CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

   1A. 20-578 Presentation of Proclamation Celebrating the 100th Anniversary of the League of Women Voters of the United States

   Attachments: 01-League of Women Voters 100 Anniversary

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

   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; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or acting Mayor. Written comments may be submitted to the City Clerk, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to cityclerk@fortbragg.com.

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

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

4. MATTERS FROM COUNCILMEMBERS

5. CONSENT CALENDAR

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

5A. **20-602**  
Adopt City Council Resolution Authorizing the City to Apply for an Award from the Infill Infrastructure Program  
*Attachments:* RESO Infill Infrastructure Program

5B. **20-609**  
Adopt by Title Only and Waive the Second Reading of Ordinance 959-2020 Amending Tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), Repealing and Replacing Article 4 Standards for Specific Land Uses), Repealing and Replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Second Units  
*Attachments:* ORD959 ADU

5C. **20-613**  
Adopt City Council Resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds  
*Attachments:* RESO LEAP Grant Funds

5D. **20-614**  
Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for all City of Fort Bragg Established Classifications  
*Attachments:* RESO Compensation Plan Correction  
Exhibit A Compensation Plan 2-10-2020

5E. **20-599**  
Receive and File Minutes of November 6, 2019 Finance and Administration Committee Meeting  
*Attachments:* FACM20191106

5F. **20-605**  
Approve Minutes of Special Closed Session of January 27, 2020  
*Attachments:* CCM2020-01-27_Special_Closed

5G. **20-606**  
Approve Minutes of January 27, 2020  
*Attachments:* CCM2020-01-27

5H. **20-608**  
Approve Minutes of Special Meeting of January 29, 2020
6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

7. PUBLIC HEARING

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

7A. 20-601 Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendment Thereto from the 2019-20 Funding Year of the State Community Development Block Grant (CDBG) Program

Attachments: 02102020 CDBG 2019-20 Application Approval Report  
Att 1 - RESO CDBG 2019-20 Application  
Att 2 - CDBG 2019-20 Application PH Notice

8. CONDUCT OF BUSINESS

8A. 20-610 Receive Report Regarding Request for Proposals (RFP) Scope of Work for Pudding Creek Water Main Relocation Project

Attachments: 02102020 Pudding Creek Water Main Relocation  
Att 1 - Design RFP

8B. 20-581 Receive Report and Consider Adoption of City Council Resolution Approving Water Department Shutoff Policy in Compliance with Senate Bill 998

Attachments: 02102020 Water Department Shutoff Policy Staff Report  
Att 1 - RESO Water Department Shutoff Policy  
Att 2 - Draft Shutoff Policy (RESO Ex. A)  
Att 3 - SB998 Full Text

8C. 20-582 Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 958-2020 Repealing and Replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

Attachments: 02102020 Ordinance 958 Staff Report  
Att 1 - ORD#958 SB 998 Implementation

8D. 20-604 Receive Report and Consider Adoption of City Council Resolution Establishing a Provisional Business License Procedure Under SB 205 (Hertzberg) Regarding Stormwater Discharge Compliance
9. CLOSED SESSION

ADJOURNMENT

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

NEXT REGULAR CITY COUNCIL MEETING:
6:00 P.M., MONDAY, FEBRUARY 24, 2020

STATE OF CALIFORNIA )
)ss.
COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on February 4, 2020.

_______________________________________________
June Lemos, CMC, City Clerk

NOTICE TO THE PUBLIC:

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

• Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection 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).
Presentation of Proclamation Celebrating the 100th Anniversary of the League of Women Voters of the United States
PROCLAMATION

Celebrating the 100th Anniversary of the League of Women Voters of the United States

WHEREAS, the League of Women Voters was founded in 1920 as a “mighty political experiment” by the foremothers of the suffragist movement at the National American Woman Suffrage Association, and;

WHEREAS, their goal was to help the 20 million women who were granted the right to vote by the 19th Amendment understand and carry out their new responsibility as voters, and;

WHEREAS, with the success of this effort and the tireless efforts over the last 100 years to strengthen and uphold its mission to empower voters and defend democracy, the League has become a trusted nonpartisan, grassroots organization, and;

WHEREAS, the League has sponsored legislation and fought in the courts to protect and strengthen voting rights and access, and for free and fair elections, civil rights, children, community health, and education, and;

WHEREAS, the League has consistently been noted for its nonpartisan election information, including sponsorship of candidate forums and information on state and local ballot issues, as well as its commitment to register, educate, and mobilize voters, and;

WHEREAS, the League champions government systems that are open, transparent, inclusive, and equitable, and;

WHEREAS, the League believes that active and engaged citizens, irrespective of gender, ethnicity, or political affiliation, are the hallmark of democracy;

NOW, THEREFORE, I, William V. Lee, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim February 14 as League of Women Voters Day. We honor and congratulate the League of Women Voters on its 100th Anniversary and commend the League for its significant contributions to empowering voters and making democracy work.

SIGNED this 10th day of February, 2020.

WILLIAM V. LEE, Mayor

ATTEST:

June Lemos, CMC, City Clerk

No. 01-2020
Adopt City Council Resolution Authorizing the City to Apply for an Award from the Infill Infrastructure Program

The Infill Infrastructure Grant Program makes funds available to eligible applicants through a Notice of Funding Availability (NOFA). The Plateau Housing Project, to be developed by Danco Communities, is an eligible project. To be an eligible applicant, Danco Communities needs to submit a joint application with the City of Fort Bragg. The proposed project will provide up to 69 units of affordable housing consisting of: 20 units of Permanently Supportive Housing, 25 units of Senior Housing, 23 units of Family Housing and one manager's unit, at 441 South Street. This project supports the City Council Priority Areas and Goals to pursue private partners to secure funding that will increase the number of housing units available in the City. A resolution of the governing body approving application to the Infill Infrastructure Grant Program is a requirement of application submission.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING THE CITY TO APPLY FOR AN AWARD FROM THE INFILL INFRASTRUCTURE PROGRAM

WHEREAS, the City of Fort Bragg ("Recipient") is authorized to do business in the State of California; and

WHEREAS, the Recipient wishes to apply for and receive an allocation of funds through the Infill Infrastructure Grant Program ("IIG"); and

WHEREAS, The State of California Department of Housing and Community Development (the "Department") has issued a Notice of Funding Availability ("NOFA") for IIG established under Assembly Bill 101 (Chapter 159, Statutes of 2019) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code, which authorizes the Department to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the IIG Guidelines implemented October 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Recipient pursuant to the above-described Notice of Funding Availability wishes to apply for and receive an allocation of funds in an amount not to exceed $7,500,000 (the "IIG Grant").

RESOLVED FURTHER: That in connection with the Recipient's IIG Grant, the Recipient is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the IIG Grant, the Recipient's obligations related thereto, and the Department's security therefore; including, but not limited to, an affordable housing covenant, a performance deed of trust, a disbursement agreement, and certain other documents required by the Department as security for, evidence of or pertaining to the IIG Grant, and all amendments thereto (collectively, the "IIG Grant Documents").

RESOLVED FURTHER: That the City Manager of the City of Fort Bragg is hereby authorized to execute the IIG Grant Documents, and any amendment or modifications thereto, on behalf of the City of Fort Bragg.

RESOLVED FURTHER: That this resolution shall take effect immediately upon its passage.

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 10th day of February, 2020, by the following vote:
### Infill Infrastructure Grant

**Plateau Housing Project, Danco Communities**

#### Cost Estimate

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site acquisition of CIP including easements and right of ways</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td><strong>Total Site Acquisition (not parking)</strong></td>
<td><strong>$0</strong></td>
</tr>
<tr>
<td>Clearing and Grubbing</td>
<td>$25,000</td>
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<tr>
<td>Demolition</td>
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</tr>
<tr>
<td>Excavation</td>
<td>$425,000</td>
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<tr>
<td>Grading</td>
<td>$300,000</td>
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<tr>
<td>Soil Stabilization (Lime, etc.)</td>
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</tr>
<tr>
<td>Erosion/Weed Control</td>
<td>$45,000</td>
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<tr>
<td>Dewatering</td>
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<tr>
<td>Other</td>
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<tr>
<td><strong>Total Site Preparation Costs</strong></td>
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<td>Sanitary Sewer</td>
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<tr>
<td>Potable Water</td>
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<tr>
<td>Non-Potable Water</td>
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<tr>
<td>Storm Drain</td>
<td>$148,400</td>
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<tr>
<td>Detention Basin/Culverts</td>
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<tr>
<td>Joint Trench</td>
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<tr>
<td>Other</td>
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<tr>
<td><strong>Total Site Utilities Costs</strong></td>
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<tr>
<td>Aggregate Base</td>
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<tr>
<td>Asphalt Pavement</td>
<td>$225,000</td>
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<tr>
<td>Curb, Gutter, Sidewalk</td>
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<tr>
<td>Street Lights</td>
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<tr>
<td>Striping/Signage/Barricades</td>
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<tr>
<td>Traffic Mitigation</td>
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<td>Other</td>
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<tr>
<td><strong>Total Surface Improvements Costs</strong></td>
<td><strong>$985,000</strong></td>
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<tr>
<td>Irrigation</td>
<td></td>
</tr>
<tr>
<td>Concrete Work</td>
<td></td>
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<tr>
<td>Landscaping</td>
<td></td>
</tr>
<tr>
<td>Urban Greening</td>
<td></td>
</tr>
<tr>
<td>Playground Facilities and Tot Lots</td>
<td></td>
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<tr>
<td>Walking/Bike Path</td>
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<tr>
<td>Drinking Fountains</td>
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<tr>
<td>Structures</td>
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<tr>
<td>Lighting</td>
<td></td>
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### Infill Infrastructure Grant
#### Plateau Housing Project, Danco Communities
#### Cost Estimate

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Open Space</strong></td>
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<tr>
<td>Other:</td>
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</tr>
<tr>
<td><strong>Total Parks-Landscape and Amenities</strong></td>
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</tr>
<tr>
<td>Wetland Mitigation</td>
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</tr>
<tr>
<td>Endangered Species</td>
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<tr>
<td>Tree Mitigation</td>
<td></td>
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<tr>
<td>Environmental Remediation</td>
<td></td>
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<tr>
<td>Other:</td>
<td></td>
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<tr>
<td><strong>Total Env. Mitigation/Remediation</strong></td>
<td>$0</td>
</tr>
<tr>
<td>Replacement Parking</td>
<td></td>
</tr>
<tr>
<td>Grading</td>
<td></td>
</tr>
<tr>
<td>Foundation Work</td>
<td></td>
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<tr>
<td>Site Work</td>
<td></td>
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<tr>
<td>Other:</td>
<td></td>
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<tr>
<td>Other:</td>
<td></td>
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<tr>
<td><strong>Total Replacement Parking Costs</strong></td>
<td>$0</td>
</tr>
<tr>
<td>Residential Parking Structures</td>
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<tr>
<td>Grading</td>
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<tr>
<td>Foundation Work</td>
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<td>Site Work</td>
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<td>Other:</td>
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<tr>
<td>Other:</td>
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<tr>
<td><strong>Total Residential Parking Costs</strong></td>
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<tr>
<td>Access Plazas</td>
<td></td>
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<tr>
<td>Pathways</td>
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<tr>
<td>Bus Shelters</td>
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<td>Transit Shelters</td>
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<tr>
<td>Pedestrian Facilities</td>
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<tr>
<td>Bicycle Facilities</td>
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<td>Other:</td>
<td></td>
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<tr>
<td>Other:</td>
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<tr>
<td><strong>Total Transit Costs</strong></td>
<td>$0</td>
</tr>
<tr>
<td>Drainage</td>
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<tr>
<td>Parks &amp; Recreation</td>
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<tr>
<td>Streets/Signals</td>
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<tr>
<td>Traffic Fees</td>
<td></td>
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<tr>
<td>Waste Water</td>
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<tr>
<td>Water Facility</td>
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<td>Other:</td>
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<td>Other:</td>
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<tr>
<td><strong>Total Impact Fees</strong></td>
<td>$0</td>
</tr>
<tr>
<td>Engineering</td>
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<tr>
<td>Design</td>
<td></td>
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<tr>
<td>Other:</td>
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<td>Other:</td>
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<td><strong>Total Soft Costs</strong></td>
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<td>Other:</td>
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<td>Other:</td>
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<td><strong>Total Other Asset Costs</strong></td>
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<tr>
<td>CIP TOTAL PROJECT COSTS</td>
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<td>QIP TOTAL PROJECT COSTS</td>
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<tr>
<td>TOTAL QIP &amp; CIP PROJECT COSTS</td>
<td>$3,089,000</td>
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Agenda Number: 5B.

Adopt by Title Only and Waive the Second Reading of Ordinance 959-2020 Amending Tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), Repealing and Replacing Article 4 Standards for Specific Land Uses), Repealing and Replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Second Units

On February 10, 2020, the City Council of the City of Fort Bragg is to consider adoption of Ordinance 959-2020, said ordinance having been introduced for first reading (by title only and waiving further reading of the text) on January 27, 2020.

The proposed ordinance amends Sections 18.21.030, 18.22.050, 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses); repeals and replaces Section 18.42.170 of Article 4 (Standards for Specific Land Uses); repeals and replaces Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration); and amends Article 10 (Definitions) of the Fort Bragg Municipal Code relating to second units. If adopted, this ordinance will bring the City into compliance with recently enacted California state law regarding Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).

If adopted, Ordinance 959-2020 will become effective March 11, 2020.
BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING TABLES IN SECTIONS 18.22.030 AND 18.22.050 OF ARTICLE 2 (ZONING DISTRICTS AND ALLOWABLE LAND USES), REPEALING AND REPLACING SECTION 18.42.170 OF ARTICLE 4 (STANDARDS FOR SPECIFIC LAND USES), REPEALING AND REPLACING SECTIONS 18.90.030 AND 18.90.040 OF ARTICLE 9 (INLAND LAND USE AND DEVELOPMENT CODE ADMINISTRATION), AND AMENDING ARTICLE 10 (DEFINITIONS) OF TITLE 18 (INLAND LAND USE AND DEVELOPMENT CODE) OF THE CITY OF FORT BRAGG MUNICIPAL CODE RELATING TO SECOND UNITS

ORDINANCE NO. 959-2020

WHEREAS, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2, 2012; and

WHEREAS, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, Senate Bill (SB) SB-13 and Assembly Bills (AB) AB 881, AB 68, AB 587, and AB 671 became effective on January 1, 2020, which modified the State law regarding requirements for second units, referred to herein as accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 2 (Zoning Districts and Allowable Land Uses), allows for the establishment of second units in all residential zoning districts subject to certain standards; and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 4 (Standards for Specific Land Uses) further regulates second units with specific standards for accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 9 (Inland Land Use and Development Code Administration) provides provisions for
nonconforming land uses and structures that could be applicable to accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

**WHEREAS**, the City of Fort Bragg Inland Land Use and Development Code Article 10 (Definitions) further defines terms and phrases that are technical or specialized, or may not reflect common usage; and

**WHEREAS**, amendments to the above referenced Articles of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code are necessary to comply with State law and clarify regulations for accessory dwelling units and junior accessory dwelling units; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on January 8, 2020, during which all interested persons were heard, and adopted Resolution PC01-2020 recommending City Council adopt the amendments to Inland Land Use and Development Code regarding regulations pertaining to second units in order to comply with State law; and

**WHEREAS**, the City Council received Planning Commission’s recommendation and considered afore referenced amendments at a properly noticed public hearing on January 27, 2020; and

**WHEREAS**, the City Council did hear and consider all said reports, recommendations and testimony herein above set forth and used independent judgement to evaluate the project; and

**WHEREAS**, within 60 days prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance with the California Department of Housing and Community Development;

NOW, THEREFORE, the City Council ordains as follows:

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

1. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and furthers several General Plan policies of the City’s Housing Element, as analyzed in the staff report, such as:

   Policy H-1.3 Secondary Dwelling Units. Continue to facilitate the construction of secondary dwelling units on residential properties; and

   Policy H-1.7 Workforce Housing. Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

2. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA"). Further, CEQA Guidelines Section 15282(h), specifically exempts the adoption of an ordinance regarding second units (ADUs) in a single-family or multi-family residential zone by a city or county to implement the provisions of Section 65852.2 of the California Government Code.
Section 2. Based on the foregoing, the City Council hereby amends Tables 2-1, 2-4, 2-6 and 2-8 of Article 2 (Zoning Districts and Allowable Land Uses) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code as follows:

| TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts | P | Permitted use, Zoning Clearance required | MUP | Minor Use Permit required (see § 18.71.060) | UP | Use Permit required (see § 18.71.060) | S | Permit requirement set by Specific Use Regulations | — | Use not allowed |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | Specific Use Regulations |
| RR | RS | RL | RM | RH | RVH |

**TABLE 2-1**

**Agricultural, Resource and Open Space Uses**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>RR</th>
<th>RS</th>
<th>RL</th>
<th>RM</th>
<th>RH</th>
<th>RVH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural accessory structure</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animal keeping</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Crop production, horticulture, orchard, vineyard</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>RR</th>
<th>RS</th>
<th>RL</th>
<th>RM</th>
<th>RH</th>
<th>RVH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equestrian facility</td>
<td>UP</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Meeting facility, public or private</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td></td>
</tr>
<tr>
<td>Park, playground</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Private residential recreation facility</td>
<td>UP</td>
<td>UP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td></td>
</tr>
<tr>
<td>School - Private</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td></td>
</tr>
<tr>
<td>School - Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>RR</th>
<th>Rural Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS</td>
<td>Suburban Residential</td>
</tr>
<tr>
<td>RL</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>RM</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>RH</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>RVH</td>
<td>Very High Density Residential</td>
</tr>
</tbody>
</table>

Notes:
1. See Article 10 for land use definitions.

