisions.

- A. *Fee.* The applicant shall pay, upon making the application, the applicable fee.
- B. *Occupancy.* The occupancy of dance halls or the attendance at dances shall be restricted to the maximum limits permissible under applicable state and/or City fire laws or regulations.
- C. *Attendance of police.* At all public dances, the Chief of Police may require police officers of the City to be in attendance to maintain order during the dance. The number of officers shall be determined by the Chief of Police or his or her duly authorized representative.
- D. *Hours for public dances.* All public dances shall be discontinued and all public dance halls shall be closed at or before the hour of 2:00 a.m., except that dances restricted to persons under the age of 21 shall be closed at or before the hour of 1:00 a.m., and no public dance shall be held between the applicable closing hour and 10:00 a.m. of any day.

(Ord. 455, § 7, passed -- 1975; Am. Ord. 734, § 4, passed -- 1992)

#### **5.12.080 PRIVATE DANCES.**

Any person, club, sorority, fraternity, society, or group giving, maintaining, or conducting a dance in any fixed place of business or hall where the public generally is not permitted to obtain admission, but those permitted to gain admission are so admitted by invitation, subscription list or previous arrangement between the parties and they contribute to the expense of the dance by the payment of a stated charge or by division of the expense between the persons admitted, shall first apply to the Chief of Police for a permit to conduct the dance, which permit shall be granted without the payment of any fee, but upon the other conditions as may be prescribed by the Chief of Police, including the appointment of suitable chaperones, providing the Chief of Police is satisfied that the applicant or applicants are of good moral character.

(Ord. 455, § 8, passed -- 1975)

#### **5.12.090 LIGHTING OF DANCE PREMISES.**

The premises where the dances are held shall be kept well lighted. Lights shall be adequate at all

times for the protection of persons and property using the premises. The noise level of the entertainment, including amplifiers and any other electronic equipment, shall be modulated and regulated at levels that do not cause or create noise disturbances outside of the hall or areas where the dances are being held. Failure to so regulate the lights and noise may cause, in the reasonable discretion of the policing officer, immediate revocation of the dance permit and the dance may be forthwith terminated and the area emptied. Doors and windows shall be kept closed when reasonably possible in order to reduce noise.

(Ord. 455, § 9, passed -- 1975)

#### **5.12.100 WAIVER OF FEE.**

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The fee for a public or private dance may be waived by the City Council, in whole or in part by a majority vote of the City Council. The City Council hereby delegates this authority to the City Manager. In the event the City Manager denies the waiver of the dance fee, the applicant may request that the matter be placed on the next regularly scheduled City Council agenda for consideration by the City Council. The City Council may affirm or modify the decision of the City Manager.

(Ord. 524, § 1, passed -- 1979; Am. Ord. 734, § 5, passed -- 1992)

## CHAPTER 5.16 TAXICABS

### Section

- [5.16.010](#) Definitions
- [5.16.020](#) Owner's permit
- [5.16.030](#) Application for owner's permit
- [5.16.040](#) Permit application - investigation and report
- [5.16.050](#) Hearings
- [5.16.060](#) Issuance of permit
- [5.16.070](#) Duration of permits
- [5.16.080](#) Transfer of title to service
- [5.16.090](#) Destruction of taxicabs
- [5.16.100](#) Suspension or revocation of permit
- [5.16.110](#) Suspension of permit by Chief of Police
- [5.16.120](#) Submittal of driver information by owner
- [5.16.130](#) Operating regulations
- [5.16.140](#) Taximeters
- [5.16.150](#) Taxicab and rent car rates
- [5.16.160](#) Taxicab and rent car equipment and design
- [5.16.170](#) Inspections and sanitation
- [5.16.180](#) Taxicab or rent car stands
- [5.16.190](#) Insurance requirements
- [5.16.200](#) License fees
- [5.16.210](#) Permit fees

### **Statutory reference:**

Provisions allowing local authorities, within the reasonable exercises of their police power, to license and regulate the operation of any vehicle for hire and the drivers of passenger vehicles for hire, see Cal. Vehicle Code § 16501

Provisions regarding financial responsibility, see Cal. Vehicle Code §§ 16500 et seq.

### **5.16.010 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DRIVER.** Every person in charge of or operating any taxicab or rent car, either as agent, employee, or otherwise, under the direction of the owner or as owner.

**OWNER.** Every person having use or control of any taxicab or rent car, whether as owner, lessee, or otherwise.

**RENT CAR.** Every automobile or motor-propelled vehicle, excluding taxicabs, operated at rates per hour and not equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City and not over a defined route, irrespective of whether the operations extend beyond the boundary limits of the City and the vehicle is routed as to destination under the direction of a passenger or of a person hiring the same.

**TAXICAB.** Every automobile or motor-propelled vehicle operated at rates per mile, for wait-time or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City and not over a defined route, irrespective of whether the operations extend beyond the boundary limits of the City, and the vehicle is routed as to destination under the direction of a passenger or of a person hiring the same.

**TAXIMETER.** Any mechanical instrument, instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is mechanically calculated, either for distance traveled or time consumed, or both, and upon which instrument, appliance, device, or machine such charge is indicated by figures.

(Ord. 385, § 1, passed -- 1970; Am. Ord. 870, § 9, passed 8-25-2008)

#### **5.16.020 OWNER'S PERMIT.**

It is unlawful to operate any taxicab or rent car business in the City unless the owner thereof applies for and obtains a permit to do so, which permit shall be applied for, granted, and, in effect, is in compliance with the provisions of this chapter.

(Ord. 385, § 2, passed -- 1970)

#### **5.16.030 APPLICATION FOR OWNER'S PERMIT.**

A. The application for an owner's permit shall be in writing, duly certified under oath and filed with the City Manager, or other designated person, hereinafter referred to as City Manager.

B. Each application shall set forth the following information:

1. The name and address of the applicant;
2. The names and addresses of all directors and officers, if the applicant is a corporation, and the names and addresses of any persons owning more than 20% of the voting stock of any applicant corporation;
3. The location of all taxicab or rent car stands requested;

4. The number of vehicles actually owned and the number of vehicles actually operated by the owner on the date of application;
5. The number of vehicles for which permission to operate in the City is desired;
6. The make, type, year of manufacture, passenger seating capacity and a statement of condition of each taxicab or rent car desired to be operated within the City;
7. The schedule of rates proposed to be charged;
8. The make and type of taximeter intended to be installed on each taxicab;
9. A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab or rent car design;
10. The applicant's estimate of the additional taxicab or rent car service, supported by factual data;
11. Two years of financial information such as financial statements from an outside accountant or Schedule C of Tax Form 1040 (Profit or Loss from Business);

Any other information as the City Council may, in its discretion, require;

12. The applicant shall provide his or her fingerprints in the manner prescribed by the Chief of Police; and
13. An application fee in the amount as established from time to time by resolution of the City Council shall accompany each application for an owner's permit.