**TABLE 2-1**

**Residential USES**

<p>| TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts | P | Permitted use, Zoning Clearance required | MUP | Minor Use Permit required (see § 18.71.060) | UP | Use Permit required (see § 18.71.060) | S | Permit requirement set by Specific Use Regulations | — | Use not allowed |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | Specific Use Regulations |
| RR | RS | RL | RM | RH | RVH |</p>
<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condominium conversion - 3 units maximum per parcel</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Home occupation</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multifamily housing, 3 units</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Multifamily housing, 4 or more units</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Co-housing, 4 or more units</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Organizational housing/care facility (sorority, monastery, residential care, etc.) of more than 3,000 SF or 3 units.</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Residential accessory use or structure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential care facility for the elderly (RCFE)</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Second Units – ADU/JADU</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single residential unit</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

RETAIL TRADE AND GENERAL SERVICES

| Accessory retail and services                                               | -- | -- | -- | P  | P  | P  | 18.42.020 |
| Artisan shop                                                                | -- | -- | -- | UP | UP | UP |
| Neighborhood market                                                         | -- | -- | -- | UP | UP | UP |
| Restaurant, cafe, coffee shop                                                | -- | -- | -- | UP | UP | UP |

Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>RR</th>
<th>Rural Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS</td>
<td>Suburban Residential</td>
</tr>
<tr>
<td>RL</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>RM</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>RH</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>RVH</td>
<td>Very High Density Residential</td>
</tr>
</tbody>
</table>

Notes:
(1) See Article 10 for land use definitions.
| TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| LAND USE (1)                      | PERMIT REQUIRED BY DISTRICT       | Specific Use Regulations          | RR | RS | RL | RM | RH | RVH |

SERVICES - BUSINESS AND PROFESSIONAL (2)

Medical services - Clinic, lab, urgent care  
- - - UP UP UP

Medical services - Doctor office  
- - - UP UP P 18.21.060

Medical services - Extended care  
- - - UP UP UP

Medical services - Hospital  
- - - UP UP UP

Office - Accessory  
P P P P P

Office - Professional or administrative  
- - - - - UP 18.21.060

SERVICES

Day care, adult - 6 or fewer clients  
MUP MUP MUP MUP MUP

Day care, adult - 7 or more clients  
- - - UP UP UP

Day care, child - Small family day care home  
P P P P P

Day care, child - Large family day care home  
MUP MUP MUP MUP MUP 18.42.060

Day care, child - Day care center  
- - - MUP MUP MUP 18.42.060

Mortuary, funeral home (not including cremation)  
- - - - - UP

Personal services  
- - UP UP UP 18.21.060

Public safety facilities  
UP UP UP UP UP

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Pipelines, transmission lines  
S S S S S S 18.42.145

Utility facility  
UP UP UP UP UP

Roof mounted solar and wind for on-site use  
P P P P P

Utility infrastructure  
P P P P P

Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>RR</th>
<th>RS</th>
<th>RL</th>
<th>RR</th>
<th>RS</th>
<th>RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential</td>
<td>Suburban Residential</td>
<td>Low Density Residential</td>
<td>RM</td>
<td>Medium Density Residential</td>
<td>RH</td>
</tr>
</tbody>
</table>

Notes:
1. See Article 10 for land use definitions.
2. A doctor’s office or professional or administrative office may be approved in a residential zoning district only on a site that is adjacent to or separated only by a street or alley from a commercial or industrial zoning district.
<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>Maximum number of dwelling units allowed on a single parcel. 1 dwelling unit per parcel, plus second units where allowed by § 18.42.170.</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>Minimum setbacks required. See § 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</td>
</tr>
<tr>
<td>Front</td>
<td>25 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>20 ft</td>
</tr>
<tr>
<td>Side - Street side</td>
<td>Same as front setback</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft</td>
</tr>
<tr>
<td>Garage</td>
<td>5 ft back from street-facing facade of primary structure</td>
</tr>
<tr>
<td>Accessory structures</td>
<td>See § 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures)</td>
</tr>
<tr>
<td>Site coverage</td>
<td>Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.71 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.</td>
</tr>
<tr>
<td>Maximum coverage</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>Additional coverage</td>
<td>The maximum coverage above may be increased by 10% with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.</td>
</tr>
<tr>
<td>Floor area ratio (FAR)</td>
<td>Maximum floor area ratio for nonresidential structures. FAR does not apply to residential structures.</td>
</tr>
<tr>
<td>Maximum FAR</td>
<td>N.A.</td>
</tr>
<tr>
<td>Height limit</td>
<td>Maximum allowable height of structures. See § 18.30.060 for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height limits applicable to a specific land use.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>28 ft</td>
</tr>
<tr>
<td>Fencing</td>
<td>See § 18.30.050 (Fences, Walls, and Screening)</td>
</tr>
<tr>
<td>Landscaping</td>
<td>See Chapter 18.34 (Landscaping Standards)</td>
</tr>
<tr>
<td>Parking</td>
<td>See Chapter 18.36 (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter 18.38 (Signs)</td>
</tr>
</tbody>
</table>
## TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>Minimum and maximum number of dwelling units allowed on a single parcel. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.</td>
</tr>
<tr>
<td>Minimum and maximum</td>
<td>6 to 12 units per acre</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>Minimum setbacks required. See § 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</td>
</tr>
<tr>
<td>Front</td>
<td>20 ft, but no closer than 25 ft to a City street</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>5 ft</td>
</tr>
<tr>
<td>Side - Street side</td>
<td>10 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft</td>
</tr>
<tr>
<td>Garage</td>
<td>5 ft back from street-facing facade of primary structure</td>
</tr>
<tr>
<td><strong>Accessory structures</strong></td>
<td>See §§ 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures).</td>
</tr>
<tr>
<td><strong>Site coverage</strong></td>
<td>Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.71 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.</td>
</tr>
<tr>
<td>Maximum coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Additional coverage</td>
<td>An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.</td>
</tr>
<tr>
<td><strong>Floor area ratio (FAR)</strong></td>
<td>Maximum floor area ratio for nonresidential structures. FAR does not apply to residential structures.</td>
</tr>
<tr>
<td>Maximum FAR</td>
<td>0.40</td>
</tr>
<tr>
<td><strong>Height limit</strong></td>
<td>Maximum allowable height of structures. See § 18.30.060 for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height limits applicable to a specific land use.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>35 ft</td>
</tr>
<tr>
<td><strong>Fencing</strong></td>
<td>See § 18.30.050 (Fences, Walls, and Screening)</td>
</tr>
</tbody>
</table>
### TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping</td>
<td>See Chapter 18.34 (Landscaping Standards)</td>
</tr>
<tr>
<td>Parking</td>
<td>See Chapter 18.36 (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter 18.38 (Signs)</td>
</tr>
</tbody>
</table>

Notes:

1. A proposed residential project shall not be proposed at less than the minimum density provided for the applicable zoning district.

### TABLE 2-6
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL, RESOURCE AND OPEN SPACE USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop production, horticulture, orchard, vineyard</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory - Analytical and testing</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Artisan/craft product manufacturing with retail sales</td>
<td>—</td>
<td>P(2)</td>
</tr>
<tr>
<td>Brewery/restaurant</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Research and development (R&amp;D)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Recycling - Small facility</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling - Large facility</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Key to Zoning District Symbols

- CN: Neighborhood Commercial
- CG: General Commercial
- CO: Office Commercial
- CH: Highway and Visitor Commercial
- CBD: Central Business District

Notes:

1. See Article 10 for land use definitions.
2. Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
## Table 2-6
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational vehicle park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial recreation facility - Indoor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial recreation facility - Outdoor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conference facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health/fitness facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library, museum, art gallery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting facility, public or private</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park, playground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School - Private</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sports and active recreation facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio - Art, dance, martial arts, music, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency shelter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/work unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential care facility for the elderly (RCFE)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential care facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential component mixed use project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single residential unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Units – ADU/JADU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>CN</th>
<th>Neighborhood Commercial</th>
<th>CG</th>
<th>General Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>Office Commercial</td>
<td>CH</td>
<td>Highway and Visitor Commercial</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
(1) See Article 10 for land use definitions.
(2) Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).

(3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.

(4) Use permitted only for existing structures that have the appearance of a single residential unit, per the Citywide Design Guidelines.

(5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, in compliance with §18.42.170.

<table>
<thead>
<tr>
<th>TABLE 2-6: Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</th>
<th>P</th>
<th>Permit Use, Zoning Clearance required</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USE (1)</td>
<td>PERMIT REQUIRED BY DISTRICT</td>
<td>Specific Use Regulations</td>
</tr>
<tr>
<td>CN</td>
<td>CO</td>
<td>CBD</td>
</tr>
<tr>
<td>RETAIL TRADE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artisan shop</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Auto and vehicle sales and rental</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Auto parts sales with no installation services</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Bar/tavern</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Big box retail</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Building and landscape materials sales - Indoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Building and landscape materials sales - Outdoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Construction and heavy equipment sales and rental</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Convenience store</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Drive-through retail or service</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Farm supply and feed store</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Fuel dealer (propane for home and farm use, etc.)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Furniture, furnishings and appliance store</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Retail, general - 10,000 sf or larger</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Retail, general - 5,000 sf – 9,999 sf</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Retail, general - Less than 5,000 sf</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Groceries, specialty foods</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Mobile home, boat, or RV sales</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Night club</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Outdoor retail sales and activities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Restaurant, café, coffee shop</td>
<td>UP</td>
<td>P</td>
</tr>
<tr>
<td>Second hand store</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Service station</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>
TABLE 2-6
Allowed Land Uses and Permit Requirements for Commercial Zoning Districts

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CN</td>
<td>CO</td>
</tr>
</tbody>
</table>

Notes:
(1) See Article 10 for land use definitions.

Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>CN</th>
<th>Neighborhood Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>Office Commercial</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>CG</td>
<td>General Commercial</td>
</tr>
<tr>
<td>CH</td>
<td>Highway and Visitor Commercial</td>
</tr>
</tbody>
</table>

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

<table>
<thead>
<tr>
<th>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</th>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank, financial services</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business support service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical services - Doctor office</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical services - Clinic, lab, urgent care</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical services - Hospital</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Accessory</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Business/service</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Professional/administrative</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

SERVICES - GENERAL

<table>
<thead>
<tr>
<th>SERVICES - GENERAL</th>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult day care</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Catering service</td>
<td>P(3)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Child day care center</td>
<td>UP</td>
<td>UP</td>
<td>UP MUP</td>
</tr>
<tr>
<td>Drive-through service</td>
<td>UP</td>
<td>UP</td>
<td>UP UP</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Kennel, animal boarding</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
### TABLE 2-6
Allowing Land Uses and Permit Requirements for Commercial Zoning Districts

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CN</td>
<td>CO</td>
</tr>
<tr>
<td>Lodging - Bed and breakfast inn (B&amp;B)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Lodging - Hotel or motel</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Lodging - Vacation rental unit</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maintenance service - Client site services</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Mortuary, funeral home</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Personal services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal services - Restricted</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Public safety facility</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Repair service - Equipment, large appliances, etc.</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Major repair/body work</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Minor maintenance/repair</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Veterinary clinic, animal hospital</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>CN</th>
<th>Neighborhood Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>Office Commercial</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>CH</td>
<td>Highway and Visitor Commercial</td>
</tr>
</tbody>
</table>

**Notes:**

1. See Article 10 for land use definitions.
2. Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).
3. Permitted above the first floor or as part of a restaurant.

### TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CN</td>
<td>CO</td>
</tr>
<tr>
<td>Ambulance, taxi, and specialized transportation dispatch facility</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Broadcasting studio</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
</table>
### TABLE 2-6
**Allowed Land Uses and Permit Requirements for Commercial Zoning Districts**

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>CN</td>
<td>CO</td>
</tr>
<tr>
<td>Parking facility, public or commercial</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pipelines, transmission lines</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Transit station</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Solar, wind, geothermal facilities for on-site use</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle storage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>CN</th>
<th>Neighborhood Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>Office Commercial</td>
</tr>
<tr>
<td>CH</td>
<td>Highway and Visitor Commercial</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
</tbody>
</table>

**Notes:**
1. See Article 10 for land use definitions.

### TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN</td>
<td>CN Neighborhood Commercial</td>
</tr>
<tr>
<td>CO</td>
<td>CO Office Commercial</td>
</tr>
<tr>
<td>CBD</td>
<td>CBD Central Business District</td>
</tr>
</tbody>
</table>

- **Residential density**: Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable. See Chapter § 18.42.170 for second unit exemption.
- **Maximum density**: 24 units per acre, 24 units per acre, 40 units per acre.
- **Setbacks**: Minimum and, where noted, maximum setbacks required for primary structures. See § 18.30.100 for exceptions to these requirements. See Chapter 18.42 for setback requirements applicable to a specific land use.
- **Front**: Same as the front setback for an R zone on the same block; 10 ft elsewhere. 20 ft for buildings 20 ft or more in height; 15 ft for other buildings. None allowed - Building facades shall abut the back of the public sidewalk, except as provided in § 18.22.060.
### TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CN Neighborhood Commercial</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>Same as the front setback required for an R zone abutting the side property line; none required elsewhere.</td>
</tr>
<tr>
<td>Side - Street side</td>
<td>None required</td>
</tr>
<tr>
<td>Rear</td>
<td>15 ft; 5 ft adjacent to an alley.</td>
</tr>
</tbody>
</table>

- **Floor area ratio (FAR)**: Maximum allowable floor area ratio for nonresidential projects. FAR may be increased with Use Permit approval to accommodate housing units and/or live-work units in a mixed use project to a maximum FAR of 2.0 for a mixed use project.
  - CN: 0.40
  - CO: 0.40
  - CBD: 2.00

- **Site coverage**: Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.
  - No limitation

- **Height limit**: Maximum allowable height of structures. See § 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height requirements applicable to a specific land use.
  - CN: 25 ft
  - CO: 25 ft; 35 ft with Use Permit approval.
  - CBD: 35 ft and 3 stories; 45 ft and 3 stories with Use Permit approval.

- **Fencing**: See § 18.30.050 (Fences, Walls, and Screening)

- **Landscaping**: See Chapter 18.34 (Landscaping Standards)

- **Parking**: See Chapter 18.36 (Parking and Loading)

- **Signs**: See Chapter 18.38 (Signs)

### TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CG General Commercial</td>
</tr>
<tr>
<td>Residential density</td>
<td>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.</td>
</tr>
</tbody>
</table>
# TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CG</strong> General Commercial</td>
<td>CH Highway Commercial</td>
</tr>
<tr>
<td><strong>Maximum density</strong></td>
<td>24 units per acre</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>Minimum and, where noted, maximum setbacks required for primary structures. See § 18.30.100 for exceptions to these requirements. See Chapter 18.42 for setback requirements applicable to a specific land use.</td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>10 ft on Main Street and Highway 20; same as the front setback for an R zone on the same block; none required elsewhere.</td>
</tr>
<tr>
<td><strong>Side - Interior (each)</strong></td>
<td>Same as the front setback required for an R zone abutting the side property line; none required elsewhere.</td>
</tr>
<tr>
<td><strong>Side - Street side</strong></td>
<td>Same as front setback.</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>5 ft adjacent to an alley; 15 ft adjacent to an abutting residential zone; none required elsewhere.</td>
</tr>
<tr>
<td><strong>Floor area ratio (FAR)</strong></td>
<td>Maximum allowable floor area ratio for nonresidential projects. May be increased with Use Permit approval to accommodate housing units and/or live-work units up to an FAR of 2.0 for a mixed use project.</td>
</tr>
<tr>
<td><strong>Maximum floor area</strong></td>
<td>0.40</td>
</tr>
<tr>
<td><strong>Height limit</strong></td>
<td>Maximum allowable height of structures. See § 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height requirements applicable to a specific land use.</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>35 ft; 45 ft with Use Permit approval.</td>
</tr>
<tr>
<td><strong>Fencing</strong></td>
<td>35 ft</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>See Chapter 18.34 (Landscaping Standards)</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>See Chapter 18.36 (Parking and Loading)</td>
</tr>
<tr>
<td><strong>Signs</strong></td>
<td>See Chapter 18.38 (Signs)</td>
</tr>
</tbody>
</table>

**Section 3.** Article 4 (Standards for Specific Land Uses), Chapter 18.42 (Standards for Specific Land Uses), Section 18.42.170 (Second Units – Accessory Dwelling Unit (ADU)) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code shall be repealed and replaced in its entirety with the following:

**18.42.170 Second Units – Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)**
This Section establishes standards for two types of residential second units: 1) accessory
dwelling units (ADU); and 2) junior accessory dwelling units (JADU), where allowed by Article 2
(Zoning Districts and Allowable Land Uses). An application for a second unit that complies with
the standards of this Section shall be approved ministerially. “Accessory dwelling unit” means
an attached or a detached residential dwelling unit that provides complete independent living
facilities for one or more persons. ADUs shall include permanent provisions for living,
sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or
multifamily dwelling is or will be situated. An accessory dwelling unit also includes the
following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007
of the Health and Safety Code. “Junior Accessory Dwelling Unit” means a living space not more
than 500 square feet in size and contained entirely within the walls of a single residential unit.
A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation;
sanitation facilities may be separate, or may be shared with the primary unit.

A. Limitation on location.

1. Accessory Dwelling Unit. ADUs are allowed on any parcel that is zoned for a
   single residential unit or multifamily residential development.

2. Junior Accessory Dwelling Unit. JADUs are allowed on any parcel that is zoned
   for a single residential unit.

B. Limitation on number of units. No more than one (1) ADU and one (1) JADU shall be
   approved on a single parcel with a single residential unit. Two (2) detached ADUs are allowed
   on any parcel that is zoned for residential development that has multifamily development, and
   no more than 25% of the number of existing units, but at least one (1) unit, shall be permitted
   as accessory dwelling units constructed (in compliance with all applicable building codes)
   within the non-livable space of the existing multifamily building (i.e., storage rooms, attics,
   basements, and garages).

C. Density. Both ADUs and JADUs shall be exempted from the calculation of the maximum
   allowable density for the lot on which it is located, and shall be deemed to be a residential use
   that is consistent with the existing general plan and zoning designation for the lot.

D. Relationship to primary use.

1. Accessory Dwelling Unit.

   a. An ADU may be incidental and subordinate to the primary single residential
      unit use of the site in terms of size and location. It can be: (a) a remodeled
      portion of a primary dwelling unit; (b) attached to a primary dwelling unit; (c) 1
      of the units of a duplex; or (d) a detached unit. An ADU may be constructed
      simultaneously with or after the primary dwelling. In addition, an existing
      dwelling that complies with the standards for second units in Subsection (E) of
      this Section may be considered a second unit, and a new primary unit may be
      constructed which would then be considered the primary dwelling unit.

   b. ADUs constructed under the provisions of Government Code Section 65852.2
      subd. (c)(2)(c) may not be rented for less than thirty-one (31) days.
2. Junior Accessory Dwelling Unit.
   a. A JADU shall be contained entirely within the walls of a single residential unit and shall not exceed 500 square feet.
   b. A JADU shall include an efficiency kitchen including a food preparation counter, storage cabinets that are of reasonable size in relation to the size of the unit, and cooking appliances; have a separate entrance from the main entrance to structure; and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
   c. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
   d. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
   e. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than thirty-one (31) days.
   f. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single residential unit. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.
   g. Deed Restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single residential unit, requires owner-occupancy consistent with subsection (c) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

E. Second unit standards.

   1. Accessory Dwelling Unit. An ADU shall comply with the following standards:

      a. Height limit. A detached ADU shall be limited to 18 feet and 1 story. A second unit located over a residential accessory structure may be allowed with a maximum height of 25 feet with Minor Use Permit approval. An attached ADU shall comply with the height limit in the zoning district.
b. **Setbacks.** An ADU shall have a minimum rear and side setback of four feet (4’), unless the second unit is located in a nonconforming structure as defined by § 18.90.020. No second unit may be permitted above a residential accessory structure unless the unit complies with the four-foot (4’) setback requirement.

   Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure.

c. **Maximum floor area.**
   The maximum floor area of an ADU shall not exceed one thousand square feet (1000 SF).

d. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.

e. **Window placement.** An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. An ADU that is located over a residential accessory structure, shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.

f. **Building Code Compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

g. **Accessory dwelling units—Permitted regardless of compliance with other development standards and regulations.** ADU permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Zoning Code:

   i. For lots with a single residential unit, one of the following:

      a.) One interior ADU or one JADU per lot constructed within an existing or proposed single residential unit or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The ADU or JADU must have exterior access and side and rear setbacks sufficient for fire safety; or
b.) One new, detached ADU with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single residential unit. A JADU may also be built within the existing or proposed dwelling of such residence in connection with the ADU.

ii. On a lot with an existing multifamily dwellings:
   a.) ADUs may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and

b.) Up to two (2) detached ADUs may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area.

c.) ADUs approved under this subsection (g) shall not be rented for less than thirty-one (31) days.

iii. ADUs or JADUs approved under this Section shall not be required to correct legal nonconforming zoning conditions.

2. Junior Accessory Dwelling Unit. A JADU shall comply with the following standards:

   a. Maximum floor area. The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of a single residential unit.

   b. Separate entrance required. A JADU shall have a separate entrance from the main entrance to structure, with an interior entry into the main living area.

   c. Efficiency kitchen. A JADU shall include an efficiency kitchen, as follows:

      i. Cooking appliances;

      ii. A food preparation counter; and
iii. Storage cabinets reasonably sized in relation to unit.

F. Off-street parking requirements. Off-street parking is not required for either an ADU or a JADU. However, if parking is provided, the parking space shall comply with the location and design requirements of Chapter 18.36.

Section 4. Article 9 (Inland Land Use and Development Code Administration), Chapter 18.90 (Nonconforming Uses, Structures, and Parcels), Section 18.90.030 (Restrictions on Nonconforming Structures and Uses) and Section 18.90.040 (Residential Exemptions) of Title 18 (Inland Land Use and Development Code) shall be repealed and replaced in its entirety with:

18.90.030 - Restrictions on Nonconforming Structures and Uses
A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership, provided any such continued use shall comply with the requirements of this Section. See Section 18.90.040 for exceptions regarding certain residential uses and structures.

A. Nonconforming use of land.

1. General rule. A nonconforming use of land may be continued, provided the use shall not be intensified, enlarged or increased, nor be extended to occupy a greater area of land than it lawfully occupied before becoming nonconforming, with the exception noted in 18.90.030.A.2. below.

2. Nonconforming use in a conforming structure. A nonconforming land use within a conforming structure may be expanded or replaced with Minor Use Permit approval, in the following manner:

   a. Expansion of use. The nonconforming use of a portion of a structure may be expanded throughout the structure; and

   b. Substitution of use. The nonconforming use of a structure may be changed to another nonconforming use of the same or more restricted nature; except that if a nonconforming use is changed to a conforming use, no nonconforming use may be resumed.

B. Nonconforming structure. A nonconforming structure may continue to be used in the following manner:

1. Changes to, or expansion of a structure. A nonconforming structure may be changed or expanded as follows.

   a. Nonresidential structure. A nonconforming non-residential structure may be enlarged, expanded, reconstructed, or relocated, with Minor Use Permit approval, if the changes comply with all applicable provisions of this Development Code,
provided the Review Authority first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties.

b. **Single residential unit or multi-family.** A single residential unit or multi-family development that is nonconforming with respect to setback requirements, height limits, or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this Chapter. Exterior modifications that go beyond the prior building footprint may be allowed as follows:

   i) The Director may approve any addition to a nonconforming single-family dwelling where the addition complies with applicable setback requirements; and

   ii) An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed, provided that: 1) the expansion is not more than 150 square feet beyond the same physical dimensions of the existing structure; or 2) if larger than 150 square feet, Minor Use Permit approval is granted (limit to 25 percent larger).

2. **Conversion of existing nonconforming structure to residential unit.** Single residential units and/or multi-family residential development with a nonconforming residential accessory structure, may be converted and/or replaced to create an accessory dwelling unit. A nonconforming residential accessory structure may be rehabilitated and expanded, provided that:

   a. The structure does not exceed eighteen (18) feet in height; and

   b. The conversion and/or expansion complies with Subsection B.1.b.

3. **Ordinary maintenance and repair.** Any nonconforming structure may undergo ordinary maintenance and repair.

4. **Seismic retrofitting and Building Code compliance.** Any nonconforming structure may undergo alterations, reconstruction, or repair to reinforce unreinforced masonry or to comply with Building Code requirements, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code and does not change building footprint or height.

**18.90.040 - Residential Exemptions**

**A. Reconstruction or replacement.** An involuntarily damaged or destroyed single residential unit or multi-family nonconforming -use may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

**B. Substantial rehabilitation/renovation.** Substantial rehabilitation/renovation of, and additions to an existing dwelling unit in a zoning district where residences are a nonconforming
use may be allowed with Minor Use Permit and Design Review approval, in compliance with Sections 18.71.060 and 18.71.050. (Housing Element Program H-1.1.4)

1. **Substantial rehabilitation/renovation defined.** Substantial rehabilitation/renovation of an existing dwelling unit occurs when at least 25 percent of the floor area of the existing structure is proposed to be added to the structure and/or a Building Permit for construction valued at 50 percent or more of the assessed value of the structure before rehabilitation/renovation is requested.

2. **Protection of community and neighborhood character.** The Review Authority shall ensure that Minor Use Permit and Design Review approval for a substantial rehabilitation or renovation shall maintain public health, safety, and welfare, maintain of neighborhood character, and encourage mixed use development.

**Section 5.** Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code shall be amended to include the following terms in alphabetical order:

**Junior Accessory Dwelling Unit (JADU).** A living space not exceeding five hundred square feet (500 SF) in size and contained entirely within the walls of a single residential unit. A junior accessory dwelling unit shall include an efficiency kitchen; have a separate entrance from the main entrance to structure, with an interior entry into the main living area; may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**Efficiency Kitchen.** An efficiency kitchen shall include the following: 1) cooking appliances; 2) a food preparation counter; 3) and storage cabinets reasonably sized in relation to unit.

**Section 6.** **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 7.** **Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on January 27, 2020 and adopted at a regular meeting of the City of Fort Bragg held on February 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

William V. Lee,
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: January 30, 2020 and February 20, 2020 (by summary).
EFFECTIVE DATE: March 11, 2020
Adopt City Council Resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds

The Local Government Planning Support Grants Program (referred to as "LEAP") funds projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment. As a jurisdiction of less than 20,000 population, Fort Bragg is eligible for $65,000 in funding and is seeking authorization from City Council to apply for the grant program. The Notice of Funding Availability (NOFA) was issued on January 27, 2020 and staff would like to submit the grant application as soon as possible to improve the opportunities to receive a portion of the $119,040,000 available statewide.

These funds would support the ongoing work of a Housing and Economic Development Coordinator, recently approved by City Council. The position is also funded from an SB 2 Planning Grant in the amount of $160,000 Fort Bragg was awarded late last calendar year.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq, the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the City Council of Fort Bragg desires to submit a LEAP grant application package (“Application”), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020 in the amount of $119,040,000 for assistance to all California Jurisdictions; and

WHEREAS, the City of Fort Bragg, as a jurisdiction with population of less than 20,000 is eligible for $65,000 of funding;

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

SECTION 1. The City Council is hereby authorized and directed to apply for and submit to the Department the Application package;

SECTION 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Council and City Manager of the Fort Bragg is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of $65,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant’s obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize application for, and receipt of, Local Government Planning Support Grant Program funds.

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 10th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

______________________________
WILLIAM V. LEE
Mayor

ATTEST:

______________________________
June Lemos, CMC
City Clerk
Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for all City of Fort Bragg Established Classifications

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

The attached Resolution and proposed Compensation Plan combines the two Compensation Plans adopted on January 27, 2020 (Resolution No. 4227-2020 and 4228-2020) into a single schedule and corrects a couple of inconsistencies between the schedules. The only salary change was to the Senior Planner to make the Mid-Management, Non-Bargaining position consistent in pay with the other Mid-Management positions.
RESOLUTION NO. ____-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A CITY OF FORT BRAGG MASTER SALARY RATE COMPENSATION PLAN CONFIRMING THE PAY RATES/RANGES FOR ALL CITY OF FORT BRAGG ESTABLISHED CLASSIFICATIONS

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

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

WHEREAS, the Fort Bragg City Council approved the latest salary schedules through Resolution 4228-2020 and 4227-2020, both adopted separately on January 27, 2020, which established salary schedules for all Employees; and

WHEREAS, it was necessary to create a single Master Salary Rate Compensation Plan for posting and administration; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the City of Fort Bragg Master Salary Rate Compensation Plan as presented in “Exhibit A” attached hereto, effective February 10, 2020.

The above and foregoing Resolution was introduced by Councilmember_______, seconded by Councilmember___________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 10th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

________________________________________
WILLIAM V. LEE
Mayor

ATTEST:

________________________________________
June Lemos, CMC
City Clerk
## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 2-10-2020

<table>
<thead>
<tr>
<th>Administrative Assistant - Administration (FBEO)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
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<tbody>
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<td>27.26</td>
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<td>1,883.20</td>
<td>1,977.60</td>
<td>2,076.80</td>
<td>2,180.80</td>
</tr>
<tr>
<td>Monthly</td>
<td>3,886.13</td>
<td>4,080.27</td>
<td>4,284.80</td>
<td>4,499.73</td>
<td>4,725.07</td>
</tr>
<tr>
<td>Annual</td>
<td>46,833.60</td>
<td>48,963.20</td>
<td>51,417.60</td>
<td>53,996.80</td>
<td>56,700.80</td>
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<table>
<thead>
<tr>
<th>Administrative Assistant - Community Development (FBEO)</th>
<th>Step 1</th>
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<th>Step 3</th>
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</tr>
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<thead>
<tr>
<th>Administrative Supervisor - Police (Confidential/Restricted; Non-Bargaining)</th>
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<th>Assistant Director of Public Works (Mid-Management; Non-Bargaining)</th>
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</thead>
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<td>40.93</td>
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<td>47.39</td>
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<td>3,274.40</td>
<td>3,438.40</td>
<td>3,610.40</td>
<td>3,791.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>6,756.53</td>
<td>7,094.53</td>
<td>7,449.87</td>
<td>7,822.53</td>
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<td>98,571.20</td>
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<tr>
<th>Assistant Planner (FBEO)</th>
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<table>
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<tr>
<th>Assistant to the City Manager (Mid-Management; Non-Bargaining)</th>
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<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
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<tbody>
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<td>Hourly</td>
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<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
<td>40.74</td>
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<td>2,815.20</td>
<td>2,956.00</td>
<td>3,104.00</td>
<td>3,259.20</td>
</tr>
<tr>
<td>Monthly</td>
<td>5,808.40</td>
<td>6,099.60</td>
<td>6,404.67</td>
<td>6,725.33</td>
<td>7,061.60</td>
</tr>
<tr>
<td>Annual</td>
<td>69,700.80</td>
<td>73,195.20</td>
<td>76,856.00</td>
<td>80,704.00</td>
<td>84,739.20</td>
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</table>

<table>
<thead>
<tr>
<th>Associate City Engineer (Mid-Management; Non-Bargaining)</th>
<th>Step 1</th>
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<tr>
<td>Hourly</td>
<td>33.51</td>
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<td>38.80</td>
<td>40.74</td>
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<td>Bi-Weekly</td>
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<td>2,956.00</td>
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<td>3,259.20</td>
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<td>Annual</td>
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<td>80,704.00</td>
<td>84,739.20</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>City Clerk (Mid-Management; Non-Bargaining)</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
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<tbody>
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<td>35.19</td>
<td>36.95</td>
<td>38.80</td>
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<tr>
<td>Bi-Weekly</td>
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<td>2,815.20</td>
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<tr>
<td>Monthly</td>
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<td>6,099.60</td>
<td>6,404.67</td>
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<td>7,061.60</td>
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## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

**Effective 2-10-2020**

<table>
<thead>
<tr>
<th>Position</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
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<tbody>
<tr>
<td><strong>City Councilmember (Elected)</strong></td>
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<tr>
<td>Hourly</td>
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<tr>
<td>Monthly</td>
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<td>Plus $100/mo for Special District Meeting</td>
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<td><strong>City Manager (Executive; At Will; Contract)</strong></td>
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</tr>
<tr>
<td>Hourly</td>
<td>38.98</td>
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<td>89,398.40</td>
<td>93,870.40</td>
<td>98,571.20</td>
</tr>
<tr>
<td><strong>Director - Community Development Department (Executive; At Will)</strong></td>
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<tr>
<td>Hourly</td>
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<td>Bi-Weekly</td>
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# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

**Effective 2-10-2020**

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## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

**Effective 2-10-2020**

### Public Works Administrative Analyst (FBEO)

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### Seasonal: Laborer (1000 Maximum Annual Hours; Non-Bargaining)

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### Seasonal: Parking Enforcement Attendant (Part-Time, 1000 Max Annual Hours; Non-Bargaining)

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### Senior Government Accountant (Mid-Management; Non-Bargaining)

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### Senior Planner (Mid-Management; Non-Bargaining)

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### Special Projects Assistant (80%, Part-Time; Non-Bargaining)

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### Systems Analyst - Lead (Confidential; Non-Bargaining)

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### Systems Analyst (Part-Time, 1000 Max Annual Hours; Non-Bargaining)

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### Treatment Plant Operator-in-Training (FBEO)

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## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

**Effective 2-10-2020**

### Treatment Plant Operator I (FBEO)

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### Treatment Plant Operator - Wastewater, Lead (FBEO)

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### Treatment Plant Operator - Water, Collection and Distribution, Lead (FBEO)

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Receive and File Minutes of November 6, 2019 Finance and Administration Committee Meeting
MEETING CALLED TO ORDER

Chair Peters called the meeting to order at 11:07 AM

ROLL CALL

Staff Present: Finance Director Victor Damiani, Administrative Supervisor Debbie Desmond, Administrative Assistant Cristal Muñoz.

Present: 2 - Lindy Peters and Tess Albin-Smith

1. APPROVAL OF MINUTES

1A. 19-480 Approve Minutes of October 2, 2019

These Committee Minutes were approved for Council review.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

3A. 19-477 Receive Year-End Report and Budget Reconciliation for FY2018-2019 Asset Forfeiture Fund Expenditures

The Committee reviewed the report prepared for this item. The committee report was going to be presented by Debbie Desmond but was instead presented by Finance Director Victor Damiani. The report outlined the policies and gave general overview of the spending accounts. In addition, there was summary and detail list of the asset forfeiture expenditures.

Public Comment:
*None.

Discussion:
* An outer carrier is a vest in which police officers carry their equipment. It helps with the weight distribution.
* Revenue is still coming in however largely decreased due to the legalization of cannabis.
* Largest fund is the Educational fund.
* Interest in having the Cadet Program return and looking at having an office at the schools.
* Possibly bringing back the Blue Santa Program.
* Making a Press Release to demonstrate the donations that they have done to various communities projects.
* School Resource Officer could be funded through the Educational Fund.
This Staff Report was received and filed.

3B. **19-481** Receive Oral Update from Staff on Departmental Activities

**Department Update:**
Finance Director Victor reported on the following:
* Finance department continued to work during the Public Safety Power Shutoffs (PSPS). They completed payroll through direct deposit.
* Isaac Whippy volunteered to help the Police Dept. with traffic control.
* Finance dept. helped keep the City charging station open until 6pm.
* Extended due date for Water Utility bills and Transient Occupancy Tax (TOT) to 11/05/2019.
* Created a project management code to track time spent on the PSPS, which could be used for possible grant funding.
* First month of in-house printing and mailing of the Utility Billing statements.

4. **MATTERS FROM COMMITTEE / STAFF**

* **NONE**

**ADJOURNMENT**

Chair Peters adjourned the meeting at 11:32 AM.
Approve Minutes of Special Closed Session of January 27, 2020
CALL TO ORDER

Mayor Pro Tem Norvell called the meeting to order at 4:35 PM.

ROLL CALL

Present: 4 - Vice Mayor Bernie Norvell, Councilmember Lindy Peters, Councilmember Jessica Morsell-Haye and Councilmember Tess Albin-Smith
Absent: 1 - Mayor Will Lee

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

2. CLOSED SESSION

Mayor Pro Tem Norvell recessed the meeting at 4:36 PM. The meeting reconvened to Closed Session at 4:36 PM.

2A. 20-571 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Significant exposure to litigation pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9: Two (2) Potential Cases

Mayor Pro Tem Norvell reconvened the meeting to Open Session at 5:18 PM and reported that no reportable action was taken on the Closed Session item.

ADJOURNMENT

Mayor Pro Tem Norvell adjourned the meeting at 5:18 PM.
Approve Minutes of January 27, 2020
CALL TO ORDER

Mayor Pro Tem Norvell called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:  4 - Vice Mayor Bernie Norvell, Councilmember Tess Albin-Smith, Councilmember Jessica Morsell-Haye and Councilmember Lindy Peters

Absent:  1 - Mayor Will Lee

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

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

(1) Non-Agenda Items:
• None.

(2) Consent Calendar Items:
• William Miller, MD, Chief of Medical Staff at Mendocino Coast District Hospital, spoke in support of the resolution endorsing the hospital's affiliation with Adventist Health (Item 5F), citing much needed improvements to the hospital, additional resources for quality and safety, and improved financial stability.

(3) Closed Session Items:
• None.

3. STAFF COMMENTS

City Manager Miller said the Hospitality Center will conduct a homeless Point-In-Time count on Thursday. She announced a special City Council workshop on economic development incentives policy manual and formula business ordinance on Wednesday. The first Mendo Recycle additional Tuesday cleanup will focus on graffiti removal. Public Works Assistant Director Smith provided an update on the CV Starr Pool Basin Rehabilitation project. Public Works Director Varga cited statistics on the electric vehicle charging station for the first year of operation. He gave a brief update on a meeting regarding the Road 409 transfer station project.
4. MATTERS FROM COUNCILMEMBERS

Mayor Pro Tem Norvell stated that Mayor Lee is home sick with the flu. Councilmember Peters spoke in favor of a 5:30 PM start time for Council meetings. He reported on a hospital board meeting regarding OB-GYN, labor and delivery services. In response to Councilmember Peters' question regarding the town clock, Public Works Director Varga responded that three quotes have been received so far and all will be presented at the next Public Works and Facilities Committee meeting. Councilmember Albin-Smith reported on a recent Economic Development and Financing Corporation meeting.

5. CONSENT CALENDAR

Mayor Pro Tem Norvell requested that Item 5E be removed from the Consent Calendar for further discussion and Item 5F be removed so he could recuse himself.

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, to approve the Consent Calendar, with the exception of Items 5E and 5F. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

5A. 20-589

Adopt City Council Resolution Denying Appeal of Mitch Bramlitt and AutoZone Parts, Inc. and Upholding Planning Commission's Determination to Deny Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18) and Subdivision 1-18 (DIV 1-18)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4223-2020

5B. 20-555

Accept Development Impact Fees Reports for Fiscal Year Ending June 30, 2019

These Development Impact Fees Reports were accepted on the Consent Calendar.

5C. 20-563

Accept Certificate of Completion for C.V. Starr Pool Basin Reconstruction Project, City Project No. PWP-00113, and Direct City Clerk to File Notice of Completion

This Certificate of Completion was accepted on the Consent Calendar.

5D. 20-565

Adopt City Council Resolution Declaring Surplus Exempt Property - Noyo Center for Marine Science Parcel (APN 018-420-15)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4224-2020
5G. **20-588** Approve a Letter in Support of Mendocino County Measure D and Companion Measure E

This Council Letter was approved on the Consent Calendar.

5H. **20-564** Receive and File Minutes of the November 13, 2019 Public Works and Facilities Committee

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

5I. **20-585** Approve Minutes of January 13, 2020

These Minutes were approved on the Consent Calendar.

5J. **20-596** Adopt City Council Resolution Delegating to the City Manager Disability Retirement Determinations of Local Safety Officer Employees of the California Public Employees' Retirement System

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4226-2020

5K. **20-597** Adopt City Council Resolution Updating the City's Compensation Plan and Confirming the Pay/Rates/Ranges for all City of Fort Bragg Established Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4227-2020

**ITEMS REMOVED FROM CONSENT CALENDAR**

5E. **20-570** Adopt City Council Resolution Amending Rules of Procedure for Conduct of City Council Business

Mayor Pro Tem Norvell stated his worry that starting the meetings at 5:30 PM would only add another half hour to the meeting times.

Public Comment: None.

Discussion: Council agreed that this matter should be considered by all Councilmembers and staff could bring the matter back for reconsideration when the Mayor is present.

This Resolution was referred to staff.

5F. **20-587** Adopt City Council Resolution Endorsing Measure C - Mendocino Coast Health Care District's Lease to Stone Point Health

Mayor Pro Tem Norvell recused himself from voting on this item, as he has a business conflict of interest.

Public Comment: None.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. The motion carried by the following
vote:

Aye: 3 - Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

Recuse: 1 - Vice Mayor Norvell

Enactment No: RES 4225-2020

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

7A. 20-575 Receive Report, Receive Planning Commission Recommendation, Conduct Public Hearing, and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 959-2020 Amending Tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), Repealing and Replacing Article 4 (Standards for Specific Land Uses), Repealing and Replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Second Units

Mayor Pro Tem Norvell opened the public hearing at 6:22 PM.

Assistant Planner McCormick presented the staff report on this agenda item, explaining the parameters for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Public Comment:

• Jacob Patterson made suggestions about more permissive regulations, including allowing JADUs to be constructed in the garage of a property.

Mayor Pro Tem Norvell closed the public hearing at 6:31 PM.

Discussion: Council held a brief discussion regarding parking on streets and alleys, JADUs and ADUs. It was decided to introduce the ordinance as it is currently written this evening, and after more research and discussion regarding density, bring the matter back at a later date for further consideration and ordinance amendment, if needed.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Ordinance be introduced. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

January 27, 2020
City Council Meeting Minutes

Development Block Grant (CDBG) 16-CDBG-11140

Mayor Pro Tem Norvell opened the public hearing at 6:40 PM.
Special Projects Assistant McLaughlin summarized the staff report on this agenda item.

Public Comment:
- Jacob Patterson made no comment but signed the CDBG public comment sheet.

Mayor Pro Tem Norvell closed the public hearing at 6:43 PM.

This Staff Report was received and filed.