(Ord. 385, § 3, passed -- 1970; Am. Ord. 871, § 10, passed 8-25-2008; Am. Ord. 908 § 2, passed 12-9-2013)

#### **5.16.040 PERMIT APPLICATION - INVESTIGATION AND REPORT.**

- A. No permit shall be granted within 60 days after the date of filing the application with the City Manager.
- B. The City Manager shall cause an investigation to be made and shall, within 50 days of the filing of a complete application, unless delayed by the City Manager, report his or her findings to the City Council. The report shall include the following information:
  1. The results of an investigation by the Chief of Police as to:
    - a. Whether or not any substantial moral or physical deficiencies were discovered which

- would render the applicant not competent to operate a taxicab or rent car;
- b. Whether or not the applicant has ever been convicted of a felony or the violation of a narcotic law or of any penal law involving moral turpitude or, during the previous 60 days, has been convicted of any law relating to traffic or the use of streets in the City; and
  - c. Whether or not there were found any falsifications of the application.
2. The adequacy of the existing taxicab or rent car service;
  3. The financial responsibility and experience of the applicant;
  4. The effect which additional taxicab or rent car service may have upon traffic and parking within the City;
  5. A verification of the matters contained in the application; and
  6. Any other relevant facts as the Council may deem advisable or necessary.

(Ord. 385, § 4, passed -- 1970; Am. Ord. 908 § 3, passed 12-9-2013)

#### **5.16.050 HEARINGS.**

Upon the filing of an application for a permit to operate a taxicab or rent car business, the City Council shall fix a time and place for a public hearing thereon. At least ten (10) days written notice of the time and place set for public hearing shall be given to the applicant and to all permittees under this chapter. Notice shall also be given the general public by publication once in a newspaper of general circulation published within the City. Any interested person may file with the City Manager a memorandum in support of or in opposition to the issuance of the applied for permit.

(Ord. 385, § 5, passed -- 1970)

#### **5.16.060 ISSUANCE OF PERMIT.**

The City Council shall make a finding as to whether the public convenience and necessity requires, or does not require, additional taxicab or rent car service at the conclusion of the public hearing or at a later date determined by it to be necessary for further study. The City Council, in making its finding, shall consider the City Manager's report and recommendation, the factual matters as verified in the application, the memoranda or other written materials on file, the matters elicited in the public hearing and its own investigation of the subject matter. The City Council shall also determine if the applicant is competent to operate a taxicab or rent car business based upon the investigation of the Chief of Police as to the applicant's character.

(Ord. 385, § 6, passed -- 1970)

**5.16.070 DURATION OF PERMITS.**

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Every owner's permit issued pursuant to the provisions of this chapter shall be for a period of three (3) years from the date of initial issuance by the City Council, subject to revocation in the manner prescribed in this chapter and to renewal, unless determined otherwise by the City Council at its sole discretion, and also subject to payment of the annual license and permit fees in accordance with the then prevailing schedule of the fees.

(Ord. 890 § 11, passed 11-08-2010)

**5.16.080 TRANSFER OF TITLE TO SERVICE.**

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Whenever an owner sells or transfers title to a taxicab or rent car for which a certificate has been granted and within 30 days after the sale or transfer purchases other taxicabs or rent cars, the City Council shall, as a matter of right, upon written application to the City Council within 30 days of the purchase, issue new permits for the operation of no greater number of taxicabs or rent cars than those sold or transferred; provided, the owner has complied with all the provisions of this chapter.

(Ord. 385, § 8, passed -- 1970)

**5.16.090 DESTRUCTION OF TAXICABS.**

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Any owner whose permitted taxicabs or rent cars have been destroyed, as a matter of right, upon written application to the City Council within thirty (30) days after the destruction, shall be issued a new permit for the operation of no greater number of taxicabs than those so destroyed for the unexpired period of the original permit, upon satisfactory evidence presented to the City Council of the destruction, provided the owner has complied with all the provisions of this chapter.

(Ord. 385, § 9, passed -- 1970)

**5.16.100 SUSPENSION OR REVOCATION OF PERMIT.**

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A. An owner's permit that is issued pursuant to this Chapter may be revoked or suspended by the City Council based on any of the following determinations made by the City Council:

1. A violation of any of the provisions of this Chapter by the owner, or any employee, agent, contractor, or representative of owner.
2. Discontinued taxicab operations within the City for more than 90 consecutive days.
3. Failure to pay any debt or money judgment for damages arising from the operation of the vehicle(s) for which the owner's permit was issued.
4. Violation of any ordinances, laws or regulations, the violation of which reflect unfavorably on the fitness of the holder of the owner's permit to offer public transportation.

5. Other conditions or circumstances from which the City Council may reasonably conclude that the continued operation of vehicles under the owner's permit is not in the interest of public safety.

B. Any action by the City Council to consider revocation or suspension of an owner's permit under this Chapter shall be subject to not less than 10-days prior written notice to the owner or holder of the owner's permit. Said notice may be given personally, via facsimile or other electronic transmission, or via first-class mail service, postage pre-paid. If notice is given by mail, then the period for giving such notice shall not be less than thirteen (13) days.

C. Any action by the City Council to consider revocation or suspension of an owner's permit under this Chapter shall be taken at a properly noticed public meeting. A copy of documents or other information relating to a proposed revocation or suspension of the owner's permit shall be made available to the owner or holder of the permit at the same time that such information is made available to the City Council.

(Ord. 890, § 12, passed 11-8-2010)

#### **5.16.110 SUSPENSION OF PERMIT BY CHIEF OF POLICE.**

A. In the event that the Chief of Police determines that continued operations of a vehicle that is regulated by this Chapter poses an immediate or serious threat of harm to the public or to property, the Chief may suspend an owner's permit for a period not to exceed twenty-one (21) days. At the time of any such suspension, the Chief of Police shall provide the vehicle owner or holder of the permit with a written notice of the condition(s) and/or activities that have created an immediate or serious threat of harm to the public or to property. If the determination to suspend an owner's permit pursuant to this section is the result of mechanical or operational deficiencies, the owner or holder of the permit may provide proof of correction of the condition(s) or elimination or modification of the activities, and if said proof adequately addresses the condition(s) and/or activity described, the Chief may lift the suspension and allow the owner or holder of the permit to continue operations. The written notice provided by the Chief of Police shall also include a notification to the owner or holder of the permit that the temporary suspension shall be considered by the City Council at a regular or special meeting to determine whether the temporary suspension should be removed, or whether suspension or revocation, as described in Section [5.16.100](#), should be imposed.

B. In the event that a temporary suspension is to be considered by the City Council, the procedures described in Section [5.16.100](#)(C) shall apply.

(Ord. 890, § 13, passed 11-8-2010)

#### **5.16.120 SUBMITTAL OF DRIVER INFORMATION BY OWNER.**

A. In addition to obtaining an owner's permit as provided in this chapter, the owner shall submit to

the Chief of Police a photocopy of the appropriate driver's license of all drivers employed.

B. It shall be the duty of the Chief of Police to investigate the background of each driver and inform the owner if the driver has been convicted of a felony, the violation of any narcotic law or any law involving moral turpitude, and which conviction or convictions would, in the judgment of the Chief of Police, render the driver not a competent person to operate a public motor vehicle in the City. If, after being informed by the Chief of Police that a driver is not a competent person to operate a public motor vehicle, the owner continues to employ him or her in such capacity, the owner's permit may be subject to revocation pursuant to the provisions of § [5.16.060](#).

C. Each time the owner hires a new driver, the owner shall submit the information required by the provisions of this section to the Chief of Police. The owner shall also notify the Chief of Police when a driver leaves his or her employment.

(Ord. 385, § 12, passed -- 1970)

#### **5.16.130 OPERATING REGULATIONS.**

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A. *Direct route.* Any driver employed to transport passengers to a definite point shall take the most direct route possible which will carry the passenger to his or her destination safely and expeditiously.

B. *Receipts.* Every driver, upon request, shall give a correct receipt upon payment of the correct fare.

C. *Refusal to pay fare.* It is unlawful for any person to refuse to pay the lawful fare of any of the vehicles regulated by this chapter after employing or hiring the vehicle; and any person so doing is guilty of a misdemeanor.

D. *Number of passengers.* No driver of any taxicab or rent car shall accept, take into his or her vehicle or transport any larger number of passengers than the rate seating capacity of his or her vehicle; provided, however, children under 12 years of age with an adult escort may be taken in addition thereto.

E. *Found property.* Property of value left in any taxicab or rent car by a passenger shall be forthwith reported by the owner of the licensed vehicle to the Chief of Police.

F. *Obedience to safety officers.* The driver of any of the vehicles regulated by this chapter shall promptly obey all orders or instructions of any police officer or firefighter.

G. *Use of stands.* No driver shall stand, while awaiting employment, at any place other than at a duly designated taxicab or rent car stand, nor shall he or she leave his or her taxicab or rent car unattended in a stand for a period of time longer than five (5) minutes.

H. *Rights of passengers.* Any person engaging a taxicab shall have the exclusive right to the full use of the rear seat of the taxicab. While so engaged, no owner or driver shall solicit or carry additional passengers without obtaining the consent of the person first engaging the vehicle.

(Ord. 385, § 13, passed -- 1970)

#### **5.16.140 TAXIMETERS.**

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A. *Generally.* Within 120 days from the effective date of the ordinance codified in this chapter, it is unlawful for any owner or driver to operate any taxicab in the City unless the vehicle is equipped with a taximeter of the type, style, and design as may be approved by the City Manager. It shall be the duty of every owner operating a taxicab to keep the taximeter in perfect condition so that the taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time. The taximeter shall be at all times subject to inspection by an inspector appointed or by any police officer. The inspector or police officer is authorized, on his or her own or upon complaint of any person, to investigate, or cause to be investigated, the taximeter; and, upon the discovery of any inaccuracy in the taximeter, to remove, or cause to be removed, the vehicle equipped with the taximeter from the streets of the City until such time as the taximeter has been correctly adjusted.

B. *Flag.* Every taximeter shall register the charge to the nearest \$.10 and be equipped with a flag or other mechanical device with the words "For Hire" printed or stamped thereon. The flag shall be so attached and connected to the mechanism of the taximeter as to cause the mechanism to operate when the flag is in a position other than upright and indicate that the taxicab is not for hire, and the flag, when moved forward or downward, shall start the operation of the taximeter so that the same will operate in the manner defined in this chapter.

C. *Operation of flag.* It is unlawful for any driver of a taxicab, while carrying passengers, to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is not employed or to have the flag or other attached device in such a position as to prevent the taximeter from operating; and it is unlawful for any driver to throw the flag or other device of a taximeter into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device on the taximeter into a nonrecording position at the termination of each and every service; provided, however, the foregoing shall not apply to trips to or from points outside the City when the charge is fixed on a trip basis.

D. *Charges.* All charges for the transportation of passengers in taxicabs operated in the City shall be based on the charges indicated on the taximeters, and it is unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on the taximeter; provided, however, the foregoing shall not apply to trips to or from points outside the City when the charge is fixed on a trip basis.

E. *Placing of taximeter.* The taximeter shall be placed in the taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in the taxicab unless the taximeter is equipped and operated as a receipt-printing taximeter.

(Ord. 385, § 14(A), passed -- 1970)

#### **5.16.150 TAXICAB AND RENT CAR RATES.**

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Prior to the operation of any vehicle under the provisions of this chapter, the owner shall file with the City Clerk, in duplicate, a complete rate schedule to be charged; and the City Clerk shall file a copy thereof with the Chief of Police and report to the Council at its next regular meeting the rate schedule so filed. A changed rate schedule may be likewise filed from time to time by the owner. The rate schedule shall be subject to modification at any time by resolution of the Council after ten (10) days notice and an opportunity for hearing before the Council. The minimum and maximum rates or fares to be charged the public for taxicab service within the City shall be so fixed and established. No person operating, or in charge of, any taxicab or rent car within the City shall charge, receive, or collect any different rate or fare for the taxicab or rent car service than that within the prescribed limits. Upon the adoption of any such resolution, the City Clerk shall immediately forward a certified copy thereof to all permittees within the City.

(Ord. 385, § 14(B), passed -- 1970)

#### **5.16.160 TAXICAB AND RENT CAR EQUIPMENT AND DESIGN.**

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A. No vehicle shall, under the license to the owner, be operated as a taxicab or rent car unless it conforms with all of the provisions of this chapter.

B. Taximeters placed upon taxicabs, either in the first operation or to replace broken or faulty meters, shall not be operated more than 24 hours prior to being inspected, tested, approved, and sealed by an authorized inspector appointed by the Chief of Police.

C. Each taxicab or rent car so licensed shall have on both sides and the rear of the vehicle the name of the owner, or name under which operated, the words "Fort Bragg," and the number assigned to the vehicle by the license collector. At the time of the issuance of a license for the operation of any vehicle, the license collector shall assign to and for that vehicle a number not in excess of the total number of licensed vehicles, shall keep a record of the number so assigned, and shall file a copy of the record with the Chief of Police.

D. Each taxicab or rent car licensed to operate in the City shall have located in a convenient place in the driver's compartment, and in view of the passengers therein, two (2) containers of a type and design approved by the Chief of Police. The containers shall contain cards provided by the Chief of Police bearing the following information:

1. One container shall have a card therein bearing:
  - a. The name of the company to which the card is issued;
  - b. The identification number issued for each individual taxicab or rent car licensed to operate in the City;
  - c. The date of issuance and expiration; and
  - d. The state license plate number and engine number of the taxicab or rent car displaying the same.
2. One container shall bear the driver's license.

(Ord. 385, § 14(C), passed -- 1970)

#### **5.16.170 INSPECTIONS AND SANITATION.**

- A. Within twenty (20) days after filing an application for a license, the owner shall furnish the Chief of Police with a certificate from an approved auto mechanic. The certificate shall state that the brakes, lights, and steering and running gears of each vehicle proposed to be licensed are in an operative and safe conditions.
- B. The Chief of Police, or any member of the Police Department under his or her direction, shall have the right at any time after displaying proper identification to enter into or upon any licensed taxicab or rent car for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.
- C. Any taxicab or rent car which is found, after any inspection, to be unsafe or in any way unsuitable for taxicab or rent car service shall be immediately ordered out of service; and, before again being placed in service, shall be placed in a safe condition, and the owner shall furnish the Chief of Police with a certificate from an approved auto mechanic or inspector stating that the condition has been corrected and that the vehicle is in an operative and safe condition.
- D. The interior of every taxicab or rent car shall be thoroughly cleaned at least once in every 24 hours.

(Ord. 385, § 14(D), passed -- 1970)

#### **5.16.180 TAXICAB OR RENT CAR STANDS.**

- A. Permits may be issued to the permittee under this chapter allowing the vehicles, while awaiting employment, to stand in certain designated places upon the street.
- B. No permit shall be granted except upon the application of the person desiring the stand, filed with

the City Manager, stating the number and kind of vehicles for which the permit is sought and the proposed location of the stand.

C. The City Manager may grant permits upon the recommendation of the traffic safety committee and the Chief of Police and subject to the approval of the first floor tenants of any building affected by the proposed stand.

(Ord. 385, § 14(E), passed -- 1970)

#### **5.16.190 INSURANCE REQUIREMENTS.**

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Before any owner's permit shall be issued, the owner shall be required to file with the City Clerk, and thereafter keep in full force and effect, policies of insurance in such form as set forth in the City's Administrative Regulations as from time to time amended.