7C. 20-572
Receive Report, Conduct Public Hearing, and Consider Adopting by Title Only and Waiving the Second Reading of Ordinance No. 956-2019 Repealing and Replacing Chapter 15.04 (Construction Codes - Adopted by Reference) and Chapter 15.05 (California Fire Code) of Title 15 (Buildings and Construction) of the Fort Bragg Municipal Code

Mayor Pro Tem Norvell opened the public hearing at 6:43 PM.
City Manager Miller presented the staff report on this agenda item.

Public Comment: None.

Mayor Pro Tem Norvell closed the public hearing at 6:46 PM.

A motion was made by Councilmember Peters, seconded by Councilmember Morsell-Haye, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

Enactment No: ORD 956-2019

8. CONDUCT OF BUSINESS

8A. 20-567
Receive Report and Provide Direction to Staff Regarding 2020 Community Development Block Grant Application

Special Projects Assistant McLaughlin presented the staff report on this agenda item and asked Council to provide direction on which activities to include in the 2020 CDBG grant application. She explained the difference between Over The Counter (OTC) and competitive application processes.

Public Comment: None.

Discussion: Councilmembers briefly discussed potential projects, including purchase of vacant land for parks, facade improvement program, business assistance loans and microenterprise fund programs. Council directed staff to move forward with the application for a water meter replacement project.

This Staff Report was referred to staff with the direction to proceed with preparing a grant application for the water meter replacement project.

8B. 20-551
Receive Report and Consider Adoption of City Council Resolution Accepting the 2020 Fort Bragg Police Department Salary Survey Results
as Required by Ordinance 672, Adopting Changes to the City of Fort Bragg Salary Rate Compensation Plan and Approving Budget Amendment 2020-08 to the Fiscal Year 2019-20 Budget in the Amount of $70,932 (Account 110-4200-payroll accounts)

Finance Director Damiani gave the report on this item.
Public Comment: None.
Discussion: After discussing this matter, it was agreed that many of the items in the report will be further addressed at the upcoming mid-year budget review meeting.

A motion was made by Councilmember Morsell-Haye, seconded by Councilmember Peters, that this Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters
Absent: 1 - Mayor Lee

Enactment No: RES 4228-2020

8C. 20-583 Receive Fiscal Year 2019-20 First Quarter Financial Report

Government Accountant Whippy presented the staff report on this agenda item.

Mayor Pro Tem Norvell recessed the meeting at 7:38 PM; the meeting reconvened at 7:46 PM.
Public Comment:
- Jenny Shattuck asked questions about the transient occupancy tax (TOT) measure and if TOT funds were being used at a Berkeley event.
- Jacob Patterson suggested an additional companion measure asking how people feel about Measure AB now, if the City decides on another sales tax measure. He said the voters would have to approve a storm drain enterprise.

Discussion: After discussing the matter, Council directed staff to pursue a sales tax measure for the November election. Mayor Pro Tem Norvell appointed Councilmembers Albin-Smith and Peters to a Revenue ad hoc committee to be in effect until election day, November 3, 2020.

This Report was received and staff was directed to pursue a sales tax measure for the November 3, 2020 ballot. Mayor Pro Tem Norvell appointed Councilmembers Albin-Smith and Peters to a Revenue ad hoc committee effective January 27, 2020 to November 3, 2020.

8D. 20-566 Receive Report and Consider Adoption of Fort Bragg Municipal Improvement District Resolution Authorizing District Manager to Execute Contract Change Orders for the Wastewater Treatment Plant Upgrade Project, Project No. 2018-01, Increasing the Amount of the Construction Contract with Wahlund Construction, Inc., by a Not To Exceed Amount of $1,037,000

Public Works Assistant Director Smith presented the staff report on this agenda item.
Public Comment was received from Richard Mack.
A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this ID Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

Enactment No: RES ID 424-2020

8E. 20-584

Receive Report and Consider Adoption of City Council Resolution Approving Execution of a Service Agreement between Fort Bragg and the County of Mendocino Relating to Administration and Distribution of Homeless Emergency Aid Program (HEAP) Funds Allocated Through the Mendocino County Homeless Services Continuum of Care (MCHSCoC)

City Manager Miller presented the staff report on this agenda item.

Public Comment: None.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Morsell-Haye, that this Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Vice Mayor Norvell, Councilmember Albin-Smith, Councilmember Morsell-Haye and Councilmember Peters

Absent: 1 - Mayor Lee

Enactment No: RES 4229-2020

9. CLOSED SESSION

ADJOURNMENT

Mayor Pro Tem Norvell adjourned the meeting at 8:46 PM.

_________________________________________________________
WILLIAM V. LEE, MAYOR

_________________________________________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
Approve Minutes of Special Meeting of January 29, 2020
Mayor Lee called the meeting to order at 6:00 PM.

ROLL CALL

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

1. CONDUCT OF BUSINESS

1A. 20-598 Receive Report and Provide Direction to Staff on Developing an Economic Development and Housing Development Incentives Manual

The presentation of this report was shared between staff members: City Manager Miller, Finance Director Damiani, Senior Planner Perkins and Assistant Planner McCormick. Councilmembers were asked to vote whether or not they wanted to devote staff time and funds toward each of 12 programs and to ultimately vote on their top three items.

#1 - Community Facilities District

Public Comment: None.


#2 - Infrastructure Financing District

Public Comment:
- Jenny Shattuck asked questions regarding Community Revitalization and Investment Authorities (CRIAs).
- Johanna Jensen asked if a trade school to train people to build housing can be established in an industrial area.


#3 - Business Improvement District

Public Comment: None.

Vote: No: Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters, and Mayor Lee.

#4 - Hotel Tax Incentive Program

Public Comment:
- Johanna Jensen spoke about Tiny Homes as additional lodging.
- Jacob Patterson spoke in favor of this program.

#5 - Mills Act
Public Comment:
- Gabriel Quinn Maroney spoke about creating a historic district as a high priority.
- Jacob Patterson said this was a useful tool in Claremont.
Mayor Lee recessed the meeting at 7:14 PM; the meeting reconvened at 7:20 PM.

#6 - Capacity Fee Deferral Program
Public Comment: None.
No vote was taken, as the program is already in place.

#7 - Central Business District (CBD) Capacity Fee Forgiveness Program
Public Comment: None.

#8 - Community Block Grant (CDBG) Over the Counter Loans
Public Comment: None.
No vote was taken, as the program is already in place.

#9 - Facade Improvement Program
Public Comment: None.

#10 - Industrial Development Bonds
Public Comment: None.

#11 - Planning Incentive Program for High Quality Jobs
Public Comment:
- Dan Gjerde recommended developing a package that would pull several program ideas together to be more attractive to people.

#12 - Planning Incentives for Housing / Density Bonus
Public Comment: None.
No vote was taken, as this program is part of State law.
At the conclusion of the presentation, the Councilmembers were polled on their top three programs:
Councilmember Albin-Smith: Programs 11, 10, and 4.
Councilmember Morsell-Haye: Will provide her response at a later date.
Councilmember Peters: Programs 2, 10, and 5.
Vice Mayor Norvell: Programs 2, 4, and 5.
Mayor Lee: Programs 2, 11, and 5.

This Staff Report was referred to staff.

1B. 20-603  Receive Report and Provide Direction to Staff on Developing a Formula Business Ordinance for Planning Commission Review and Recommendation
Mayor Lee asked that this item be continued to a future City Council special meeting and asked the City Clerk to poll the Councilmembers on a new date. The Mayor allowed persons who wished to make comments on this agenda item to do so.
Public Comment was received from:
- Annemarie Weibel spoke in opposition to allowing formula businesses in town, especially at the gateway to Fort Bragg, and requested that an ordinance restricting formula stores be adopted.
- Jamie Peters recommended a cap on formula stores throughout the entire city as they do not fit in with the character of the city.
- Gabriel Quinn Maroney expressed gratitude that the City is taking a different approach and setting a higher standard, speaking out against cookie cutter stores in Fort Bragg.

This Staff Report was continued to a future date to be determined.

ADJOURNMENT

Mayor Lee adjourned the meeting at 8:03 PM.

__________________________
WILLIAM V. LEE, MAYOR

__________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
Approve a Letter to the Mendocino County Board of Supervisors Requesting an Assessment of the Services Provided by Redwood Quality Management Company and Their Subcontractors. The Homelessness Ad Hoc Committee, represented by Councilmember Morsell-Haye and Councilmember Norvell, recommend the City Council encourage the Mendocino County Board of Supervisors to request an assessment of the services provided by Redwood Quality Management Company (RQMC) and their subcontractors. RQMC and their subcontractors provide a substantial portion of Behavioral Health and Recovery Services for Mendocino County, including Fort Bragg and the Coast. With the increase reliance by the community on their services, the Ad Hoc Committee would like to see better data on the quality of services provided instead of just the numbers served. An assessment would provide the County a means to measure success and implement improvements, if needed.
February 9, 2020

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Re: Redwood Quality Management Company and Redwood Community Services

Dear Mendocino County Board of Supervisors:

Mendocino County’s reliance on Redwood Quality Management Company (RQMC) and Redwood Community Services (RCS) for Behavioral Health and Recovery Services appears to increase each year. As the services that RQMC and RCS provide are expanded, the Fort Bragg City Council would like to see more data on the success of those programs locally, here on the Coast, and countywide. Most, if not all, of the information provided by RQMC focuses on numbers served and not on measuring the improvements in the health and wellbeing of their clients.

Without compromising confidentiality, it would be helpful to know how many clients enter programs with substance abuse or undiagnosed mental health illnesses and are successfully treated. For example, a metric that measures the baseline of clients entering the system and tracks and reports progress over time will provide accountability for County funds and a measurement to gauge ongoing improvement. Although the City Council is not well versed in Behavioral Health and Recovery Services standards and metrics, we have no doubt such assessments exist to guide and evaluate these programs. The City Council feels strongly that we should compare our local programs to others in the region and across the nation, to evaluate success and pursue means to improve our programs, not just the numbers served.

Similarly, we understand that there are limited County resources available for these services and would like to better understand the costs and the impacts to the County. How much do we spend per person? How does this compare to other jurisdictions? How much is saved in other costs such as law enforcement and emergency health care by successfully treating an individual as opposed to a person left suffering from untreated illnesses and diagnoses?

As we all understand, Behavioral Health and Recovery Services are a vital and integral piece of the overall success of our County. As such, the Fort Bragg City Council respectfully requests that the Mendocino County Board of Supervisors require a professional assessment of the services provided by RQMC and all of their subcontractors using an appropriate industry standard. The results of such an assessment can be used countywide to evaluate the quality of services provided and measure success and progress going forward. The County could use these same results to build standard requirements or metrics into their service agreements.

Thank you for your ongoing service to our County.

Sincerely,

William V. Lee
Mayor

Bernie Norvell
Vice Mayor

Teresa K. Albin-Smith
Councilmember

Jessica Morsell-Haye
Councilmember

Lindy Peters
Councilmember
Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendment Thereto from the 2019-20 Funding Year of the State Community Development Block Grant (CDBG) Program
AGENDA ITEM SUMMARY

**TITLE:**
Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and Any Amendments Thereto from the 2019-20 Funding Year of the State Community Development Block Grant (CDBG) Program

**ISSUE:**
On January 27, 2020, staff reported to City Council regarding direction for the 2020 Community Development Block Grant (CDBG) Application. The CDBG 2019-20 Notice of Funding Availability (NOFA) was released on January 21, 2020, and the 2019-20 CDBG Over-the-Counter (OTC) application is due February 14, 2020. The City of Fort Bragg is eligible to apply during the 2019-20 CDBG application cycle.

Staff explained the 2020 CDBG OTC NOFA requirements to City Council and presented City Council with a “bid ready” activity that appears to meet the requirements of the OTC process. City Council directed staff to prepare an application for CDBG Public Improvement funding to implement a Water Meter Replacement Project to be owned and operated by the City.

At this time, the Water Meter Replacement Project activity appears to be an eligible application opportunity, so staff is compiling the application for this activity. The application amount can be up to $3,500,000, which includes construction, construction management and labor standards costs, as well as General Administration.

If the City Council wishes to proceed with the application, a public hearing must be held and a resolution authorizing submittal of the application must be approved.

**ANALYSIS:**
The CDBG Notice of Funding Availability (NOFA) was released by the State Department of Housing and Community Development (HCD) on January 21, 2020. The 2019-20 NOFA provides approximately $60 million of statewide funding for years 2019 and 2020. HCD did not release a NOFA in 2019 making the current NOFA a two-year funding allocation. Applications to the State CDBG program are allowed only for “non-entitlement” jurisdictions in California, which include incorporated cities that are under 50,000 in population and counties with unincorporated area population of under 200,000 persons.

The 2019-20 NOFA is different from any previous NOFA in that HCD has adopted new CDBG program guidelines and implemented new processes. As a result, CDBG has made significant changes to the application parameters. Major changes in the 2019-20 NOFA include:

- Online application submission and management tool;
- Addition of an Over-the-Counter application process for all capital construction projects;
- Various funding limits for each application;
- Six different applications with varying submission dates and deadlines.
The City of Fort Bragg is able to apply in 2020 under the OTC application process and the competitive application process. The OTC applications have a submission date of February 14, 2020, whereas the competitive applications have an application deadline of April 15, 2020. The OTC applications are reviewed and awarded on a first-come, first-served basis. To be competitive in the OTC application process it is recommended that the City submits as soon as possible. Competitive application activities for the April 15, 2020 deadline will be summarized at a later date. An OTC project for the February 14, 2020 application date must meet specific readiness criteria. The following is required before application submission:

1. Project Concept Complete
2. Project Feasibility Complete
3. Project Environmental Review Complete (CEQA, NEPA, etc.)
4. Engineer’s Estimate/Budget Complete
5. Bid Ready Plans and Specifications Complete
6. All Project Funding in Place
7. Site Control Obtained

**Recommended Activity for the 2019-20 Application**

As described in the January 27, 2020 City Council agenda report, staff has been seeking projects that will meet the needs of the Fort Bragg community as well as parameters of the 2019-20 OTC process. To solicit needs and proposals from the community regarding CDBG applications, staff conducted a CDBG-required Design Phase public hearing in 2019. The hearing was held on November 21, 2019, before the 2019-20 application parameters were confirmed and before the NOFA was released.

In addition, staff reviewed the FY2019-20 Capital Improvements Program for City infrastructure project priorities that could match 2019-20 application parameters.

At the January 27, 2020 meeting, staff presented City Council with one potential “bid ready” and eligible project for the 2019-20 CDBG OTC application. At that meeting, City Council provided direction to staff that an application should be prepared for the Water Meter Replacement Project. This project is described in greater detail below.

**2019-20 OTC Application Activity: Water Meter Replacement Project**

**Project Description.** The City owns and maintains 2,984 water meters. The project would consist of the removal and replacement of existing residential and commercial water meters.

**Need and Benefit.** The current water meters are at 94.2% reading accuracy, which means of the 621,000,000 gallons of water used in a year, 36,018,000 gallons of water are potentially unaccounted for, whereas the new water meters will be at 100% accuracy for 10 years providing many benefits to the City and customers. To highlight a specific issue, between January 1, 2019 and January 1, 2020, 73 utility customers were assisted through the City’s water leak adjustment program as a result of leaks. It is estimated that nearly 2,342,736 million gallons of water was lost due to leaks among these 73 customers. The new water meters will provide early leak detection alarms both to the City and customers helping to prevent water loss and the amount of money spent due to leaks. Additionally, Public Works staff spends hundreds of hours manually reading water meters, turning them off and on and running various reports. The new water meters would provide remote access, reducing or illuminating the need for general manual maintenance at each water meter by Public Works staff. With the technology and software that accompanies the new water meters, the City and utility customers would have a greater ability to understand overall water usage.
**Beneficiaries:** This project would be a public benefit and identified as a Low-Moderate Area (LMA) Benefit according to the CDBG program. To be identified as LMA at least 51% of households in the area must be earning at 80% or less than the income levels published by HUD’s Housing and Urban Development Area Median Family Income. The City of Fort Bragg meets this eligibility with 52.65% LMA.

**Grant Application Activities and Amounts**

This project would be funded entirely with CDBG 2019-20 funding. As proposed, the CDBG application will include the following activities and amounts:

<table>
<thead>
<tr>
<th>Funding Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Improvement Activity</td>
<td>$2,798,331</td>
</tr>
<tr>
<td>General Administration Funds (7%)</td>
<td>$171,712</td>
</tr>
<tr>
<td>Application Total</td>
<td>$2,970,043</td>
</tr>
</tbody>
</table>

Although CDBG calculates Activity Delivery funds as a separate cost category, Activity Delivery funds may be used for Activity costs. Activity funds are intended to cover construction costs, procurement process costs (construction management/contractor), construction management activities, labor standards administration costs, and other direct project costs including staff time expended on project activities.

General Administration funds may be used for CDBG-related program management, oversight and coordination, fair housing activities, and indirect costs.

All CDBG grant awards are distributed on a reimbursement basis only for actual amounts expended up to the amount of grant awards.

**RECOMMENDED ACTION:**
After Conducting Public Hearing, Adopt City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendments Thereto from the 2019-2020 Funding Year of the State Community Development Block Grant (CDBG) Program.

**ALTERNATIVE ACTION(S):**

1. **No action.** Under this alternative, the City would not submit a 2019-2020 application at the February 14, 2020 submission date.

2. **Provide direction to staff to change the application activity or to modify the application amount.** If a different activity is submitted, a new Public Hearing Notice would be required. Public Hearing Notices require a 10-day posting period per CDBG regulations. As of this date, there is not adequate time before the February 14th application submission date to submit a Notice to the local newspaper for publication for the required ten day posting period. If changes are made to the application that are not encompassed in the Notice that was published on January 30, 2020, the City will be unable to submit a 2019-2020 CDBG OTC application on the February 14, 2020 submission date.

3. **Provide direction to staff to identify a different project, prepare the new project to meet OTC requirements (engineers estimate, plans and specs and environmental, etc.) and apply before the 2019-20 CDBG OTC application closing date of September 30, 2020.** This alternative could exclude the City from securing funding during the current NOFA cycle since OTC funding is awarded on a first-come, first-served basis.
FISCAL IMPACT:
CDBG funding will allow replacement of an essential utility owned by the City, a project for which no alternative funding has been identified. The project would help customers and the City save water and money. Implementation of CDBG-funded projects and programs brings funding to Fort Bragg to create job opportunities in the community. CDBG grant administration requires a significant commitment of staff time, but CDBG provides funding for administrative activities (up to 7% of grant funds) that is generally adequate to service the program.

CONSISTENCY:
The State CDBG mission is to improve the lives of low- and moderate-income residents through the creation and expansion of community and economic development opportunities, which supports livable communities for all residents. This mission is consistent with City Priority Areas established in City Council’s March 2019 Goal Setting process including Priority Area 4 “Infrastructure” (pursue CDBG funding for developed projects) with an emphasis on water.

IMPLEMENTATION/TIMEFRAMES:
If the grant application is approved by City Council, and after the Public Hearing is held, staff will complete the application and submit it by the February 14, 2020, submission date. The NOFA does not outline the award period for OTC or Competitive application. Preconstruction activities will commence as soon as funding is available. Due to the readiness of the project, construction commencement will begin soon after Standard Agreement (no more than 90 days from Standard Agreement). CDBG grants generally provide up to two years after the expenditure termination date to achieve the “National Benefit.” The benefit for the Water Meter Replacement Project would be fully achieved when all water meters are replaced.

ATTACHMENTS:
1. Proposed Resolution Authorizing Application Submittal
2. Public Hearing Notice for Application Submittal

NOTIFICATION:
1. Subscribers to City “Notify Me” email for CDBG Activities list.
RESOLUTION NO. __-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A
GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2019-
2020 FUNDING YEAR OF THE STATE CDBG PROGRAM

BE IT RESOLVED by the City Council of the City of Fort Bragg as follows:

SECTION 1:
The City Council has reviewed and hereby approves one application in the aggregate amount of $2,970,043 for the following CDBG activity, pursuant to the January 2020 CDBG NOFA:

Public Improvement Project - Water Meter Replacement: $ 2,970,043.

SECTION 2:
The City acknowledges compliance with state and federal public participation requirements in the development of this application.

SECTION 3:
The City hereby authorizes and directs the City Manager, or designee, to sign this application and act on the City's behalf in all matters pertaining to this application.

SECTION 4:
If the application is approved, the City Manager, or designee, is authorized to enter into and sign the grant agreement and any subsequent amendments thereto with the State of California for the purposes of this grant.

SECTION 5:
If the application is approved, the City Manager, or designee, is authorized to sign Funds Requests and other required reporting forms.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Fort Bragg held on the 10th day of February, 2020, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 
RECUDED:

____________________________
WILLIAM V. LEE
Mayor

ATTEST:

____________________________
June Lemos, CMC
City Clerk
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Fort Bragg will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on MONDAY, FEBRUARY 10, 2020, at Town Hall, southwest corner of Main and Laurel Streets (363 North Main Street), Fort Bragg, California 95437. The City Council will solicit citizen input regarding the following:

Receive Report and Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendment Thereto from the 2019-20 Funding Year of the State Community Development Block Grant (CDBG) Program

The purpose of the public hearing will be to consider submittal of an application to the State Housing and Community Development Department and to give citizens an opportunity to make their comments known on the proposed activities and application.

The City of Fort Bragg is applying for a grant of up to $3,500,000 under the 2019-20 NOFA for eligible activities and allowable General Administration funds.

If you are not able to attend the public hearing, you may direct written comments to the City of Fort Bragg, Attention: Special Projects Assistant Natalie McLaughlin, 416 N. Franklin Street, Fort Bragg, CA 95437. In addition, a public information file about the CDBG program is available at the above address between the hours of 9:00 a.m. – 12:30 p.m. and 1:30 - 5:00 p.m. on weekdays. If you plan to attend the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact City Hall at (707) 961-2823 to arrange for those accommodations to be made.

The City of Fort Bragg promotes fair housing and makes all programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status, or handicap.

Dated: January 24, 2020

June Lemos, CMC
City Clerk

POST/PUBLISH: January 30, 2020

STATE OF CALIFORNIA )
COUNTY OF MENDOCINO ) ss.

I declare, under penalty of perjury, that I am employed by the City of Fort and that I caused this Notice to be posted in the City Hall Notice Case on January 30, 2020.

June Lemos, CMC, City Clerk
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Receive Report Regarding Request for Proposals (RFP) Scope of Work for Pudding Creek Water Main Relocation Project
AGENDA ITEM SUMMARY

**TITLE:**
Receive Report Regarding Request for Proposals (RFP) Scope of Work for Pudding Creek Water Main Relocation Project

**ISSUE:**
A Request For Proposals (RFP) to design the Pudding Creek Water Main Relocation Project has been prepared. The objective of this project is to relocate approximately 1000 feet of a 10-inch water main which currently crosses Pudding Creek on a dam owned by Georgia Pacific (GP) to the nearby State Route 1 Bridge over Pudding Creek owned by the California Department of Transportation (Caltrans). The draft RFP is included for reference (Attachment 1).

**ANALYSIS:**

Background
The project will relocate approximately 1000 feet of a 10-inch water main currently crossing Pudding Creek on a dam owned by Georgia Pacific (GP) to the nearby State Route 1 bridge. In addition, short, new water main extensions north and south of the bridge will be needed to connect to the existing water system. One connection will be directly to the north to the existing water main in Highway 1 (Main Street). The other on the south will be to the existing main in Manzanita Street approximately 200 feet east of Highway 1 (Main Street).

In December of 2016, the water main partially lost its support when the dam was overtopped during a storm. The dam and the water main lie in the estuary and floodplain of Pudding Creek. The dam has built in 1955 by GP’s predecessor, Union Lumber Company, to store water for lumber mill operations in Fort Bragg. This main was placed on the dam in 1984 and serves the health, safety, and fire protection needs of property within the City north of Pudding Creek. Measures were taken by GP and the City to support and armor the damaged areas of the dam and protect the City’s main.

Caltrans is preparing to widen the State Route 1 Bridge over Pudding Creek (EA #01-43480) with construction tentatively scheduled to start in 2021. The City is working with Caltrans to incorporate the addition of a sleeve or hangers on the east side of the bridge for the relocation of the City’s water main. This addition to the Caltrans portion of the project allows the City to take advantage of the environmental review and permitting process being undertaken for the widening. With the off-bridge work being done in existing streets, remaining environmental review and permitting is expected to be minimal. The proposed water main route is shown in Figure 1.
Figure 1: Pudding Creek Water Main Relocation Project
Timely relocation of the water main is also part of a larger plan to improve water service in Fort Bragg north of Pudding Creek. This is not a capacity increasing project. However, it is important to improve pressure and flow reliability for existing land uses as well as future development in north Fort Bragg. This includes the proposed Avalon Hotel and potential industrial development in the area.

**Summary Scope of Work**

1. Evaluation of existing conditions and constraints of the pipeline and appurtenances.
2. Technical analysis (hydraulics, seismic, etc.) of the affected water piping system.
3. Topographic and boundary survey of the project area.
4. Bid documents, including: improvement plans, technical specifications, and engineer's opinion of costs.
5. Coordination with Caltrans and Georgia Pacific.

**RECOMMENDED ACTION:**
After consideration of this item, it is recommended that Council authorize staff to proceed with the release of the RFP for design services for the Pudding Creek Water Main Relocation Project.

**ALTERNATIVE ACTION(S):**
Alternatively, Council may direct staff to modify the project scope of work. Council may also choose not to proceed further with the project at this time.

**FISCAL IMPACT:**

**Preliminary Cost Estimate**
The total estimated cost for implementing this project is $1,645,800 as detailed in the following table. The cost of the design/environmental review/permitting portion of this contract is estimated at $210,000. Design alone, and budget for the RFP, is $160,000.
<table>
<thead>
<tr>
<th>Pudding Creek Water Main Relocation Project Cost Estimate</th>
</tr>
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<tbody>
<tr>
<td>City Project #</td>
</tr>
<tr>
<td><strong>WTR-00014</strong></td>
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<tr>
<td><strong>DESCRIPTION</strong></td>
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<td><em>Design and Engineering</em></td>
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<td>Permits</td>
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<td>Environmental Review</td>
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<td><strong>Subtotal</strong></td>
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<tr>
<td><strong>CONSTRUCTION</strong></td>
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<td>SWPP</td>
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<tr>
<td>Traffic Control</td>
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<tr>
<td>Mobilization</td>
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<tr>
<td>Surveying/Construction Staking</td>
</tr>
<tr>
<td>Demolition/Site Preparation</td>
</tr>
<tr>
<td>Install buried 10-inch water pipe</td>
</tr>
<tr>
<td>Install 10-inch Water Pipe on Bridge</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
</tr>
<tr>
<td><strong>OTHERS</strong></td>
</tr>
<tr>
<td>Constr. Mgmt. (15% of Constr.)</td>
</tr>
<tr>
<td><strong>Estimated Project Cost</strong></td>
</tr>
<tr>
<td>Contingency (20% of Proj. Cost)</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET</strong></td>
</tr>
</tbody>
</table>
**Funding**

The City’s FY 2019/20 Capital Improvement Program (CIP) budget has an item for the Pudding Creek Water Main Relocation. $210,000 in design and related expenses were identified for FY 2019/20 and $1,669,000 in construction and related expenses for FY 2020/21. The total for this CIP item is presently $1,879,000. This total can be adjusted downward to $1,645,800. Funding for the entire project in the budget is unidentified.

An Integrated Regional Water Management (IRWM) grant through the North Coast Resource Partnership (NCRP) was applied for in March 2019. The request for funds was subsequently denied. Staff is working with GP and Caltrans to secure additional cost-sharing funding. There are also several grant programs under Proposition 1 that staff will be applying for construction funds. These applications are enhanced by having a design complete that includes a City contribution toward the overall project cost. Furthermore, timely coordination with Caltrans and their Highway 1 bridge widening is helped by starting the design process now.

Therefore, staff recommends moving forward with the design and related tasks now and to use Water Enterprise funds for the $210,000 expense. If Council concurs, the budget amendment can be made during the mid-year budget review on March 5, 2020.

**GREENHOUSE GAS EMISSIONS IMPACT:**

The item being considered by the City Council is a proposed scope of work and authorization to proceed with an engineering design contract. By itself, the recommended action will not result in any changes to greenhouse gas emissions. The potential impacts during construction will be addressed in the bid documents and made available for Council’s consideration when this project comes back for authorization to construct.

**CONSISTENCY:**

This project will be consistent with the following policies of the Inland and Coastal General Plans and implement the associated programs by enhancing the safety and reliability of the water system as well as improving the available water pressures.

**Policy PF-2.2** Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies.

  **Program PF-2.2.4:** Pursue all available sources of revenue to fund the maintenance and expansion of the City’s water system.

  **Program PF-2.2.8:** Improve the pressure in the water system lines to meet State standards.
Policy PF-2.4: Potable Water Quality: Maintain the safety of the water supply.

Program PF-2.4.1: Continue to maintain the water collection, treatment, and distribution system to ensure compliance with all State requirements for a public drinking water system.

IMPLEMENTATION/TIMEFRAMES:
Estimated project schedule:
Start design, environmental review and permitting Feb. 2020
Environmental review/permits/design complete Jul. 2020
Start construction (in coordination with Caltrans’ bridge widening) Late 2021
Water main relocation complete 2022

ATTACHMENTS:
1. RFP for Design Services, Pudding Creek Water Main Relocation Project

NOTIFICATION:
1. Avalon Hotel, c/o Ms. Amy Wynn, Wynn Coastal Planning & Biology
2. Caltrans, District 1, Mr. Frank Demling
3. Fire District, Chief Steve Orsi
CITY OF FORT BRAGG
REQUEST FOR PROPOSALS FOR DESIGN AND PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE PUDDING CREEK WATER MAIN RELOCATION PROJECT

The City of Fort Bragg is seeking proposals from qualified professionals interested in contracting with the City of Fort Bragg to prepare construction documents for relocation and replacement of the Pudding Creek Water Main.

SCOPE OF WORK

The objective of this project is to relocate approximately 1000 feet of a 10-inch water main which currently crosses Pudding Creek on a dam owned by Georgia Pacific (GP) to the nearby State Route 1 Bridge over Pudding Creek owned by the California Department of Transportation (Caltrans). The bridge is approximately 600 feet downstream of the dam and current crossing. In December of 2016, the water main partially lost its support when the dam was overtopped during a storm. The dam and the water main lie in the estuary and floodplain of Pudding Creek. The dam was built in 1955 by GP’s predecessor, Union Lumber Company, to store water for lumber mill operations in Fort Bragg. This main was placed on the dam in 1984 and serves the health, safety, and fire protection needs of property within the City north of Pudding Creek.

The 2016 storm resulted in damage and exposure of three of the water main’s support piers, one on the north side and two on the south. Temporary measures were taken by GP and the City to support and armor the damaged areas of the dam and protect the City’s main. Caltrans is preparing to widen the State Route 1 Bridge over Pudding Creek (EA #01-43480) with construction tentatively scheduled to start in 2021. An agreement has been reached with Caltrans to incorporate the addition of a sleeve or hangers on the east side of the bridge widening project for the relocation of the City’s water main. This addition to the Caltrans portion of the project allows the City to take advantage of the environmental review and permitting process being undertaken for the widening. With the off-bridge work being done in existing streets, remaining environmental review and permitting is expected to be minimal. The boundary of the Coastal Zone appears to lie along the centerline of State Route 1 as it crosses Pudding Creek. The proposed water main route is shown in Figure 1.

The pipeline shall be attached to the newly added structural supports on the east side of the Pudding Creek Bridge on State Route 1. The method of attachment shall protect the pipe from damage, provide support for seismic loads, and allow for expansion/contraction of pipe and bridge materials. The pipeline shall leave the bridge at a location adjacent to the existing abutments on the southwest and northwest corners of the bridge. Typical design elements may include double-walled construction, pipe hangers or slides and support hardware, horizontal and vertical alignments and elbows for above-ground pipes, and buttresses at the start and end of the bridge crossing. The pipe crossing location and construction documents shall be approved by the California Department of Transportation.

In addition, short, new water main extensions north and south of the bridge will be needed to connect to the existing water system. One connection will be directly to the north of the existing water main in Highway 1 (Main Street). The other on the south will be to the existing main in Manzanita Street.
approximately 200 feet east of Highway 1 (Main Street) (see Figure 1). The scope of work includes all necessary appurtenances.

**This contract would consist of the following tasks:**

1. Preparation of design and construction documents for relocation of the existing pipeline from the dam to the bridge. Construction documents include:
   a. Engineering evaluation of existing conditions and constraints of the pipeline and appurtenances.
   b. Topographic and boundary survey of the project area in sufficient detail to design and build the project. Field investigation shall be extended to confirm the approximate location of underground facilities. City staff will assist with potholing.
   c. Preparation of an engineer’s construction cost estimate at the 50%, 90% and 100% stages of design. The City will need approximately 10 working days to review and comment at both the 50% and 90% stages.
   d. Improvement plans, technical specifications, and any other relevant attachments needed to construct the project. If additional environmental review or permitting work is needed it will be negotiated separately.

2. Preparation of a hydraulic analysis of the proposed replacement/relocation of pipeline using material, 10-inch diameter, and capacity for service area. Previously performed analysis will be provided for review.

3. Preparation of a seismic analysis to determine optimum supports and appurtenances for design earthquake load, and allowance for expansion and contraction of materials.

4. Coordination with Caltrans and Georgia Pacific for the right of entry and encroachment permit process and preparation of required documentation. These processes shall be started immediately upon award of the professional services agreement. Right of way acquisition is not anticipated for this project. However a preliminary review by the consultant shall be undertaken as an early task to confirm. The agreement may be modified if right of way acquisition assistance is required.

5. Construction documents and Technical Specifications shall meet City of Fort Bragg standards, Caltrans requirements, and the County of Mendocino regulations as applicable. All mitigations identified by the City, environmental documents, or permitting agencies shall be incorporated into the design and included in the contract documents. The City will prepare the Contract Document (General Provisions) and Bid Form sections of the specifications.

6. Preparation of a list of construction submittals for inclusion in the construction contract documents and for use during construction (including Buy American Certification requirements).

7. Professional services during the bid period, including attending any pre-bid meetings or walks, answering questions from potential bidders, and preparing addendas. Post bid-opening services shall be a separate cost item. The City is not amenable to adjustments to the contract amount for these services at any future time unless additional services are requested. Construction management services, if needed, will be requested and contracted for separately.

8. All construction documents shall be fully compliant with all of the requirements of any funding source. Consultant is responsible for thoroughly reviewing and understanding the design and construction requirements imposed by funding sources, and to ensure they are fully incorporated into the construction documents. Consultant shall work with City staff to ensure that the contract documents reflect all the funding source requirements.


10. Submittal of an electronic copy of all finished products in Microsoft Word or Excel.
PROPOSAL SUBMITTAL REQUIREMENTS

1. Proposers should send a complete digital proposal, collated into one PDF document, 3 printed copies of the completed proposals and cost bid so that it is received by the City no later than 2:00 p.m. on ____________, 2020 to:

   City of Fort Bragg
   Attention: June Lemos, CMC, City Clerk
   416 North Franklin Street
   Fort Bragg, CA 95437

2. Format: Printed proposal should be 8 ½ x 11 inches, printed two-sided on recycled and recyclable paper with removable bindings, bound in a single document and organized in sections following the order specified under contents.

3. Contents: Proposal shall contain the following information

   A. Firm Description
      Provide a description of your firm and list relevant information about capabilities, size rate of services, and length of time in existence.

   B. Relevant Experience
      Describe relevant experience in preparing capital improvement projects within the Caltrans right of way, including water main construction, for other public agencies.
      Describe relevant experience in water main design and other relevant experience in designing for construction in environmentally sensitive areas.

   C. Key Personnel Qualifications
      Identify key personnel who would work on the project, as assigned their respective roles and a synopsis of relevant experience.

   D. References
      List of public agencies or clients for whom similar work has been performed, with the name, title and phone number of a contact person. The may request a copy of a similar report prepared previously by the firm for another agency.

   E. Scope of Work
      Provide an explanation of tasks associated with the project, including how you propose to complete each task.

   F. Budget and Schedule of Charges
      Provide a “Not to Exceed” amount and a list of Personnel Rates, Equipment Charges, Travel Reimbursement Costs, and Job Descriptions for Personnel. Please be aware that prevailing wage rates apply to some preconstruction work, such as inspection and land surveying, for public works projects.

   G. Work Schedule
      Provide time schedule for completion of work. The work schedule for relocating the water main shall be coordinated with the Caltrans bridge widening project.

   H. Insurance
      The individual or firm receiving the contract shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontracts as set forth in Section 13 of Exhibit “A” which is attached hereto and incorporated by reference herein. Any requests for reduction in the insurance amount shall be included in the proposal. **The cost of such insurance shall be included in the consultant’s proposal.**

   I. Consultant Agreement
      The City’s standard consultant services agreement is attached as Exhibit “A”. Please identify if your firm would have any issues with the provisions of the City’s standard consulting services agreement. All requests for amendments to language in the agreement must be included in the proposal.
EVALUATION CRITERIA
Proposals will be evaluated on the basis of the following criteria:

- Capabilities and resources of the firm.
- Qualifications and experience of key individuals.
- Schedule for completion of work.

The above selection criteria are provided to assist proposers and are not meant to limit other considerations that may become apparent during the course of the selection process.

Proposals will be reviewed and evaluated by the City of Fort Bragg and a recommendation for award of contract will be presented to the Fort Bragg City Council.

OTHER CONSIDERATIONS
The City of Fort Bragg reserves the right to reject any and all proposals. This Request for Proposals does not commit the City to award contract, pay any costs incurred in the preparation of proposals, or to procure or contract for supplies or services.

The City of Fort Bragg reserves the right to negotiate with any qualified source or to cancel, in part or in its entirety, this Request for Proposals, if it is in the best interest of the City to do so. The City may require the selected consultant to participate in negotiations, and submit such price, technical or other revisions of the proposal that may result from negotiations.

QUESTIONS
Questions should be directed to:

Tom Z. Varga, Public Works Director
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437
(707) 961-2823
E-mail: tvarga@fortbragg.com

ATTACHMENTS
Exhibit “A” – City’s standard Professional Services Agreement
Exhibit “B” – Proposed Project Schedule
Receive Report and Consider Adoption of City Council Resolution Approving Water Department Shutoff Policy in Compliance with Senate Bill 998
AGENDA ITEM SUMMARY

TITLE: Receive Report and Consider Adoption of City Council Resolution Approving Water Department Shutoff Policy in Compliance with Senate Bill 998

ISSUE: Intended to minimize the number of Californians who lose access to water service due to their inability to pay, Senate Bill 998 ("SB 998") provides additional procedural protections before residential water service can be discontinued. These protections apply to water service provided by an “urban and community water system,” a “public water system,” and an “urban water supplier” as those terms are defined. Among other things, SB 998 requires specified water providers to have a written policy on discontinuation of services, prohibits discontinuance until accounts are at least 60 days delinquent, requires 7 business days’ notice before discontinuance, and prohibits discontinuance when doing so would pose a serious threat to the health and safety of a resident if the customer demonstrates an inability to pay and is willing to make payments via alternative methods.

The City is required to comply with SB 998 by April 1, 2020. The changes required to bring the City into compliance are as follows:

1. Adopt a comprehensive shutoff policy by resolution.
2. Adopt an ordinance to remove all shutoff language currently found in the City’s municipal code (various sections of Chapter 14.04).
3. Update the City’s fee schedule to comply with shutoff fee limitations.
4. Post the new shutoff policy to the City’s website (translated into multiple languages).
5. Create multiple new forms including new door hangars and updating our phone notification script.
6. Annually report the number of shutoffs on the City’s website to the State Water Resources Control Board.