(Ord. 872, § 2, passed 8-25-2008)

#### **5.16.200 LICENSE FEES.**

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License fees for taxicabs or rent cars shall be in the amount as established from time to time by resolution of the City Council.

(Ord. 871, § 11, passed 8-25-2008)

#### **5.16.210 PERMIT FEES.**

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Before any license to operate a taxicab or rent car business is issued, the person commencing or operating the business shall have paid a permit fee in the amount as established from time to time by resolution of the City Council to cover the cost of processing the application.

(Ord. 890, § 14, passed 11-8-2010)

**CHAPTER 5.20  
TRAILER PARKS AND CAMPS - TRAILERS**

## Section

- [5.20.010](#) Definitions
- [5.20.020](#) Licensing
- [5.20.030](#) Licensed trailer camp
- [5.20.040](#) *[Reserved]*
- [5.20.050](#) *[Reserved]*
- [5.20.060](#) *[Reserved]*
- [5.20.070](#) *[Reserved]*
- [5.20.080](#) Use permit
- [5.20.090](#) Application for use permit
- [5.20.100](#) Hearing on use permit application
- [5.20.110](#) Conformance required

**Statutory reference:**

Mobile Home Parks Act, see Cal. Health and Safety Code §§ 18200 et seq.

**5.20.010 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MOBILE UNIT or TRAILER.** A vehicle with or without its own motor power, designed for human habitation, recreation, or any other use, whether propelled by its own motor power or drawn by other power.

1. **MOBILE UNITS or MOTOR RECREATION VEHICLES.** Are described in the above listed Cal. Vehicle Code and Cal. Health and Safety Code sections. They are motor-driven vehicles, which include, but are not limited to, motor homes, motor coaches, and recreational vehicles, driven by their own motor power.
2. **TRAILER.** Any vehicle as described in Cal. Vehicle Code §§ 242, 387, 630, 635, 636 et al. and/or depicted by definition in Cal. Health and Safety Code § 18010. This includes, but is not limited to, the following vehicles: recreational trailer; pull trailer; fifth-wheel trailer; camp trailer; mobile home trailer; utility trailer; construction trailer; boat trailer; trailer coach; trailer bus; or any vehicle other than a motor vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

(Ord. 383, § 1, passed -- 1970; Am. Ord. 808, § 1A, passed -- 1998)

**5.20.020 LICENSING.**

**LICENSING**, as used in this chapter, is the granting of a permit or license by the State of California for a trailer park or camp.

(Ord. 383, § 2, passed -- 1970)

**5.20.030 LICENSED TRAILER CAMP.**

A licensed trailer camp shall contain a minimum of five (5) trailer sites with each site to be a minimum size required by the laws of the State of California and the County of Mendocino.

(Ord. 383, § 3, passed -- 1970)

**5.20.040 [RESERVED].**

**5.20.050 [RESERVED].**

**5.20.060 [RESERVED].**

**5.20.070 [RESERVED].**

**5.20.080 USE PERMIT.**

No persons shall establish, construct, operate or maintain a licensed trailer camp within the City without first having obtained a use permit from the Planning Commission authorizing and allowing such use. Other planning permits may be required; consult with the Community Development Department for more details.

(Ord. 875, § 37, passed 8-25-2008)

**5.20.090 APPLICATION FOR USE PERMIT.**

Any person wishing to obtain a use permit for the purpose of establishing, constructing, operating, or maintaining a licensed trailer park within the City shall apply to the community development department, in writing, setting forth the location, size, legal description of the real property and general construction plans of the proposed trailer camp.

(Ord. 383, § 9, passed -- 1970; Am. Ord. 808, § 1E, passed -- 1998)

**5.20.100 HEARING ON USE PERMIT APPLICATION.**

Upon receipt of an application for a use permit for a trailer camp, the Community Development Department will set a public hearing on the application. The public hearing shall be advertised in a manner deemed to be sufficient to give notice to interested parties.

(Ord. 383, § 10, passed -- 1970; Am. Ord. 808, § 1F, passed -- 1998)

**5.20.110 CONFORMANCE REQUIRED.**

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A licensed trailer camp within the City must conform to all state and county requirements for the licensing of the camp, except as the same are altered or amended by this chapter.

(Ord. 383, § 11, passed -- 1970)

## CHAPTER 5.24 FLEA MARKETS

### Section

- [5.24.010](#) Definitions
- [5.24.020](#) Permit
- [5.24.030](#) Condition on operator's permit
- [5.24.040](#) Vendor's permit
- [5.24.050](#) Fees
- [5.24.060](#) Grounds for revocation
- [5.24.070](#) Responsibilities
- [5.24.080](#) Exclusions
- [5.24.090](#) Penalty

### **5.24.010 DEFINITIONS.**

---

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FLEA MARKET.** Any event which meets any or all of the following requirements:

1. The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit it for sale or exchange, including, but not limited to, the activities commonly known as garage sales, rummage sales, and swap meets;
2. A fee is charged, payable to the operator or organizer of the event either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at the event; and/or
3. The act or practice of carrying on the exchange, barter, trade, sale, or purchase of identifiable, tangible personal property between persons not otherwise licensed to do so in the City, including, but not limited to the activities commonly known as garage sales, rummage sales, and swap meets.

**FLEA MARKET OPERATOR.** Any person or group of persons organizing or administering any flea market as defined in this section.

**FLEA MARKET VENDOR.** Any person or group of persons setting up tables or booths or establishing any location within the flea market premises to exchange or sell identifiable, tangible personal property.

(Ord. 452, § 1, passed -- 1974)

**5.24.020 PERMIT.**

A person or entity wanting to establish, organize or conduct a flea market may apply for a limited term permit. Refer to §§ 17.71.030 and 18.71.030 (Limited Term Permit) for more details. Other planning permits may be required if the site is in the Coastal Zone.

(Ord. 875, § 38, passed 8-25-2008)

**5.24.030 CONDITION ON OPERATOR'S PERMIT.**

The Technical Advisory Committee may impose such conditions as it shall find reasonable in the circumstances upon the operator-permittee, the conditions to include, but not necessarily be limited to, the following:

- A. No permit shall be granted until the permittee produces satisfactory evidence to the Finance Director that a State Board of Equalization resale number has been obtained.
- B. The applicant for a permit shall produce satisfactory evidence at the time of the application that adequate and sufficient parking will be provided and the Chief of Police shall make recommendation to the Technical Advisory Committee with respect to the parking.
- C. The Technical Advisory Committee shall establish as a condition for the granting of the permit the days and hours during the day when the flea market may be conducted.
- D. Prior to the granting of any permit hereunder, the applicant shall satisfy the Technical Advisory Committee that adequate provisions have been made for a cleanup and that a good state of housekeeping will be maintained.
- E. No permit shall be granted to the applicant herein until the time as the fee for the permit hereinafter provided for has been paid.
- F. As a condition to the granting of the permit, the Technical Advisory Committee may, upon the recommendation of the Chief of Police and Fire Chief, prohibit the sale or trade of flammable liquids, including, but not limited to, gasoline, kerosene, acetone, thinners and solvents; ammunition and blasting agents; liquid petroleum gases or other combustible gases; any type of fireworks; acids, caustics, or oxidizing agents.
- G. No edible or perishable foods, merchandise, live animals, or birds shall be offered for sale or trade unless the permit provided for herein so specifies. The applicant shall present evidence of approval of the County Health Officer with respect to county health requirements in connection with the sale of the items prior to granting the permit.

H. Applicant must present evidence of approval from the county health officer regarding sanitary facilities.

I. The Police Department shall have the right to thoroughly inspect the premises where the activity is being conducted at any time during the hours of operation of the flea market, and all persons engaged in the flea market activity on the premises shall render to the Police Department such assistance as may be reasonably necessary for the inspection.

J. Operator must apply for and obtain a City business license.

(Ord. 875, § 39, passed 8-25-2008)

#### **5.24.040 VENDOR'S PERMIT.**

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Each vendor shall obtain a business license from the City's Finance Department. The business license shall not be issued until:

A. A valid operator's permit has been obtained for the flea market in which the vendor is to participate.

B. All vendors shall be subject to the conditions, provisions and requirements of the operator's permit for the premises upon which the vendor is to participate.

(Ord. 875, § 40, passed 8-25-2008)

#### **5.24.050 FEES.**

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A. The fee for the granting of a permit herein to an operator shall be in an amount as established from time to time by resolution of the City Council.

B. The City Council may, in its absolute discretion exempt those organizations which it considers to be religious, charitable, educational, or civic, from the requirements of operator's fees.

(Ord. 452, § 5, passed -- 1974; Am. Ord. 871, § 14, passed 8-25-2008)

#### **5.24.060 GROUNDS FOR REVOCATION.**

---

The permit granted under this chapter may be revoked or temporarily suspended after a hearing of the City Council for any of the following reasons:

A. The violation of this chapter or the conditions imposed hereunder;

B. Violation of any federal, state, or local law or ordinance; and/or

C. Failure to bar any customer, participant, or vendor who violates any federal, state, or local law or ordinance.

(Ord. 452, § 6, passed -- 1974)

**5.24.070 RESPONSIBILITIES.**

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The operator of each flea market shall be responsible for compliance with the provisions of this chapter on the part of each of the vendors therein.

(Ord. 452, § 9, passed -- 1974)

**5.24.080 EXCLUSIONS.**

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Flea markets are specifically excluded by this chapter from licensing under Ordinance 434 of the City, codified in Chapter [5.04](#), relating to City business licenses.

(Ord. 452, § 8, passed -- 1974)

**5.24.090 PENALTY.**

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Any violation of this chapter may be penalized under Chapter 1.12 of this code in addition or in lieu of a revocation or suspension of this permit granted herein.

(Ord. 874, § 6, passed 8-25-2008)

## CHAPTER 5.28 BINGO GAMES

### Section

- [5.28.010](#) Purpose of provisions
- [5.28.020](#) Definitions
- [5.28.030](#) License - required
- [5.28.040](#) License - term - fees
- [5.28.050](#) License - nontransferability
- [5.28.060](#) License - application - investigation
- [5.28.070](#) License - denial, suspension, or revocation
- [5.28.080](#) License - appeal
- [5.28.090](#) Operation regulations
- [5.28.100](#) Violations and penalties
- [5.28.110](#) Severability

### **5.28.010 PURPOSE OF PROVISIONS.**

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The ordinance codified in this chapter is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions of Article IV of the California Constitution and Cal. Penal Code § 326.5. It is the intention of this chapter that any person, organization, or corporation allowed by the California Constitution and the Legislature of the state to conduct a bingo game if licensed by municipal ordinance be allowed to do so if in compliance with state and federal law and the provisions of this chapter regulating bingo games.

(Ord. 507, § 2, passed -- 1978)

### **5.28.020 DEFINITIONS.**

---

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BINGO.** A game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

**CHARITABLE PURPOSE.** The proceeds of all bingo games conducted within the City shall be used for charitable purposes only.

**MINOR.** Any person under the age of 18 years.

**ORGANIZATIONS AUTHORIZED TO CONDUCT BINGO GAMES.** Organizations exempted from the payment of the bank and corporation tax by Cal. Revenue and Taxation Code §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i and by mobile home park associations and senior

citizens' organizations as allowed by Cal. Penal Code § 326.5. It is the intention of this ordinance that an organization authorized by the California Legislature to engage in the game of bingo shall be permitted to do so by the City and shall be deemed to be an organization authorized to conduct the game of bingo upon compliance with the terms of this chapter. In the event that the California Legislature amends Cal. Penal Code § 326.5, or by other statute authorizes additional organizations or persons to engage in the game of bingo, this chapter shall be deemed amended to conform to state law to allow the additional persons or organizations to conduct bingo games within the City upon compliance with the terms of this chapter. In the event that the State Legislature prohibits any organization from conducting the game of bingo which is now authorized to conduct the game of bingo under Cal. Penal Code § 326.5, this chapter shall be deemed amended to delete the organization as an authorized organization allowed to obtain a bingo license and conduct games of bingo within the City. The purpose of this provision is to ensure consistency between the state law and this code.

(Ord. 507, § 3, passed -- 1978)

#### **5.28.030 LICENSE - REQUIRED.**

It is unlawful for any person or organization to conduct any game of bingo in the City except duly licensed organizations as defined by this chapter.

(Ord. 507, § 4, passed -- 1978)

#### **5.28.040 LICENSE - TERM - FEES.**

The term of a bingo license is up to six (6) months and may be renewed for a period of up to six (6) months anytime within one (1) year from its date of issuance, upon application therefor. The fee for a bingo license and renewal thereof shall be determined by resolution of the City Council. The appropriate fee shall accompany the submission of each application, is nonrefundable, and shall be used to defray the cost of the issuance of the license.

(Ord. 477, § 3(B), passed -- 1976)

#### **5.28.050 LICENSE - NONTRANSFERABILITY.**

Each license issued under this chapter shall be issued only to an organization authorized to conduct bingo games as defined by Cal. Penal Code § 326.5. The license is not transferable.

(Ord. 507, § 5, passed -- 1978)

#### **5.28.060 LICENSE - APPLICATION - INVESTIGATION.**

A. Application for license shall be made to the Director of Finance on the prescribed forms, and shall be filed not less than twenty (20) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant at least the following:

1. A list of all members who will operate the bingo game, including full names of each member and residence address;
2. The date(s) and place(s) of the proposed bingo game or games;
3. Proof that the organization is an organization authorized to conduct bingo games pursuant to § 326.5 of the Penal Code.

B. Upon receipt of an application for a license, the Director of Finance may send copies of such application to any office or department which he or she deems essential in order to carry out a proper investigation of the applicant. The Chief of Police and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application and may examine the premises to be used for the bingo game. Upon approval of any application for a bingo license, the Director of Finance shall issue the license.

(Ord. 873, § 4, passed 8-25-2008)

#### **5.28.070 LICENSE - DENIAL, SUSPENSION, OR REVOCATION.**

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Procedures for denial, suspension or revocation of a license are as follows:

A. The Director of Finance may deny an application for a bingo license or suspend or revoke a license, if he or she finds the applicant or licensee or any agent or representative thereof has done any one of the following:

1. Knowingly made any false, misleading, or fraudulent statement of a material fact in the application or in any record or report required to be filed under this chapter.
2. Violated any of the provisions of this chapter.

B. If after investigation the Director of Finance determines that a bingo license should be suspended or revoked or an application for such license denied, he or she shall prepare a notice of suspension, revocation, or denial of application setting forth the reasons for such suspension, revocation, or denial of application. Such notice shall be sent by certified mail to the applicant's last address provided in the application or be personally delivered. Any organization that has had an application for a bingo license denied or a license suspended or revoked by the Director of Finance may appeal that decision in the manner provided in § [5.28.080](#).