OVERVIEW OF CURRENT POLICY AND PROCEDURE:
Some key aspects of the City’s current policy are as follows:

- The City of Fort Bragg has set the water billing period to be the tenth day of the month following the month of service delivery and deems water bills delinquent if not paid by the third day of the month following the billing period (Resolution 4065-2018).
- Any water customer who is unable to pay their bill by the due date may request an alternative payment arrangement with the Finance Department by phone or at the counter. No specific reason is required in order to request an alternative payment arrangement and notably Finance staff does not request a doctor’s note or income...
verification. Therefore, the City’s current policy already exceeds the SB 998 requirement that water accounts may not be terminated when such termination causes a health risk to the water customer or the customer can verify extreme poverty.

- Alternative payment arrangement terms are offered at the discretion of the Finance Department but generally require a partial down payment with the balance due within one to two weeks.
- If a customer defaults on their alternative payment arrangement twice in a one-year period, a third alternative payment arrangement is not offered.
- When a customer defaults on their alternative payment arrangement, the water service is terminated immediately and a shut-off fee assessed.
- Fees to resume service are set at $62 during normal business hours and $200 after hours.

Timeline Using Hypothetical $100 Water Bill with Current Policies and Procedures

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<tr>
<th>Event Date</th>
<th>Event Description</th>
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</thead>
<tbody>
<tr>
<td>Feb. 10</td>
<td>Water billing period ends; Bill amount: $100</td>
</tr>
<tr>
<td>Mar. 3rd</td>
<td>Deadline for payment of Jan. service</td>
</tr>
<tr>
<td>Mar. 16th</td>
<td>48 hour notices sent</td>
</tr>
<tr>
<td>Mar. 17th</td>
<td>48 hour calls made</td>
</tr>
<tr>
<td>Mar. 19th</td>
<td>Final due date to avoid shut-off; Shut-off fee assessed</td>
</tr>
<tr>
<td>Mar. 20th</td>
<td>Water shut-off; Balance to resume service = $167</td>
</tr>
</tbody>
</table>

OVERVIEW OF UPDATED SB998 COMPLIANT POLICY AND PROCEDURE:
Several aspects of the current policy and procedure will not change under the new policy and procedure:

- The City of Fort Bragg will continue to set the water billing period to be the tenth day of the month following the month of service delivery and deem water bills delinquent if not paid by the third day of the month following the billing period (Resolution 4065-2018).
- Any water customer who is unable to pay their bill by the due date may request a payment plan with the Finance Department by phone or at the counter. No specific reason is required in order to request a payment plan and notably Finance staff will not request a doctor’s note or income verification.
The only requirement to avoid water shutoff is a willingness to enter into an alternate payment arrangement (a/k/a payment plan or amortization).

Some aspects however will change in order to comply with SB 998:

- Payment plans will specifically require a 20% down payment.
- Payment plans will be extended to 60 days rather than 1-2 weeks.
- The City will not shut off water service until the water account is delinquent for 60 days. Likewise, the City will not shut off water service if a customer has entered into an alternative payment arrangement. If however a customer does not enter into an alternative payment arrangement or has entered into an alternative payment arrangement but is in default for 60 days, the City will proceed with shutoff.
- A final disconnection notice will be delivered to the premises where service is provided no less than 5 business days prior to shutoff and will be in the form of a door hanger.
- Fees to resume service will be reduced to $50 during normal business hours and $150 after hours.

**ANALYSIS:**
Staff believes SB 998 is well intentioned but may ultimately end up having the opposite effect of what is intended. Water customers who struggle to pay their water bills under the current system struggle with outstanding balances in the range of $200-$300. With payment terms increased from 1-2 weeks to 2-4 months, customers may find themselves facing an outstanding balance of $400-$600 or even more. Ultimately, staff believes more of the most
vulnerable members of our community may be faced with an outstanding water bill that they have little hope of overcoming.

To help with this unfortunate situation, City staff is actively searching for public assistance grants for water bills.

**RECOMMENDED ACTION:**
The attached policy has been reviewed by the Finance and Administration Committee and is recommended by the Committee for adoption.

**ALTERNATIVE ACTION(S):**
Provide direction to staff for further revisions of the policy.

**FISCAL IMPACT:**
Collection of overdue water bills may be delayed 2-4 months. An increased percentage of overdue water bills may become uncollectable.

**GREENHOUSE GAS EMISSIONS IMPACT:**
There is no direct greenhouse gas emissions impact with implementation of SB 998.

**IMPLEMENTATION/TIMEFRAMES:**
If approved the new shutoff policy will become effective April 1, 2020.

**ATTACHMENTS:**
1. Resolution
2. Draft Shutoff Policy
3. SB 998 – Full text

**NOTIFICATION:**
None.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING WATER DEPARTMENT SHUTOFF POLICY IN COMPLIANCE WITH SENATE BILL 998

WHEREAS, on September 28, 2018, California State Senate Bill 998 added chapter six (6) (commencing with Section 116900) part twelve (12) of Division 104 of the California Health and Safety Code, relating to water; and

WHEREAS, The City of Fort Bragg Water Department is an Urban and Community Water System (not regulated by the Public Utilities Commission) as defined in the added chapter; and

WHEREAS, Urban and Community Water Systems (not regulated by the Public Utilities Commission) are required to comply with the added chapter on or after April 1, 2020; and

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

1. The added chapter requires the City’s Water Department to have a written policy on discontinuation of residential water service for nonpayment and the policy shall include certain requirements.
2. The City’s current policy on discontinuation of residential water service for nonpayment does not meet the requirements of the added chapter.
3. The attached updated policy does meet the requirements of the added chapter.
4. Updating the City Water Department’s policy on discontinuation of residential water service for nonpayment is one of several steps necessary to bring the City into compliance with the added chapter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the Water Department Shutoff Policy in compliance with SB 998 attached hereto as 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 10th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

______________________________
WILLIAM V. LEE
Mayor
ATTEST:

June Lemos, CMC
City Clerk
City of Fort Bragg Water Department
Shut-off Policy

Purpose/Background:
This policy enumerates the City of Fort Bragg Water Department’s (hereinafter referred to as “City Water Department”) administrative actions for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of service. This policy will be made available to the public on the City Water Department’s website. The City Water Department may be contacted by phone at (707) 961-2825 to discuss options for averting termination of water service for nonpayment under the terms of this policy.

Text of policy:
As an urban or community water system that supplies water to more than 200 service connections, the City Water Department is governed by Senate Bill No. 998.

Delinquent Account:
The City Council of the City of Fort Bragg has set the water billing period to be the tenth day of the month following the month of service delivery and deems water bills delinquent if not paid by the third day of the month following the billing period (Resolution 4065-2018). The following rules shall apply to the collection of delinquent accounts:

1. Small Balance Accounts:
   Any balance on a bill of $20 or less may be carried over, and added to, the next billing period without being assessed a late fee or incurring further collection action.

2. Delinquent Notice:
   If payment for a bill is not received by close of business on the third day of the month following the billing period, a late fee will be assessed. The due date and late fee will be displayed prominently on the bill. Upon a bill becoming delinquent, the Water Department shall give the person or entity responsible for payment of the bill (hereinafter referred to as “customer”) a notice of delinquency stating that water service will be discontinued after sixty (60) days. The delinquent notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to "Occupant". The City Water Department assumes no responsibility for contact information that has not been kept up-
3. **Waiver of Late Fee:**
   At the request of the customer, the City Water Department will waive the late fee if there are extenuating circumstances and the customer has been assessed a late fee for delinquent payment no more than once in the proceeding twelve months.

4. **Alternative Payment Arrangements:**
   Any customer who is unable to pay for water service within the normal payment period may request an alternative payment arrangement to avoid late fees or disruption of service. The City Water Department shall not discontinue water service for non-payment if a customer has requested and entered into an alternative payment arrangement. Payment arrangements that extend into the next billing period are considered an amortization plan, which must be in writing and signed by the customer. A down payment of twenty (20) percent of the customer’s outstanding balance will be due at the time of signing. An amortization plan will amortize the remaining unpaid balance over a period not to exceed two (2) months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer’s regular bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

5. **First Disconnection Notice:**
   The City Water Department shall not discontinue water service for non-payment until payment by the customer has been delinquent for at least sixty (60) days. The Water Department shall give the customer a first notice of disconnection approximately thirty (30) days but in no event less than seven (7) business days before termination of service for non-payment. The written first disconnection notice will be mailed to the mailing address designated on the account. If the mailing address and the address of the property to which water service is provided are different, a second notice will be mailed to the service address and addressed to “Occupant”. The first written disconnection notice will include:
   - Customer’s name and address
   - Amount that is past due
Date by which payment or payment arrangements are required to avoid termination of service
Description of the process to apply for an amortization plan
Description of the process to dispute or appeal a bill
City Water Department phone number and a web link to the City Water Department’s written collection policy

a) Notice to Residential Tenants/Occupants in an Individually Metered Residence
The City Water Department will make a reasonable, good faith effort to inform the occupants, by means of written notice, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City Water Department without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at that address. In order for the amount due on the delinquent account to be waived, the tenant/occupant must provide verification of tenancy in the form of a rental agreement or proof of rent payments.

b) Notice to Tenants/Occupants in a Multi-Unit Complex Served through a Master Meter
The City Water Department will make a reasonable, good faith effort to inform the occupants, by means of written notice hung on the door of each residence, when the water service account is in arrears and subject to disconnection at least ten (10) days before water service is shut off. The written notice will advise the tenant/occupant that they have the right to become customers of the City Water Department without being required to pay the amount due on the delinquent account, as long as they are willing to assume financial responsibility for subsequent charges for water service at the address(es) served by the master meter. If one or more of the occupants are willing and able to assume responsibility for the subsequent charges for water service to the satisfaction of the City Water Department, or if there is a physical means, legally available to the City Water Department, of selectively terminating service to those occupants who have not met the requirements for service, the City Water Department will make service available to the occupants who have met those requirements.
If the written first disconnection notice is returned through the mail as undeliverable, the City Water Department will make a reasonable, good faith effort to visit the residence and leave a notice of discontinuance for non-payment.

6. **Final Disconnection Notice:**
Failure to comply with the terms of an amortization plan for sixty (60) days or more or failure to pay current residential service charges for sixty (60) days or more will result in the issuance of a final disconnection notice. The final disconnection notice will be in the form of a door hanger delivered to the premises no less than five (5) business days in advance of discontinuance of service.

7. **Forty-eight (48) Hour Courtesy Call:**
The City Water Department will make a reasonable, good faith effort to notify the customer 48 hours in advance of disconnection of water service for non-payment. The means of notification will be by phone. Customer accounts may be designated to receive notification by text message if requested by Customer. The forty-eight (48) hour courtesy call is meant entirely as a courtesy and failure of the Water Department to send the notice or failure by the customer to receive the notice shall not constitute an acceptable reason for non-payment or delay of disconnection.

8. **Disconnection Deadline:**
All delinquent water service charges and associated fees must be received by the City Water Department by 5:00p.m. on the day specified in the written disconnection notice.

9. **Disconnection of Water Service for Non-Payment:**
The City Water Department will disconnect water service by turning off, and in some cases locking off, the meter. Before service is disconnected, the customer will be notified by a delinquent notice, a first disconnection notice, a final disconnection notice and a forty-eight (48) hour courtesy call. The customer will be charged a fee to re-establish service in the billing system regardless of whether the meter has physically been turned off. The meter will be locked in the off position if payment is not received within 7 days of initial disconnection.

10. **Re-establishment of Service:**
In order to resume or continue service that has been disconnected for non-payment, the customer must pay a re-establishment fee. The City Water
Department will endeavor to reconnect service as soon as practicable but, at a minimum, will restore service before the end of the next regular working day following payment of any past due amount and delinquent fees attributable to the termination of service. Water service that is turned on by any person other than City Water Department personnel or without City Water Department authorization may be subject to fines or additional charges or fees. Any damages that occur as a result of unauthorized restoration of service are the responsibility of the customer.

11. Re-establishment of Service After Business Hours:
Service restored after 3:00 pm Monday through Friday, weekends, or holidays will be charged an after-hours re-establishment fee. Service will not be restored after regular business hours unless the customer has been informed of the after-hours re-establishment fee and has signed an agreement acknowledging the fee and agreeing to contact the City Water Department’s billing department no later than noon the following business day to pay the subject fee. The after-hours re-establishment fee is in addition to the regular re-establishment fee and the late fee for a past due account. City Water Department staff responding to service calls are not permitted to collect payment but will instruct the customer to contact the billing department before noon the following business day.

12. Notification of Disposition of Returned Check:
Upon receipt of a returned check taken as payment of water service or other charges, the City Water Department will consider the account not paid. The City Water Department will make a reasonable, good faith effort to provide a 48-hour courtesy notice of termination of service due to a returned check. The means of notification will be by phone. Customer accounts may be designated to receive notification by text message if requested by Customer.

Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card or certified funds.

13. Returned Checks for Previously Disconnected Service:
In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment and the City Water Department restores service, the City Water Department may promptly disconnect service without providing further notice. No 48-hour notice of
termination will be given in the case of a non-negotiable check tendered for payment of water charges that were subject to discontinuance.

Any customer issuing a non-negotiable check as payment to restore service turned off for non-payment will be required to pay cash, credit card or certified funds to restore future service disconnections for a period of 12 months from the date of the returned payment.

14. Disputed Bills:
If a customer disputes a bill, they must follow the procedure outlined in the City’s Municipal Code chapter 14.04.034. Appeals must be in writing and must be filed no later than (15) days after a delinquency notice has been issued. If a customer disputes the water bill and exercises their right to appeal to the City Manager, the City Water Department will not disconnect water service for non-payment while the appeal is pending.
SB 998 Discontinuation of residential water service: urban and community water systems. (2017-2018)

Senate Bill No. 998

CHAPTER 891

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

[ Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 998, Dodd. Discontinuation of residential water service: urban and community water systems.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account, as prescribed.

This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request. The bill would provide for enforcement of these provisions, including making a violation of these provisions punishable by a civil penalty issued by the board in an amount not to exceed $1,000 for each day in which the violation occurs, and would require the enforcement moneys collected by the board to be deposited in the Safe Drinking Water Account. The bill would prohibit an urban and community water system from discontinuing residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on discontinuation of residential service for nonpayment no less than 7 business days before discontinuation of residential service, as prescribed.

This bill would prohibit residential service from being discontinued under specified circumstances. The bill would require an urban and community water system that discontinues residential service to provide the customer with information on how to restore service. The bill would require an urban and community water system to waive interest charges on delinquent bills for, and would limit the amount of a reconnection of service fee imposed on, a residential customer who demonstrates, as prescribed, to the urban and community water system household income below 200% of the federal poverty line. The bill would require an urban and community water system
that furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit structure, mobilehome park, or permanent residential structure in a labor camp, and that the owner, manager, or operator of the dwelling, structure, or park is the customer of record, to make every good faith effort to inform the residential occupants by written notice that service will be terminated and that the residential occupants have the right to become customers, as specified. The bill would require an urban and community water system to report the number of annual discontinuations of residential service for inability to pay on its Internet Web site and to the board, and the bill would require the board to post on its Internet Web site the information reported. The bill would require an urban water supplier, as defined, or an urban and community water system regulated by the commission, to comply with the bill’s provisions on and after February 1, 2020, and any other urban and community water system to comply with the bill’s provisions on and after April 1, 2020. The bill would provide that the provisions of the bill are in addition to the provisions in existing law duplicative of the bill and that where the provisions are inconsistent, the provisions described in the bill apply.

Vote: majority  Appropriation: no  Fiscal Committee: yes  Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares as follows:

(a) All Californians have the right to safe, accessible, and affordable water as declared by Section 106.3 of the Water Code.

(b) It is the intent of the Legislature to minimize the number of Californians who lose access to water service due to inability to pay.

(c) Water service discontinuations threaten human health and well-being, and have disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with life-threatening medical conditions.

(d) When there is a delinquent bill, all Californians, regardless of whether they pay a water bill directly, should be treated fairly, and fair treatment includes the ability to contest a bill, seek alternative payment schedules, and demonstrate medical need and severe economic hardship.

(e) The loss of water service causes tremendous hardship and undue stress, including increased health risks to vulnerable populations.

(f) It is the intent of the Legislature that this act provide additional procedural protections and expand upon the procedural safeguards contained in the Public Utilities Code and Government Code as of January 1, 2018, relating to utility service disconnections.

SEC. 2. Chapter 6 (commencing with Section 116900) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 6. Discontinuation of Residential Water Service

116900. This chapter shall be known, and may be cited, as the Water Shutoff Protection Act.

116902. For the purposes of this chapter, the following definitions apply:

(a) “Board” means the State Water Resources Control Board.

(b) “Public water system” has the same meaning as defined in Section 116275.

(c) “Residential service” means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing.

(d) “Urban and community water system” means a public water system that supplies water to more than 200 service connections.

(e) “Urban water supplier” has the same meaning as defined in Section 10617 of the Water Code.

116904. (a) An urban water supplier not regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020.
(b) An urban and community water system regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020. The urban and community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

116906. (a) An urban and community water system shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

(1) A plan for deferred or reduced payments.

(2) Alternative payment schedules.

(3) A formal mechanism for a customer to contest or appeal a bill.

(4) A telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment.

(b) The policy shall be available on the urban and community water system’s Internet Web site, if an Internet Web site exists. If an Internet Web site does not exist, the urban and community water system shall provide the policy to customers in writing, upon request.

(c) (1) The board may enforce the requirements of this section pursuant to Sections 116577, 116650, and 116655. The provisions of Section 116585 and Article 10 (commencing with Section 116700) of Chapter 4 apply to enforcement undertaken for a violation of this section.

(2) All moneys collected pursuant to this subdivision shall be deposited in the Safe Drinking Water Account established pursuant to Section 116590.

116908. (a) (1) (A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, an urban and community water system shall contact the customer named on the account by telephone or written notice.

(B) When the urban and community water system contacts the customer named on the account by telephone pursuant to subparagraph (A), it shall offer to provide in writing to the customer the urban and community water system’s policy on discontinuation of residential service for nonpayment. An urban and community water system shall offer to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.

(C) When the urban and community water system contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer’s address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential service is provided, addressed to “Occupant.” The notice shall include, but is not limited to, all of the following information in a clear and legible format:

(i) The customer’s name and address.

(ii) The amount of the delinquency.

(iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.

(iv) A description of the process to apply for an extension of time to pay the delinquent charges.

(v) A description of the procedure to petition for bill review and appeal.

(vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the written policies provided pursuant to subdivision (a) of Section 116906.
(2) If the urban and community water system is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the urban and community water system shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the urban and community water system’s policy for discontinuation of residential service for nonpayment.

(b) If an adult at the residence appeals the water bill to the urban and community water system or any other administrative or legal body to which such an appeal may be lawfully taken, the urban and community water system shall not discontinue residential service while the appeal is pending.

116910. (a) An urban and community water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

(1) The customer, or a tenant of the customer, submits to the urban and community water system the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

(2) The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system’s normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system’s normal billing cycle if any member of the customer’s household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

(3) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906, with respect to all delinquent charges.

(b) (1) If the conditions listed in subdivision (a) are met, the urban and community water system shall offer the customer one or more of the following options:

(A) Amortization of the unpaid balance.

(B) Participation in an alternative payment schedule.

(C) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(2) The urban and community water system may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. An urban and community water system may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.

(B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

116912. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service.
116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars ($50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars ($150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months.

(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the urban and community water system shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(c) The urban and community water system is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the urban and community water system’s rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the urban and community water system, or if there is a physical means legally available to the urban and community water system of selectively terminating service to those residential occupants who have not met the requirements of the urban and community water system’s rules and tariffs, the urban and community water system shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the urban and community water system, residence and proof of prompt payment of rent or other credit obligation acceptable to the urban and community water system for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the urban and community water system pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the urban and community water system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban and community water system may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.
116918. An urban and community water system shall report the number of annual discontinuations of residential service for inability to pay on the urban and community water system’s Internet Web site, if an Internet Web site exists, and to the board. The board shall post on its Internet Web site the information reported.

116920. (a) The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.

(b) For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this chapter to be unlawful.

116922. All written notices required under this chapter shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the urban and community water system’s service area.

116924. Where provisions of existing law are duplicative of this chapter, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

116926. This chapter does not apply to the termination of a service connection by an urban and community water system due to an unauthorized action of a customer.
Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 958-2020 Repealing and Replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998
TITLE:
Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 958-2020 Repealing and Replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) of the Fort Bragg Municipal Code to Remove Water Department Shut-Off Requirements in Preparation for Implementation of Senate Bill 998

ISSUE:
Intended to minimize the number of Californians who lose access to water service due to their inability to pay, Senate Bill 998 (“SB 998”) provides additional procedural protections before residential water service can be discontinued. These protections apply to water service provided by an “urban and community water system,” a “public water system,” and an “urban water supplier” as those terms are defined. Among other things, SB 998 requires specified water providers to have a written policy on discontinuation of services, prohibits discontinuance until accounts are at least 60 days delinquent, requires 7 business days’ notice before discontinuance, and prohibits discontinuance when doing so would pose a serious threat to the health and safety of a resident if the customer demonstrates an inability to pay and is willing to make payments via alternative methods.

The City is required to comply with SB 998 by April 1, 2020. The changes required to bring the City into compliance are as follows:

1. Adopt a comprehensive shutoff policy by resolution.
2. Adopt an ordinance to remove all shutoff language currently found in the City’s municipal code. (Various sections of Chapter 14.04).
3. Update the City’s fee schedule to comply with shutoff fee limitations.
4. Post the new shutoff policy to the City’s website (translated into multiple languages).
5. Create multiple new forms including new door hangers and updating our phone notification script.
6. Annually report the number of shutoffs on the City’s website to the State Water Resources Control Board.

ANALYSIS:
Some aspects of the City’s Water Department shutoff policy currently are enacted in various sections of chapter 14.04 of title 14 of the City’s municipal code. Staff recommends that Chapter 14.04 of the municipal code be repealed and replaced as outlined in the attached draft (to be reviewed). Staff recommends that the shutoff policy instead be adopted by resolution.
**RECOMMENDED ACTION:**
The attached revisions to the City's municipal code have been reviewed by the Finance and Administration Committee and are recommended by the Committee for adoption. Staff recommends that Council introduce by title only and waive the first reading of Ordinance No. 958-2020.

**ALTERNATIVE ACTION(S):**
Provide direction to staff for further revisions of the municipal code.

**FISCAL IMPACT:**
None.

**GREENHOUSE GAS EMISSIONS IMPACT:**
There is no direct greenhouse gas emissions impact with the proposed changes to the City’s municipal code.

**IMPLEMENTATION/TIMEFRAMES:**
If approved, Ordinance No. 958-2020 will become effective April 1, 2020.

**ATTACHMENTS:**
1. Ordinance No. 958-2020

**NOTIFICATION:**
N/A.
AN ORDINANCE REPEALING AND REPLACING CHAPTER 14.04 (WATER DEPARTMENT AND REGULATIONS) OF TITLE 14 (WATER AND SEWERS) OF THE FORT BRAGG MUNICIPAL CODE TO REMOVE WATER DEPARTMENT SHUT-OFF REQUIREMENTS

ORDINANCE NO. 958-2020

WHEREAS, on September 28, 2018 California State Senate Bill 998 added chapter six (6) (commencing with Section 116900) part twelve (12) of Division 104 of the California Health and Safety Code, relating to water; and

WHEREAS, The City of Fort Bragg Water Department is an Urban and Community Water System (not regulated by the Public Utilities Commission) as defined in the added chapter; and

WHEREAS, Urban and Community Water Systems (not regulated by the Public Utilities Commission) are required to comply with the added chapter on or after April 1, 2020; and

NOW, THEREFORE, the City Council ordains as follows:

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

1. The added chapter to the California Health and Safety Code requires the City’s Water Department to have a written policy on discontinuation of residential water service for nonpayment and the policy shall include certain requirements.

2. The City’s current policy on discontinuation of residential water service for nonpayment as enacted in the municipal code does not meet the requirements of the added chapter.

3. The City Council has adopted by resolution a policy that meets the requirements of the added chapter.

4. Repealing and replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) will clarify that the Water Department written policy on discontinuation of residential water service for nonpayment shall be adopted by resolution.

5. Repealing and replacing Chapter 14.04 (Water Department and Regulations) of Title 14 (Water and Sewers) will remove language related to discontinuation of residential water service for nonpayment from the municipal code thereby avoiding any inconsistency with the policy recently adopted by resolution.

6. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to
Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

TITLE 14 – WATER AND SEWERS

Chapter 14.06 entitled WATER DEPARTMENT AND REGULATIONS is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.06: AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS

Section
14.04.010 Establishment of water department
14.04.020 Rate establishment
14.04.030 Water billing – failure to pay – action
14.04.032 Water billing – notice of delinquency
14.04.034 Water billing – contest of payment – hearing procedure
14.04.035 Water billing – action prior to shutoff for nonpayment
14.04.036 Water billing – delinquent account – service shutoff for nonpayment – penalty charge
14.04.038 Water billing – delinquent account – service resumption upon payment – fee
14.04.040 Inspection by Water Department
14.04.050 Application for water service
14.04.060 Use of meter
14.04.070 Keeping access to meter free from obstructions required
14.04.080 Vacating premises served – notification of Water Department – action
14.04.090 Laying out service
14.04.100 Tampering with Water Department properties
14.04.110 No water service at new address until previous bill paid
14.04.120 [Reserved]
14.04.125 Wells for domestic use
14.04.127 Wells for nondomestic use
14.04.130 Shutting off water
14.04.140 Service to be made to property line
14.04.150 Applicants – credit establishment – requirements
14.04.155 Applicants – credit establishment – cash deposit
14.04.160 Process for handling of unpaid bills
14.04.170 Separate water meters when possible
14.04.180 Outside City water users
14.04.190 Rates
14.04.200 Basis for rates for residential properties, trailer courts, and mobile home parks
14.04.210 Definition of dwelling unit
14.04.220 Storm water for non domestic use
14.04.230 Gray water for non domestic use
14.04.010 ESTABLISHMENT OF WATER DEPARTMENT.

A department to be known as the “City of Fort Bragg Water Department,” hereinafter referred to as “Water Department” is established. The Water Department shall have charge and control of the water system of the City and of all things necessary or incidental to the conduct and management of the department. The department shall be subject to the control at all times of the City Council.

14.04.020 RATE ESTABLISHMENT.

Water rates shall be established and fixed by resolution of the City Council at any regular meeting of the City Council.

14.04.030 WATER BILLING – FAILURE TO PAY – ACTION.

Water billing periods, and delinquency dates, and the Water Department shut-off policy shall be established and fixed by City Council resolution except for discontinued service which shall be billed as provided by § 14.04.080. Upon a bill becoming delinquent, the Water Department shall give the person or entity responsible for payment of the bill (hereinafter referred to as “consumer”) a notice of delinquency stating that water service will be discontinued within fifteen (15) days of the date of deposit of the notice of delinquency in the United States mail, unless the person to whom the notice is addressed requests a hearing as specified in § 14.04.034. Such notices shall be sent first class mail, postage prepaid, to the consumer responsible for payment of the water bill at such consumer’s last known address. This notice may be sent with the next scheduled water billing, or separately, within the discretion of the Water Department.

14.04.032 WATER BILLING – NOTICE OF DELINQUENCY.

The notice of delinquency referred to in § 14.04.030 shall specify that the records of the Water Department indicate that the consumer responsible for payment of the water bill has an unpaid water bill which is more than twenty days past due and specify the amount due. The notice shall further state the consumer’s right to request an administrative hearing before the City Manager or his duly authorized representative to contest payment of the water bill. The consumer shall be advised in the notice of delinquency to notify the City Manager within the fifteen (15) day period if a hearing is desired.

14.04.034 WATER BILLING – CONTEST OF PAYMENT – HEARING PROCEDURE.

A. Requests for investigation of disputed bills shall be filed in writing with the City for consideration by the City Manager or his/her designee. A disputed account will not be accepted as justification for nonpayment of a bill, and a service will be subject to discontinuance unless payment in full is made pending a settlement of the dispute.

B. The consumer shall be notified in writing of the City Manager’s decision.
C. If the decision is in favor of the consumer, the consumer’s water account shall be adjusted accordingly.

D. If the decision is against the consumer, the consumer shall be afforded an appeal in accordance with the procedures described in Chapter 1.08.

14.04.035 WATER BILLING — ACTION PRIOR TO SHUTOFF FOR NONPAYMENT.

Prior to shutting off a delinquent account, the Water Department shall make a reasonable effort to contact the delinquent consumer at least 72 hours prior to the service being disconnected. Whenever telephone or personal contact cannot be made, the Water Department shall give notice by mail or by posting at the premises, at least 48 hours prior to shut off.

14.04.036 WATER BILLING – DELINQUENT ACCOUNT – SERVICE SHUTOFF FOR NONPAYMENT – PENALTY CHARGE.

In the event that a consumer does not request a hearing or does request a hearing and the matter is finally decided against the consumer, water service shall be shut off to the consumer unless the delinquent account is paid in full within fifteen sixty (1560) days from the date of mailing of the City Manager’s decision if a hearing is held but no appeal is filed or five sixty (560) days after the decision on an appeal by the City Council, if an appeal is taken. Pursuant to the authority of Cal. Government Code § 54548, in addition to the delinquent principal amount, a penalty of five percent (5%) shall be added twenty (20) days from the billing date. With respect to all accounts thereafter, with a balance of $5.0020.00 or more, the penalty of five percent (5%) will be automatically added. Consumers will then have fifteen sixty (1560) days from the postmark of the reminder notice, to pay said accounts in full, or service will be terminated. Upon termination of service, in addition to the penalties set forth herein, all delinquent principal and penalties shall bear interest at the rate of one-half percent (1/2%) per month, until paid.

14.04.038 WATER BILLING – DELINQUENT ACCOUNT – SERVICE RESUMPTION UPON PAYMENT – FEE.

Water service will be resumed to a delinquent consumer only upon payment in full of the delinquent bill plus penalties accrued. A reasonable final notice penalty fee will be charged by the Water Department as set by City Council resolution. This fee must be paid to the City prior to resumption of water service.

14.04.040 INSPECTION BY WATER DEPARTMENT.

Any duly authorized agent of the Water Department shall have the authority to enter any building or premises for the purpose of investigating the property of any applicant or consumer of water in order to view the water pipes and equipment connected therewith. Except in emergency situations, such agents of the Water Department shall not enter any building or premises without the consent of the owner or occupant thereof, unless an investigation warrant authorizing such entry and investigation is first obtained. No person shall hinder or prevent the
agents of the Water Department while in the performance of the duties herein described from entering upon and into any and all property at all reasonable hours for the purpose of inspection of the same in order to carry out the provisions of this chapter. No person excepting a duly authorized agent of the Water Department shall turn the water on or off from any building or premises, and no person shall tap, cut or move any water pipe laid in streets or alleys, unless permission to do so has been granted by the Water Department supplying the water. Each service must have a shut off valve between the meter and the house, and the valve is to be supplied by the owner. This valve is to be used in case of repairs to pipes or appliances on owner’s property.

14.04.050 APPLICATION FOR WATER SERVICE.

Before water is supplied to any person from the mains of the City Water Department, the owner thereof shall make application for water service on such forms as may be provided by the City for that purpose.

14.04.060 USE OF METER.

Where metered services are installed, the water shall pass through the meter and no bypass or connection between the main and the property shall be made, maintained or permitted except as may be installed by permission of the water superintendent for fire services.

14.04.070 KEEPING ACCESS TO METER FREE FROM OBSTRUCTIONS REQUIRED.

It shall be the duty of each consumer to keep the space about the meter or shut-off box servicing his property free and clean of trash, garbage, barrels, boxes, dirt, oil, building material or other obstructions that may in any way interfere with the free access to the same by the employees of the Water Department at any time; and, upon failure to do so, the Water Department may cause notice, either in writing or in person, to the owner or occupant of the property to remove such obstruction within 24 hours; and, on failure to do so, the obstruction may be removed by the Water Department and the cost thereof charged against the property owner thereof, shall become a lien against the property and shall be due and payable at the same time and in the same manner as other charges provided for in § 14.04.020.

14.04.080 VACATING PREMISES SERVED – NOTIFICATION OF WATER DEPARTMENT – ACTION.

Whenever a consumer vacates any premises, he or she shall immediately give notice thereof to the Water Department. Upon receipt of such notice, the Water Department shall shut off the water from the premises and immediately present to the consumer all unpaid bills for water furnished by the City to him up to that time and the consumer shall thereupon pay the bills. In the event that the consumer has made a deposit with the department, the balance, if any, of such deposit shall be returned to the consumer after deducting therefrom the amount of the bills. Until such notice and payment has been made, premises shall be deemed occupied by such consumer and his liability continued, as well as that of the property owner for unpaid bills.
14.04.090  LAYING OUT SERVICE.

When property to be served is a part or subdivision on a lot or lots originally abutting on a water main, but because of the subdivision has been separated from the main by another property, the serving shall be laid to the nearest property line.

14.04.100  TAMPERING WITH WATER DEPARTMENT PROPERTIES.

It is unlawful for any person to open any street hydrant, stop cock or gate valve or to tamper with or interfere with any street service, water connection, reservoir, pumping plant or any water meter attached to any service pipe connected with the City mains or water pipes or hydrants of the City, or to turn on and off water mains or water pipes of the City, or to tap, break or injure any water main, water pipe, meter or other fittings of the City laid in any street, avenue, alley or other public place or to tamper with, deposit or cause to be deposited in any water main or pipe of the City any fluid or solid matter or substance of any kind or to do any act that might cause water to become polluted, or to take, pump or draw water from any water main, pipe or hydrant of the City without first arranging with the Water Department for the same and paying the established rate therefor.

14.04.110  NO WATER SERVICE AT NEW ADDRESS UNTIL PREVIOUS BILL PAID.

No water service shall be furnished to any person at a new address so long as such person has an unpaid water bill against him at a former address.

14.04.120  [RESERVED].

14.04.125  WELLS FOR DOMESTIC USE.

A.  For the purposes of this chapter, wells for domestic use, shall be construed as wells for residential, commercial and industrial uses with water quality suitable for human consumption and other personal needs.

B.  The City will allow connection of appropriately permitted new domestic wells only during a time of a water hook-up moratorium, i.e. where a moratorium on water connections or added use has been imposed by a state agency or the City, or when there is an absence of infrastructure to serve the property. Once the moratorium is lifted or the necessary infrastructure is provided, the property owner must connect to the City water system within sixty days of written notice from the City and convert the domestic well to a nondomestic well (see § 14.04.127).

C.  EXCEPTIONS:

1. Domestic wells existing prior to June 9, 1994 shall be recognized by the City as legally allowable.

2. The City may allow domestic wells on a permanent basis in lieu of connecting to the City’s water system under specified circumstances. Specified circumstances would include, but are not limited to:
a. A well having hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and there that would be no significant impact on adjacent ground water wells; and

b. The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency.

D. Where any well is located on a property where there is also a connection to the City’s water system, there must be an approved backflow prevention device installed at the water service connection.

14.04.127 WELLS FOR NONDOMESTIC USE.

Wells for landscaping, irrigation or industrial purposes shall be allowed on any City lot. Such well shall meet the City’s backflow preventive standards and shall be used for no other purpose but supporting the irrigation system or industrial use.

14.04.130 SHUTTING OFF WATER.

The City reserves the right to shut off the water from any premises or from any part of the distributing system as long as necessary without notice to consumers at any time when the exigencies of the occasion may require it, but in all cases of extensions or connections, the Water Department will notify consumers of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action.

14.04.140 SERVICE TO BE MADE TO PROPERTY LINE.

When service of water is made to property, it shall be made to the property line.

14.04.150 APPLICANTS – CREDIT ESTABLISHMENT – REQUIREMENTS.

A. Each applicant for water service will be required to satisfactorily establish credit.

B. Credit will be deemed established as follows:

1. If the applicant is the legal owner of the property to be served and there are no delinquent taxes, assessments or liens outstanding against the property;

2. If the applicant makes a cash deposit in the amount specified in § 14.04.155;

3. If the applicant furnishes a sufficient guarantee executed by a corporate or individual surety acceptable to the Director of Finance to secure payment;

4. If the applicant has previously paid all water bills for water service previously supplied by the City to applicant;
5. If the applicant has sufficient established credit references which, in the opinion of the Director of Finance, warrant establishment of water service without cash deposit or guarantee.

14.04.155 APPLICANTS – CREDIT ESTABLISHMENT – CASH DEPOSIT.

A. The amount of the cash deposit set forth in § 14.04.150 to establish credit for water service for residential accounts shall be no more than twice the amount of the estimated average periodic bill or, in the event monthly billing is instituted, no more than three times the estimated average monthly bill. The amount of cash deposit for commercial accounts shall be at the discretion of the Director of Finance.

B. Upon discontinuance of water service, the City will refund the cash water deposit in excess of any unpaid amount owed the City. Credit must be reestablished under the following conditions:

1. In the event water is shut off;

2. Where more than two (2) notices of delinquency are sent to a customer within a one-year period unless such a notice is sent erroneously or the amounts alleged to be due from the consumer in the notice are determined not to be due to the City;

3. In the event a consumer of an owner-occupied residence or business pays all water bills owed to the City within a two-year period, any cash deposit held by the City shall be refunded.

14.04.160 PROCESS FOR HANDLING OF UNPAID BILLS.

A. All unpaid delinquent water bills for service shall be referred to a collection agency after closing the account and applying any security deposit on file with the City.

B. In the event the collection agency is unsuccessful in collection of the water bill, the bill for service shall be a lien on the property served with the water and shall be collected and enforced in the same manner that unpaid City taxes on the property are collected and enforced.

14.04.170 SEPARATE WATER METERS WHEN POSSIBLE.

A. Each separate ownership shall have a separate water meter, and if one owner has several contiguous properties, each property shall have a separate water meter wherever it is possible to divide and sell the property in accordance with Title 18.

B. In all cases where one meter serves several separate properties under one ownership, the owner shall pay the water bill and not the renters or lessees.

C. The alternative to this is the installation of separate water meters.

D. Effective, March 25, 1999, in all cases where a second living unit is built on one property, each living unit shall have separate water meters.
14.04.180 OUTSIDE CITY WATER USERS.

Outside City water shall be considered on an individual basis on application to City Council.

14.04.190 RATES.

The water rates applicable upon the passage of this chapter shall be those set forth by resolution of City Council, on file in the office of the City Clerk, incorporated herein; and those rates may be changed from time to time by resolution of the City Council.

14.04.200 BASIS FOR RATES FOR RESIDENTIAL PROPERTIES, TRAILER COURTS, AND MOBILE HOME PARKS.

Single family residential properties (including condominiums) and multiple-family residential properties shall be charged water rates as set by City Council resolution.

14.04.210 DEFINITION OF DWELLING UNIT.

A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for ten (10) or less persons.

14.04.220 STORM WATER FOR NON DOMESTIC USE.

Storm water is derived from rainfall and runoff which can be conveyed from rooftops to rain barrels or other tanks plumbed via rain gutters and stored or used directly in landscaping. Storm water directed to landscaped areas infiltrates into soils reducing some irrigation needs, recharges the groundwater table and reduces storm water runoff that may cause hydromodification (chronic channel erosion) and/or pollution in receiving waters. Use of water tanks is encouraged by 14.06.070 and does not require a permit under certain conditions. Services with actual or potential cross connections will be required to install an approved method of backflow prevention commensurate with the degree of hazard and type of hazard (see § 14.05.060).

14.04.230 GRAY WATER FOR NON DOMESTIC USE.

A. Gray water can be used to irrigate a landscape especially via underground conveyance to limit surface exposure. Because gray water has not been disinfected, it could be contaminated with disease-causing organisms. The following precautions are mandated:

1. Never use gray water for direct consumption.

2. Gray water must not be used directly on anything that may be eaten.

3. Gray water must not be sprayed, allowed to puddle, or run off property.
4. Use only water from clothes washing, bathing or the bathroom sink. Do not use water that has come in contact with soiled diapers, meat or poultry, or anyone with an infectious disease.