(Ord. 873, § 5, passed 8-25-2008)

#### **5.28.080 LICENSE - APPEAL.**

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An appeal shall be filed and conducted in accordance with the procedures described in Chapter 1.08.

(Ord. 900, § 7, passed 12-12-2011)

**5.28.090 OPERATION REGULATIONS.**

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- A. An organization authorized to conduct bingo games as defined by Cal. Penal Code § 326.5 shall conduct a bingo game only on property owned or leased by it, and which property is used by the organization for an office or for the performance of the purposes for which the organization is organized.
- B. No minors shall be allowed to participate in any bingo game.
- C. All bingo games shall be open to the public and not limited to members of the organization authorized to conduct the bingo game.
- D. A bingo game shall be operated and staffed only by members of an organization authorized to conduct bingo games as defined by Cal. Penal Code § 326.5 which organized the game. The members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate the game or participate in the promotion, supervision, or any other phase of the game.
- E. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of the bingo game.
- F. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account; licensee shall retain for one year a full and complete financial statement of all moneys collected, disbursed, and the amount remaining for charitable purposes, which record shall be made available to the Director of Finance upon written request.
- G. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.
- H. The total value of prizes awarded during the conduct of any bingo games shall not exceed \$250 in cash or kind, or both, for each separate game which is held.
- I. No bingo game shall be conducted between the hours of 12:00 a.m. and 8:00 a.m.
- J. Any peace officer of the City shall have free access to any bingo game licensed under this chapter. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo game.

(Ord. 507, § 8, passed -- 1978; Am. Ord. 873, § 7, passed 8-25-2008)

**5.28.100 VIOLATIONS AND PENALTIES.**

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- A. It is unlawful for any person to receive a profit, wage, or salary from any bingo game authorized

by this chapter.

B. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 477, § 7, passed -- 1976; Am. Ord. 874, § 7, passed 8-25-2008)

**5.28.110 SEVERABILITY.**

If any provision, clause, sentence, or paragraph of the ordinance codified in this chapter or the application thereof to any person or circumstances shall be held invalid, the invalidity shall not affect the other provisions or applications of the provisions of the ordinance codified in this chapter and the same shall remain in full force and effect.

(Ord. 477, § 8, passed -- 1976)

## CHAPTER 5.32 SIDEWALK SALES

### Section

- [5.32.010](#) Permit - issuance authority
- [5.32.020](#) Permit - cost - application filing and fee
- [5.32.030](#) Permit - condition of issuance
- [5.32.040](#) Permit - liability insurance requirements
- [5.32.050](#) Appeal procedure
- [5.32.060](#) Violation - penalty
- [5.32.070](#) Violation - citation issuance authority

### **5.32.010 PERMIT - ISSUANCE AUTHORITY.**

The City Manager shall be authorized to issue permits with Technical Advisory Committee approval allowing the display and sale of articles on public property for limited periods of time in connection with street fairs, sidewalk sales, sales promotion campaigns or other similar promotion campaigns conducted by individual merchants, the chamber of commerce, downtown improvement board, service organizations or nonprofit organizations within the City. The City Manager may regulate the conditions of display of the merchandise including, but not limited to, the hours of display and the location thereof. Sidewalk sales not conducted downtown may require a limited term permit.

(Ord. 875, § 41, passed 8-25-2008)

### **5.32.020 PERMIT - COST - APPLICATION FILING AND FEE.**

The cost of a permit to be issued pursuant to this chapter and application and appeal fees shall be set by City Council resolution. An application for a permit shall be filed with the Community Development Department together with the application fee, as established by City Council resolution.

A. *Applications; generally.* The application shall list the dates of the event, including any extended set up/take down dates beyond the dates of event itself. The application shall contain a listing of all participating merchants and a diagram indicating the location of displays. The City must receive the application no later than three (3) weeks prior to the date of the event.

B. *Applications; state right-of-way.* Applicants must obtain a Caltrans encroachment permit for events within the state right-of-way along Main Street (State Route #1). In the case of each event, in addition to the requirements as set forth in this chapter, individual merchants, the Chamber of Commerce, Downtown Improvement Board, or service and nonprofit organizations need to supply the City with the following:

1. The completed application listing the dates of the event, including any extended set up/take down dates beyond the dates of event itself. The application shall contain a listing of all

participating merchants and a diagram indicating the location of displays. The City must receive the application no later than sixty (60) days prior to the date of the event.

2. Merchants, Chamber of Commerce, the Downtown Improvement Board, service organizations or nonprofit organizations, individually or as a group, shall execute a hold harmless agreement holding both the City and the state harmless against any and all claims arising out of the event.

(Ord. 519, § 4, passed -- 1979; Am. Ord. 695, § 2, passed -- 1989; Am. Ord. 701, § 5, passed -- 1989; Am. Ord. 816, § 3, passed -- 1999; Am. Ord. 875, § 42, passed 8-25-2008)

#### **5.32.030 PERMIT - CONDITION OF ISSUANCE.**

No permit shall be issued pursuant to this chapter if, in the opinion of the Technical Advisory Committee ("TAC"), the proposed sale or promotion would constitute an unreasonable safety or traffic hazard.

(Ord. 519, § 5, passed -- 1979; Am. Ord. 816, § 3, passed -- 1999)

#### **5.32.040 PERMIT - LIABILITY INSURANCE REQUIREMENTS.**

No permit shall be issued pursuant to this chapter until the applicant for such permit has filed with the City Clerk evidence of insurance as set forth in the City's Administrative Regulations as from time to time amended.

(Ord. 872, § 3, passed 8-25-2008)

#### **5.32.050 APPEAL PROCEDURE.**

The decision of the City Manager or Technical Advisory Committee denying a permit under this chapter may be appealed by the applicant in accordance with the procedures described in Chapter 1.08.

(Ord. 900, § 8, passed 12-12-2011)

#### **5.32.060 VIOLATION - PENALTY.**

Violations of this chapter are declared to be infractions, and upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 874, § 8, passed 8-25-2008)

#### **5.32.070 VIOLATION - CITATION ISSUANCE AUTHORITY.**

The Fort Bragg Chief of Police or his or her authorized representative of the City shall have the authority to issue citations for violations of this chapter in the manner set forth in Chapter 1.12.

(Ord. 874, § 9, passed 8-25-2008)

## CHAPTER 5.36 ALARM SYSTEMS

### Section

- [5.36.010](#) Purpose
- [5.36.020](#) Definitions
- [5.36.030](#) Alarm system registration
- [5.36.040](#) Alarm agent registration
- [5.36.050](#) Alarm business registration certificate
- [5.36.060](#) Alarm business license
- [5.36.070](#) False alarm regulations
- [5.36.080](#) Audible alarm system regulations
- [5.36.090](#) Alarms terminating at Police Department - fees
- [5.36.100](#) Automatic calling devices
- [5.36.110](#) Violation deemed infraction - penalty

### **5.36.010 PURPOSE.**

Numerous false alarms have created a danger to public safety and a burden on law enforcement services in the City. It is the purpose of this chapter to regulate false and nuisance alarm use within the City limits.

(Ord. 525, § 1, passed -- 1979)

### **5.36.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALARM AGENT.** Any person who is hired by an alarm business as an agent or employee to sell, lease, maintain, service, repair, alter, replace, remove, or install any response alarm system in or on any building, place or premises.

**ALARM BUSINESS.** Any business which is engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any response alarm system in any building, place, or premises.