B. Gray water should be rotated with fresh water irrigation to leach out harmful build-up. Chlorine bleach may damage plants, especially if it touches the foliage. Biodegradable soaps appear to have the least harmful effects. Use of water tanks is encouraged by 14.06.070 and does not require a permit under certain conditions. Services with actual or potential cross connections will be required to install an approved method of backflow prevention commensurate with the degree of hazard and type of hazard (see § 14.05.060).

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect on April 1, 2020. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember __________ at a regular meeting of the City Council of the City of Fort Bragg held on February 10, 2020, and adopted at a regular meeting of the City of Fort Bragg held on February 24, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

____________________________
WILLIAM V. LEE,
Mayor

ATTEST:

____________________________
June Lemos, CMC
City Clerk

PUBLISH: February 13, 2020 and March 5, 2020 (by summary).
EFFECTIVE DATE: April 1, 2020.
Agenda Date: 2/10/2020

In Control: City Council

Agenda Number: 8D.

Receive Report and Consider Adoption of City Council Resolution Establishing a Provisional Business License Procedure Under SB 205 (Hertzberg) Regarding Stormwater Discharge Compliance
TITLE:
Receive Report and Consider Adoption of City Council Resolution Establishing a Provisional Business License Procedure Under SB 205 (Hertzberg) Regarding Stormwater Discharge Compliance

ISSUE:
Senate Bill 205 is a new law requiring California cities who issue business licenses to determine whether a business’s activities are subject to coverage under an Industrial General Permit (IGP) prior to issuing a business license. The California Governor signed Senate Bill 205 (Attachment 3) on October 2, 2019 and the bill became effective January 1, 2020.

The new law requires Business License Applicants to provide their Standard Industrial Classification (SIC) Code(s) under penalty of perjury on their Business License application. This requirement applies to all applications for initial and renewal Licenses submitted on or after January 1, 2020.

For businesses renewing their Business License, cities have the option of establishing a procedure allowing issuance of a provisional License for a maximum of three months, to allow time for businesses to submit the information required by the new state law. Staff is recommending this option be adopted through Resolution to assist regulated businesses in complying with the requirement.

ANALYSIS:
See attached Presentation.

RECOMMENDED ACTION:
Adopt Resolution establishing a provisional Business license Procedure for the temporary extension of 2019 business licenses for regulated businesses for a maximum of three months.

ALTERNATIVE ACTION(S):
Request additional information related to Report.

FISCAL IMPACT:
SB 205 constitutes an unfunded mandate, imposing additional regulatory requirements on local government. The state has exempted itself from having to pay for the costs of local government implementation of SB 205. Implementation will result in new costs to the City in the form of staff time for processing business licenses as well as staff training in explaining the procedure to impacted business owners. The time associated with processing will be greatest in years one and two of implementation. Each business license application is
anticipated to require 0.25 hour of staff time; those that are required to obtain permit coverage will require 1-2 hours more. Other cities have recommended a stormwater review fee to offset these costs.

**GREENHOUSE GAS EMISSIONS IMPACT:**
None.

**ATTACHMENTS:**
1. Presentation SB 205 Business Licenses: Stormwater Discharge Compliance
2. Industrial General Permit Excerpt – Attachment A
3. Senate Bill 205
4. SB 205 FAQ for Businesses
5. Permit Compliance Flow Chart
6. Resolution for Provisional License Extension

**NOTIFICATION:**
1. Storm Water News Notification List
2. Fort Bragg Downtown Businesses Notification List
SB 205 HERTZBERG . BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

An act to add Sections 16000.3 and 16100.3 to the Business and Professions Code, and to add Section 13383.10 to the Water Code, relating to business.
Cities Issuing Business Licenses Mandated by State to Verify National Pollution Discharge Elimination System (NPDES) Permit Compliance

- Effective January 1, 2020, California cities issuing business licenses are required to determine first whether a business's activities are subject to coverage under the Industrial General Permit (IGP).

- The Business License Applications and renewal forms shall be updated to include:
  1. **Primary Standard Industrial Classification (SIC) Codes applicable to the business's primary activity**
  2. **Declaration that the business either is or is not subject to the California Industrial Permit**
  3. **Line for Businesses Waste Discharge Identification (WDID) number when subject to the IGP**
NPDES Permit Compliance Provisions

- Upon receiving a business license application, City staff will determine whether the Standard Industrial Classification Code (SIC), is regulated by the Industrial General Permit (IGP) for Storm Water Discharges Associated with Industrial Activities.

- If an applicant for a business license has a SIC code that is required to enroll under the IGP, the city must confirm that the business requesting the business license (initial and/or renewal) has obtained permit coverage.

- If an applicant needs an IGP but does not have one, the City has legal authority to establish provisional license procedures that provide business 3 months to comply with NPDES requirements.

- City is required to notify Regional Water Board of Violators.

(flow chart attachment 5)
Regulated Industries

- Regulated Industries are defined in Attachment A of the Industrial General Permit (attachment 2 of this agenda item).
- These Regulated Industries Include
  1. Manufacturing Facilities
  2. Oil and Gas Mining Facilities
  3. Hazardous Waste Treatment Storage or Disposal Facilities
  4. Landfills
  5. Recycling Facilities
  6. Combustion Power Generation Facilities
  7. Transportation Facilities
  8. Sewage or Wastewater Treatment works
- Standard Industrial Codes (SIC) are a four digit code system of classifying industries by the primary type of activity that occurs at their facility.
Facilities subject to the permit

- Only businesses with primary SIC codes that are identified in General NPDES Permit for Storm Water Discharges Associated with Industrial Activities are subject to these requirements.

- Businesses which fall under the regulated SIC Codes, that have the permit, just submit the certification information.

- Businesses which fall under the regulated SIC Codes that do not have coverage;
  - *Will be issued a provisional 3 month extension on their Business License application to allow time for obtaining coverage.*
  - *Guidance for Businesses seeking coverage for the first time are encouraged to review the FAQ’s for Businesses (Attachment 4).*


Conclusion

■ Discharge of stormwater by industries are regulated by the National Pollutant Discharge Eliminations System (NPDES) permit program established by the Federal Clean Water Act and the California Water Code and enforced by the State Water Board.

■ The Purpose of SB 205 is to protect water quality, including the health and safety of drinking water sources statewide, the regulated industry is required to provide proof of enrollment in the NPDES permit program.

■ This required state mandate has the potential to impact a handful of local businesses.

■ Staff recommends that Council adopt the Resolution to provisionally allow businesses needing to obtain coverage be granted temporary business license extensions.
ATTACHMENT A

FACILITIES COVERED BY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)


2. Manufacturing Facilities:

   Facilities with Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225. (This category combines categories 2 and 10 of the previous general permit.)

3. Oil and Gas/Mining Facilities:

   Facilities classified as SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 Code of Federal Regulations. 434.11(1) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Acts authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

4. Hazardous Waste Treatment, Storage, or Disposal Facilities:

   Hazardous waste treatment, storage, or disposal facilities, including any facility operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act.

5. Landfills, Land Application Sites, and Open Dumps:

   Landfills, land application sites, and open dumps that receive or have received industrial waste from any facility within any other category of this Attachment; including facilities subject to regulation under Subtitle D of the Federal Resource, Conservation, and Recovery Act, and facilities that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance).

6. Recycling Facilities:

   Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093.

7. Steam Electric Power Generating Facilities:

   Any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.

8. Transportation Facilities:

   Facilities with SICs 40XX through 45XX (except 4221-25) and 5171 with vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified under this Permit as associated with industrial activity.

9. Sewage or Wastewater Treatment Works:

   Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 Code of Federal Regulations part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.
SENATE BILL 205

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.
The Legislature finds and declares that the provisions of this measure address the health and safety of drinking water sources throughout the state, a matter of statewide concern, and that these provisions therefore apply to charter cities, charter counties, and charter cities and counties.

SEC. 2.
Section 16000.3 is added to the Business and Professions Code, to read:

16000.3.
(a) When applying to a city for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code, shall demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program by providing all of the following information, under penalty of perjury, on the initial business license or business license renewal application:

(1) The name and location of facilities operated by the person of that business.

(2) All primary Standard Industrial Classification Codes, as defined in Section 25244.14 of the Health and Safety Code, for the business.

(3) Any of the following for each facility operated by the person of that business:

(A) The storm water permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Resources Control Board.

(B) The WDID application number issued for the facility by the State Water Resources Control Board.

(C) The “notice of non-applicability identification number” (NONA) issued for the facility by the State Water Resources Control Board.

(D) The “no exposure” certification identification number (NEC) issued for the facility by the State Water Resources Control Board.

(b) Prior to the issuance or renewal of the business license, the city shall determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, and if applicable, the city shall confirm that the WDID, WDID application number, NONA, or NEC corresponds to the business requesting the initial business license or business license renewal. To determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, the city may use
information provided by the State Water Resources Control Board, including information posted pursuant to Section 13383.10 of the Water Code for these purposes. To confirm the WDID, WDID application number, NONA, or NEC, the city shall only need to keep record of the applicable documentation.

(c) The city shall transfer compliance information received in subdivision (a) to the State Water Resources Control Board as requested by the board.

(d) For business license renewals, a city may develop a provisional license procedure that provides businesses three months to comply with the requirements of this section.

(e) “City” includes a charter city and a charter city and county.

(f) This section shall apply to applications for initial business licenses and business license renewals submitted on and after January 1, 2020.

(g) This section shall not apply to a city that does not have an application process for issuing or renewing business licenses or does not issue or renew business licenses.

(h) This section shall not be construed to impose any additional liability on a city under the National Pollutant Discharge Elimination System permit program for non-enrollment under a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities by a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code.

SEC. 3.
Section 16100.3 is added to the Business and Professions Code, to read:

16100.3. (a) When applying to a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code, shall demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program by providing all of the following information, under penalty of perjury, on the initial business license or business license renewal application:

(1) The name and location of facilities operated by the person of that business.

(2) All primary Standard Industrial Classification Codes, as defined in Section 25244.14 of the Health and Safety Code, for the business.

(3) Any of the following for each facility operated by the person of that business:

   (A) The storm water permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Resources Control Board.

   (B) The WDID application number issued for the facility by the State Water Resources Control Board.

   (C) The “notice of non-applicability identification number” (NONA) issued for the facility by the State Water Resources Control Board.
(D) The “no exposure” certification identification number (NEC) issued for the facility by the State Water Resources Control Board.

(b) Prior to the issuance or renewal of the business license, the county shall determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, and if applicable, the county shall confirm that the WDID, WDID application number, NONA, or NEC corresponds to the business requesting the initial business license or business license renewal. To determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, the county may use information provided by the State Water Resources Control Board, including information posted pursuant to Section 13383.10 of the Water Code for these purposes. To confirm the WDID, WDID application number, NONA, or NEC, the county shall only need to keep record of the applicable documentation.

(c) The county shall transfer compliance information received in subdivision (a) to the State Water Resources Control Board as requested by the board.

(d) For business license renewals, a county may develop a provisional license procedure that provides businesses three months to comply with the requirements of this section.

(e) “County” includes a charter county and a charter city and county.

(f) This section shall apply to applications for initial business licenses and business license renewals submitted on and after January 1, 2020.

(g) This section shall not apply to a county that does not have an application process for issuing or renewing business licenses or does not issue or renew business licenses.

(h) This section shall not be construed to impose any additional liability on a county under the National Pollutant Discharge Elimination System permit program for non-enrollment under a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities by a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code.

SEC. 4.
Section 13383.10 is added to the Water Code, to read:

13383.10.
On or before April 1, 2020, the state board shall post on its internet website, for the purpose of the determinations made by the city pursuant to Section 16000.3 of the Business and Professions Code and a county pursuant to Section 16100.3 of the Business and Professions Code, a list of all Standard Industrial Classification codes
applicable to a General Permit for Storm water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5, and known as the Industrial General Permit. The state board shall update that list on its internet website within 90 days of any final updates by the United States Department of Labor or the United States Environmental Protection Agency.

SEC. 5.
No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
This Frequently Asked Questions document provides background information and guidance on California Legislative Senate Bill (SB) No. 205 and the new requirements adding sections 16000.3 and 16100.3 to the California Business and Professions Code and Section 13383 to the California Water Code.

SECTION 1: ABOUT SB 205

1. What is SB 205 about?
   a. Under existing law, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Water Boards) prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Eliminations System (NPDES) permit program established by the Federal Clean Water Act and the California Water Code. The existing law requires regulated municipalities and industries to obtain a stormwater permit.
   b. Senate Bill 205 (2019) requires a person applying to a city or county for a new or renewed business license to demonstrate enrollment in an NPDES permit, if such a permit is required.

2. What is the purpose of SB 205?
   a. To protect water quality, including the health and safety of drinking water sources statewide, the regulated industry is required to provide proof of enrollment in the NPDES permit program.

3. When was SB 205 signed into law?
   a. SB 205 was signed into law by Governor Newsom on October 2, 2019. It takes effect January 1, 2020.

4. Where can I find the full text and additional information about the law?

SECTION 2: BUSINESS REQUIREMENTS

1. What does SB 205 require?
   a. SB 205 requires a business license applicant to provide, where applicable, their facility’s Waste Discharge Identification (WDID) number, WDID application number, Notice of Non-ApPLICABILITY (NONA) identification number, or No Exposure Certification (NEC) identification number when applying for an initial business license or when renewing its business license with the city or county of jurisdiction.
2. Does SB 205 impact all businesses?
   a. No. Only those businesses with primary Standard Industrial Classification (SIC) codes that are identified in or are applicable to the General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Excluding Construction Activities), also known as the Stormwater Industrial General Permit or IGP.

3. What SIC codes are impacted by SB 205?
   a. The State Water Board maintains an electronic list of regulated SIC Codes
      (1) Alphabetical: Alphabetical list of SIC codes
      (2) Numeric: Numeric list of SIC codes
   b. Attachment A of the IGP identifies nine categories of facilities subject to enrollment under the IGP, including the following:
      (1) Feedlots of a specific size (SIC codes 0211-0272): Feedlot SIC codes
      (2) Manufacturing Facilities (SIC codes 20XX-39XX and 4221-4225);
      (3) Oil and Gas/Mining Facilities (SIC codes 10XX-14XX);
      (4) Hazardous Waste Treatment, Storage, or Disposal Facilities (often SIC code 4953);
      (5) Landfills, Land Application Sites, and Open Dumps (SIC code 4953);
      (6) Recycling Facilities (SIC codes 5015 and 5093);
      (7) Steam Electric Power Generating Facilities (specific activities under SIC code 4911);
      (8) Transportation Facilities (SIC codes 40XX-45XX [except 4221-25] and 5171); and
      (9) Sewage or Wastewater Treatment Works (SIC Code 4952).
   c. To access a copy of Attachment A of the IGP, click on the following link: IGP Attachment A

4. How do I find my SIC code to determine if I am impacted by SB 205?
   a. Visit U.S. Department of Labor SIC code search, and search by keyword(s) (for example: metal recycling).
   b. Your insurance broker should also know your SIC code.
   c. If you only have your North American Industry Classification System (NAICS) code and not your SIC code, the NAICS Association has developed a tool to convert NAICS codes to SIC codes: NAICS to SIC crosswalk.
   d. Additionally, the United States Environmental Protection Agency’s Industrial Multi-Sector General Storm Water NPDES Permit has an appendix that lists SIC codes and their corresponding NAICS codes found by clicking the following link: USEPA Multi-Sector Permit.

5. What if my business has more than one SIC code?
   a. Establishments with one or more primary SIC codes that are regulated require stormwater permit coverage. See also Questions 2 and 3 above.

6. My business falls under the regulated SIC codes, and I have a Stormwater Permit, No Exposure Certification or Notice of Non-Applicability…so, what’s next?
a. When you apply for a business license renewal to a city or county, provide the name(s) and location(s) of the facilities operated by your business, all corresponding primary SIC codes, and one of the following:

(1) Stormwater permit number, known as the Waste Discharge Identification number (WDID), issued for the facility by the State Water Board;

(2) WDID application number issued for the facility by the State Water Board;

(3) Notice of Non-Applicability (NONA) identification number issued for the facility by the State Water Board;

(4) No Exposure Certification (NEC) identification number issued for the facility by the State Water Board.

7. My business falls under the regulated SIC codes, and I DO NOT have a Stormwater Permit, No Exposure Certification or Notice of Non-Applicability…so, what’s next?

a. In order to complete your business license application or renewal, you need to enroll under the Stormwater Industrial General Permit and provide the city or county with your permit number as described in Question 6 above.

b. For guidance on how to apply for coverage under the Stormwater Industrial General Permit, contact the local Regional Water Board for the State Water Board. See links in Questions 11 below.

8. What if I have a regulated SIC code for a facility but am not required to obtain coverage?

a. Contact your local Regional Water Board, a Notice of Non-Applicability may need to be submitted.

9. What if the city or county I am located in does not issue business licenses?

a. SB 205 only applies to cities and counties that issue business licenses.

b. Contact the State Water Board or local Regional Water Board to inquire about stormwater permit requirements or regulations, as you may still be required to enroll in the Stormwater Industrial General Permit based on your SIC code(s).

10. Are there resources to help me learn more information about permit coverage?

a. See the State Water Board Industrial Storm Water Toolbox: IGP Toolbox

b. See the State Water Board Storm Water Multiple Application and Report Tracking System (SMARTS) Help Guides: SMARTS help guides

c. The California Storm Water Quality Association (www.casqa.org) and Metals Industry Storm Water Group (www.stormwatergroup.org) are also good resources.

11. How do I apply for coverage under the Stormwater Industrial General Permit?

a. Contact the State Water Board or local Regional Water Board to apply for a stormwater permit: State and Regional Water Boards map

b. State Water Board storm water contacts, general inquiries:

   (1) Email: stormwater@waterboards.ca.gov

   (2) Toll Free: 1-(866)-563-3107
c. State and Regional storm water contacts: State and Regional Storm Water Contacts

d. Types of IGP coverage: IGP Types of Coverage (PDF)

e. Contact the local Regional Water Board or visit their website for contact information: Regional Water Board Directory
SB 205 Implementation

Did applicant provide SIC number?

Y

N


Does SIC trigger IGP enrollment?¹

Y

N


Did applicant provide either: WDID, WDID application, NONA, or NEC?

Y

N

2. Check State Water Board website at: https://ciwms.waterboards.ca.gov/ciwms/readOnly/CiwmsReportServlet?reportName=facilityAtAGlanc e&inCommand=reset

Does name on WDID, WDID application, NONA, or NEC match facility / applicant name?²

Y

N

Is applicant eligible for provisional license?

Y

N

Document decision. No further action required.

Document decision and notify applicant of one-time 3-month period to renew license.

Document decision and notify applicant and Regional Water Board of potential issue.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
ADOPTING A PROVISIONAL BUSINESS LICENSE EXTENSION
PROCEDURE PURSUANT TO SENATE BILL 205

WHEREAS, Senate Bill 205 (SB 205) was signed into law by the Governor of the State of California on October 2, 2019; and

WHEREAS, SB 205 requires cities to review new and renewal Business License applications beginning January 1, 2020, to determine if the applicant is subject to the Statewide Industrial General Permit for Storm Water Discharges associated with Industrial Activities (IGP); and

WHEREAS, SB 205 provides a city may develop a provisional license procedure allowing businesses seeking to renew an existing License to obtain a provisional extension for a period of three months, during which the business can submit the storm water permitting information required by Senate Bill 205; and

WHEREAS, the additional three months’ time will assist businesses in retaining their Business License with the City if they are in need of additional time to obtain the storm water permitting information required by Senate Bill 205.

NOW, THEREFORE, BE IT RESOLVED that any applicant for a Business License renewal in the 2020 calendar year who does not submit the information required by Senate Bill 205 shall be issued a provisional Business License extension provided the applicant complies with all other requirements for renewal. The provisional extension shall expire three months after the date of issue. Any holder of an unexpired provisional Business License may submit to the City the information required by Senate Bill 205, in the required form and under penalty of perjury. Upon determination by the City that the information submitted complies with Senate Bill 205, the City shall issue the regular Business License.

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 10th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

______________________________
WILLIAM V. LEE
Mayor
ATTEST:

June Lemos, CMC
City Clerk