**ALARM SYSTEM.** Means:

1. Any device designed for the detection of an unauthorized entry on or into any building, place or premise, or for the alerting of others of the existence of an emergency situation, or of the commission of an unlawful act, which when activated emits a sound or transmits a signal or message, and which directly or indirectly initiates or causes a response by the police; or

2. Any device designed for the detection of fire or smoke in any building which initiates a signal or message, and which directly or indirectly initiates or causes a response by the Fire Department.

**ALARM USER.** Any person who operates or uses or causes or allows to be operated or used, any alarm system in any building, place or premises.

**AUDIBLE ALARM.** The type of alarm system which, when activated, emits an audible sound outside of the structure in which it is located.

**FALSE ALARM.** An alarm or signal activated through alarm user negligence or error for reasons not of an emergency nature, or when activated due to malfunction of any segment of the alarm system, and which results in a response by City police, Fire Department or emergency units where an emergency situation does not exist. **FALSE ALARM** shall also include **NUISANCE ALARM**, as defined below.

**NUISANCE ALARM.** An unwanted activation of a smoke alarm in response to a stimulus that is not the result of a potentially hazardous fire. During a nuisance alarm, the smoke alarm sensor operates, and it is usually a true indication of the present state of the sensor. Even though the smoke alarm is alarming to a non-hazardous source, the smoke alarm is detecting particles that may not be visible to the occupant and, therefore, the occupant may perceive the alarm activation as inconvenient, annoying, or vexatious. External nuisance sources include cooking particles, steam, dust, insects, tobacco smoke, air circulated from heating equipment, and candle combustion products. Both types of smoke alarm detection technologies, ionization and photoelectric, can be vulnerable to external nuisance sources.

(Ord. 525, § 2, passed -- 1979; Am. Ord. 870, § 10, passed 8-25-2008; Am. Ord. 900, § 9, passed 12-12-2011)

#### **5.36.030 ALARM SYSTEM REGISTRATION.**

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A. No alarm user shall activate any new alarm system installed after the effective date of the ordinance codified in this chapter, in any incorporated area of the City, without registering that alarm system with the Chief of Police at least 24 hours before the system is activated. Alarm systems installed in emergency situations for temporary use not to exceed 30 days may be registered at any time prior to activation.

B. The alarm user who registers the alarm system shall provide the following information to the Chief of Police in writing:

1. The name, address, and telephone number of the alarm user;

2. The name, address, and telephone number of the alarm business installing the alarm, if any;
3. A description of the premises or area protected by the alarm system including the location of doors, windows, and areas protected by the alarm system within the premises;
4. A list of phone numbers and addresses of all people responsible for security of the premises, who have authorized access to the premises and to the alarm system controls; and
5. The name, address, and telephone number of the place of business where the alarm terminates, if not at the Police Department.

C. The alarm user shall notify the Chief of Police in writing within ten (10) days of any changes in registration information.

D. Users of alarm systems installed prior to the enactment of the ordinance codified in this chapter which are not registered with the Chief of Police, shall have thirty (30) days in which to register their alarm systems after notification of the registration requirements by the Chief of Police.

E. Failure of any alarm user to register any alarm system as set forth in this section shall be grounds for nonresponse by the Police Department, Fire Department, or other emergency unit of the City to any signal from that alarm system, until the alarm system is registered if, in the opinion of the watch commander then on duty, available police, fire, or other emergency units are not available to respond to an unregistered alarm, taking into consideration their other duties existing at that time.

(Ord. 525, § 3, passed -- 1979)

#### **5.36.040 ALARM AGENT REGISTRATION.**

Any alarm agent, as defined in this chapter, shall register with the Chief of Police or Fire Chief prior to acting as an alarm agent. Registration shall be on a form provided by the Chief of Police or Fire Chief and shall contain the information as he or she shall require, for the purpose of confirming that alarm agent's identity and qualifications conform with the requirements of Cal. Business and Professions Code § 7590 et seq. No fee shall be charged for the registration.

(Ord. 525, § 8, passed -- 1979)

#### **5.36.050 ALARM BUSINESS REGISTRATION CERTIFICATE.**

An alarm business owner or manager shall obtain an alarm business registration certificate from the Chief of Police or Fire Chief. The certificate shall be on a form provided by the Chief of Police or Fire Chief and shall contain the information as he or she shall require for the purpose of confirming that the alarm company holds the licenses and permits required by the Cal. Business and Professions Code. No fee shall be charged for this registration.

(Ord. 525, § 10, passed -- 1979)

#### **5.36.060 ALARM BUSINESS LICENSE.**

The Director of Finance shall not issue a business license for any alarm business, as described in subsection B of § [5.36.020](#), who does not possess a current and valid City alarm business registration certificate issued by the Chief of Police or Fire Chief.

(Ord. 873, § 8, passed 8-25-2008)

#### **5.36.070 FALSE ALARM REGULATIONS.**

- A. Public safety and safety of peace officers and firefighters require that any alarm system causing false alarms be corrected immediately. In the case of fire and smoke alarms, the Fire Chief shall make the determination whether or not response shall be terminated and shall have the same duties, responsibilities and discretion as the Chief of Police would have with regard to other alarms as set forth in this chapter.
- B. The maximum allowable number of false alarms reported by any alarm system shall be five (5) per calendar year.
- C. After the second false alarm response in any calendar year, the Chief of Police shall notify the alarm system user of the violation and the consequences of the action by the Chief of Police as set forth in this chapter. The notification by the Chief of Police may require written proof be furnished the Chief of Police within ten (10) calendar days by the alarm user that the problem causing the false alarms has been corrected. The notification by the Chief of Police shall advise the alarm user in writing of the fee schedule for false alarms.
- D. Failure to provide proof of correction within the ten (10)-day period provided for in subsection C of this section may be grounds, at the discretion of the Chief of Police, for nonresponse to a signal from the alarm system until proof of correction is received from the alarm user.
- E. After a third false alarm in any calendar year, the alarm user shall pay the City a false alarm fee in an amount as established from time to time by resolution of the City Council. After a fourth false alarm in any calendar year, the alarm user shall pay the City an additional false alarm fee. After a fifth false alarm in any calendar year, the alarm user shall pay the City a third false alarm fee.
- F. After the fifth false alarm response to an alarm system in any calendar year, the Chief of Police and/or the City Manager will notify the alarm user in writing to show cause why the subject alarm should not be disconnected. The Chief of Police and/or the City Manager shall make the determination whether or not the subject alarm user's service shall be terminated.
- G. If service to an alarm user is terminated, the alarm user will be notified of the fact in writing at

the alarm user's last known address as shown by the City's records prior to termination of response by the City.

H. In any case where response to an alarm system is terminated, a former alarm system user may apply to the Chief of Police for reinstatement of service (response to an alarm system) upon posting a cash or corporate surety bond with the City Clerk in an amount as established from time to time by resolution of the City Council.

(Ord. 525, § 4, passed -- 1979; Am. Ord. 620, passed -- 1984; Am. Ord. 871, § 15, passed 8-25-2008)

#### **5.36.080 AUDIBLE ALARM SYSTEM REGULATIONS.**

A. No person shall install an audible alarm system without a mechanical, electronic, or other device which will shut off the audible sound of the alarm system after a period of not more than 30 minutes.

B. Any audible alarm system installed prior to enactment of the ordinance codified in this chapter shall be modified to include automatic shutoff of the audible sound of the alarm as described in this section, within 30 days after the alarm user is notified to do so by the Chief of Police or Fire Chief.

(Ord. 525, § 5, passed -- 1979)

#### **5.36.090 ALARMS TERMINATING AT POLICE DEPARTMENT - FEES.**

Any alarm system with termination or notification equipment installed in the Police Department or Fire Department where that equipment is monitored by City personnel shall be subject to an annual fee as established from time to time by resolution of the City Council for such service. This fee will be payable in January of each calendar year, beginning in January of 1980. Failure to pay this fee will result in disconnection of service after notification by the Chief of Police or Fire Chief and a ten (10) day grace period to pay the delinquent fee.

(Ord. 871, § 16, passed 8-25-2008)

#### **5.36.100 AUTOMATIC CALLING DEVICES.**

No person shall by means of any mechanical device call and deliver a recorded message to any telephone number which terminates at the Fort Bragg Police Department or Fort Bragg Fire Department. A person shall be deemed guilty of a separate offense for each call made in violation of this section.

(Ord. 525, § 7, passed -- 1979)

#### **5.36.110 VIOLATION DEEMED INFRACTION - PENALTY.**

A. Violations of this chapter are declared to be infractions, and upon conviction thereof shall be punishable as provided in Chapter 1.12.

B. The Chief of Police and his or her subordinate police sergeants and officers shall be responsible for the issuance of citations for violations of this chapter of the municipal code.

(Ord. 525, § 11, passed -- 1979; Am. Ord. 874, § 10, passed 8-25-2008)

## CHAPTER 5.38 FILM PERMITS

### Section

<a href="#">5.38.010</a>	Title
<a href="#">5.38.020</a>	Purposes and authority
<a href="#">5.38.030</a>	Definitions
<a href="#">5.38.040</a>	Permit requirements
<a href="#">5.38.050</a>	Administration
<a href="#">5.38.060</a>	Fees
<a href="#">5.38.070</a>	Insurance
<a href="#">5.38.080</a>	Cleanup
<a href="#">5.38.090</a>	Traffic control
<a href="#">5.38.100</a>	Penalties

#### **5.38.010 TITLE.**

This chapter shall be known as, and may be referred to in all proceedings as, the Film Permit Ordinance.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.020 PURPOSES AND AUTHORITY.**

This chapter is enacted pursuant to California Constitution, Article 11, Section 7, for the purpose of regulating the making of movies by movie production companies in the City, upon City streets, on property, or in buildings owned by the City.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.030 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FORT BRAGG FILM PERMIT.** A permit issued by the City on a form setting forth standard conditions approved by the City Council and other reasonable conditions as may be required by the particular circumstances involved.

**MAKING OF MOVIES.** The filming, videotaping, or photographing for commercial purposes of movies, films, commercials, or television programs on the City streets, on land, or in buildings owned by the City.

**MOVIE PRODUCTION COMPANY.** Any corporation, partnership, or individual engaged in the "making

of movies” for a profit.

**NEWS MEDIA.** The filming or videotaping for the purpose of spontaneous unplanned television news broadcast by reporters, photographers, or camera operators.

**STUDENT.** An applicant who has submitted a letter written on school letterhead by a school administrator or instructor stating that the applicant is currently enrolled in a recognized United States educational institution and the film is not a commercial release and who agrees, in writing, to pay the City/county all waived fees in the event the film is used for commercial purposes.

(Ord. 667, § 1 (part), passed -- 1986; Am. Ord. 870, § 11, passed 8-25-2008)

#### **5.38.040 PERMIT REQUIREMENTS.**

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A. It shall be unlawful for any movie production company to engage in the making of movies on City streets, on land, or in buildings owned by the City without first obtaining a Fort Bragg film permit.

B. The Movie Production Company shall be responsible for obtaining permits from any other governmental agency having special requirements for filming on facilities under their control (i.e. Caltrans).

C. This chapter shall not apply to the following:

1. The filming, videotaping, or production of current news which includes reporters, photographers, cameramen employed by a newspaper, news services, broadcasting stations or similar entities engaged in news events; and/or
2. The filming or videotaping of motion pictures solely for private family use.

(Ord. 667, § 1 (part), passed -- 1986; Am. Ord. 670, § 1, passed -- 1986)

#### **5.38.050 ADMINISTRATION.**

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The office of the City Clerk shall administer these provisions. That office shall issue blank permit forms, review completed forms, and require application for other permits, when deemed necessary. The other applications are to be processed in the normal fashion established by the concerned agencies, except that the granting of any such permit shall be conditional upon the granting of the related film permit. Applications for movie film permits may be denied when the City finds that the imposition of reasonable conditions upon the making of movies will not prevent substantial disruption of traffic or City government activity or property, the creation of traffic hazards, damage to the environment, or unacceptable zoning violations. Applications to use City property or buildings or portions thereof, or equipment not normally open or available to the public, may be denied at the discretion of the City. Permit applications may be reviewed by the Technical Advisory Committee, at the direction of the City Clerk or Director of Public Works. The City Clerk shall be the permit approval

authority. The Technical Advisory Committee may attach any conditions as it may deem appropriate for the protection of public safety in approving the permits.

(Ord. 667, § 1 (part), passed -- 1986; Am. Ord. 816, § 4, passed -- 1999)

#### **5.38.060 FEES.**

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A. A fee for the processing of an application for a City film permit shall be collected at the time the application is filed, and prior to its being processed. The fee shall be in the amount established by resolution of the City Council.

B. A fee for rental or use of City buildings, parks, streets, or other City-owned property shall be collected prior to the issuance of a permit. The fees shall be in the amount established by resolution of the City Council.

C. A miscellaneous cash bond account shall be established for all required personnel wages. The City shall debit this account for required public personnel charges and provide an accounting of the charges to the applicant. The City Council shall set the personnel rates by resolution.

D. The City Manager may waive the above fee requirements for the following activities:

1. Application for public access and local origination programs over cable television systems franchised within the City;
2. The filming or videotaping of motion pictures for use in a criminal investigation or civil proceeding; and/or
3. The filming or videotaping of motion pictures by students, educational institutions and other governmental agencies for noncommercial benefit.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.070 INSURANCE.**

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A. *Liability.* All permittees shall name the City and its officers and employees as an "additional named insured" on insurance policies in the amounts and form prescribed by the City Clerk. No production activity shall commence until the time as the insurance requirements imposed as a condition of permit are met to the satisfaction of the City Clerk.

B. *Workers' compensation.* An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a permit.

C. *Hold harmless agreement.* An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a permit under this ordinance.

D. *Faithful performance bond.* To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time application is submitted. Upon completion of filming and inspection of the site by the City, the bond may be returned to the applicant.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.080 CLEANUP.**

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An applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris in a timely manner upon completion of shooting at the scene and restored to the original condition before leaving the site.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.090 TRAFFIC CONTROL.**

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For filming that would impair traffic flow, an applicant must use City law enforcement personnel or, if authorized by the Chief of Police, the California Highway Patrol, and comply with all traffic-control requirements deemed necessary.

A. An applicant shall furnish and install advance warning signs and any other traffic-control devices in conformance with the Manual of Traffic Controls, State of California, Department of Transportation. All appropriate safety precautions must be taken.

B. Traffic may be restricted to one (1) twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the Chief of Police.

C. Traffic shall not be detoured across a double line without prior approval of the Chief of Police.

D. Unless authorized by the Chief of Police, all camera cars must be driven in the direction of traffic and must observe all traffic laws.

E. Any emergency road work or construction by City or state crews and/or private contractors under permit or contract to the City or state, shall have priority over filming activities.

(Ord. 667, § 1 (part), passed -- 1986)

#### **5.38.100 PENALTIES.**

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Any person or movie production company who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 874, § 11, passed 8-25-2008)

