Special City Council

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

Tuesday, March 24, 2020

Special Meeting

CALL TO ORDER

ROLL CALL

PLEASE TAKE NOTICE


The Public will be allowed to participate in the meeting electronically. Public Comment regarding matters on the special agenda are restricted to electronic communications. Comments should be emailed to City Clerk June Lemos, jlemos@fortbragg.com, at any time prior to the meeting and in real-time while the item is being considered by the Council. The Clerk will read the comments aloud; any comment exceeding three minutes will be included in the public record as part of the agenda packet the day after the meeting.

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

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

2. PUBLIC COMMENTS ON CONSENT CALENDAR ITEMS

3. 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.

3A. 20-669 Adopt Joint City Council/Municipal Improvement District Resolution Amending the FY 2019/2020 Budget for Mid-Year Budget Adjustments

   Attachments: RESO Mid-Year Budget Adjustments
               Mid-Year Adjustment Requests FY20 Exhibit A

3B. 20-656 Approve Minutes of Joint City Council/Mendocino Coast Recreation and
Park District Special Meeting of March 5, 2020

**Attachments:**  CCM2020-03-05_Special_MCRPD

3C.  **20-657**  Approve Minutes of Special Meeting of March 5, 2020

**Attachments:**  CCM2020-03-05_Special_Mid-year_Budget

3D.  **20-665**  Approve Minutes of March 9, 2020

**Attachments:**  CCM2020-03-09

---

### 4. CONDUCT OF BUSINESS

4A.  **20-672**  Receive Report and Consider Adoption of City Council Resolution Ratifying City Manager's Proclamation No. CM-2020-01 Declaring the Existence of a Local Emergency

**Attachments:**  03242020 Ratification Local Emergency

   Att. 1 - Resolution Ratifying Declaration

   Att. 2 - Proclamation of Local Emergency by City Manager

4B.  **20-671**  Receive Report and Consider Adoption of Urgency Ordinance No. 960-2020 Adding a Temporary Moratorium on Evictions Due to COVID-19

**Attachments:**  03242020 Moratorium on Evictions

   Att. 1 - ORD 960 Evictions Moratorium Ordinance

   Att. 2 - 3.16.20-Executive-Order

---

### ADJOURNMENT

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 March 23, 2020.

_______________________________________________
June Lemos, CMC, City Clerk
I don’t have the language of the Order correct, but I’ve been told by the General Manager of the Beachcomber Hotels is actively turning away all travelers who do not have essential business in our community.

They are not accepting other travelers.

Best,
Amy

Amy Wynn, Principal Planner
Wynn Coastal Planning & Biology
703 North Main Street
Fort Bragg, CA 95437
ph: 707-964-2537
fax: 707-964-2622
www.WCPlan.com and on FaceBook

Disclaimer

The information contained in this message and any attachments may be privileged, confidential and protected from disclosure. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this email in error, please notify us immediately then permanently delete the email. Thank you.
1. My concern is lack of hand sanitizers at the Noyo Headlands Coastal Trail restrooms.
2. I suggest you place a biohazard container for diapers, dog waste bags and masks at all the places in the city and in the parks where there are trash and recycling cans.
3. Where can you shelter in place when you have no shelter?
4. There are not any kind of pay phones, and they are important. Having access to the podium is super important and I don’t agree with the interpretation by the City. This is a first amendment issue and I swore to uphold the constitution against all enemies foreign and domestic. Maybe COVID-19 is the enemy, maybe it is the politicians, but our first amendment rights and the podium are not accessible. Governor Newsom says there has to be a location for people to come and speak. I have spoken to folks about the homeless shelter. How can you shelter in place if you have no place to shelter? The hostility house allows these folks only 15 minutes a day to take care of all of their business, even in the cold. They make unreasonable requests of people’s personal, medical and mental situations in order to benefit them into programs so that they can make money. If you don’t fit in enough programs, you don’t get in the door. Martin v. Boise decided by the Ninth Circuit Judicial District maintains that if there is no shelter available, that people cannot be kicked out if they are on people’s property.
I meant to please include my comments at the special meeting tomorrow.

Attached document "Constitutional Quarantine."

Thanks

----- Forwarded Message ----- 
From: Gabriel Maroney <gabrielquinn@sbcglobal.net>
To: Lemos, June <jlemos@fortbragg.com>
Sent: Tuesday, March 24, 2020, 3:16:21 PM PDT

Thank you,

also if sent in time could you please also include this attached document (Constitutional Quarantine) to be read and in the packet for tonights special meeting?

And include link entitled, "DOJ Wants to Suspend Certain Constitutional Rights During Coronavirus Emergency"

I really appreciate it.


On Tuesday, March 24, 2020, 2:12:58 PM PDT, Lemos, June <jlemos@fortbragg.com> wrote:

Will do. Thank you.

June Lemos, CMC
City Clerk
City of Fort Bragg
416 N Franklin St
Fort Bragg CA 95437
707.961.2823 ext. 104
Hello!

thank you for getting back to me and sorry for the confusion. Originally I had just sent it FYI, yet I think it would be a good thing to be included in the special meeting.

Please also include a link to this article because I am personally very concerned about Constitutional rights being infringed during this time of unprecedented events:

Uncharted territory: Legal experts weigh in on the COVID-19 outbreak - Harvard Law Today
HLS scholars and legal experts consider the important legal and policy concerns and challenges that have emerged...

On Tuesday, March 24, 2020, 9:12:34 AM PDT, Lemos, June <jlemos@fortbragg.com> wrote:

Hello Gabriel:

I am not sure whether or not your email below is intended to be a comment for tonight’s special City Council meeting, which I am reading aloud into the record. If so, I can just indicate you have sent the Council a link to a recording and members of the public can click on it when your email is uploaded to the agenda packet tomorrow. If this was just intended as information for the Council, please advise. If this is for tonight’s agenda, I’d like to confirm that it’s for Item 4A.

Please let me know. Thank you,

June Lemos, CMC

City Clerk

City of Fort Bragg

416 N Franklin St

Fort Bragg CA 95437

707.961.2823 ext. 104

---

From: Gabriel Maroney <gabrielquinn@sbcglobal.net>
Sent: Tuesday, March 24, 2020 12:32 AM
To: Morsell-Haye, Jessica <Jmorsellhaye@fortbragg.com>; Norvell, Bernie <Bnorvell2@fortbragg.com>; Lee, Will <Wlee@fortbragg.com>; Peters, Lindy <LPeters2@fortbragg.com>; Miller, Tabatha <TMiller@fortbragg.com>; Lemos, June <Jlemos@fortbragg.com>; Albin-Smith, Tess <Talbinsmith@fortbragg.com>; McCormick, Sarah <SMcCormick@fortbragg.com>; Dave Turner
Subject: Understanding Covid-19 and Natural Medicine.

https://www.naturalmedicinejournal.com/sites/default/files/media/nmj_covid_update_zwickey.mp3

Email correspondence with the City of Fort Bragg (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

Email correspondence with the City of Fort Bragg (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.
Dear Fort Bragg City Council, Mayor, Vice Mayor, and Staff.

I thank you for your diligent work during these challenging and uncertain time.

I wanted to express my deep concern regarding potential infringement of liberties and apparent suspension of the Bill of Rights.

South Korea proclaimed that they would not mandate a shelter in place because they are a Constitutional Republic. Other regions that did not follow this mandate move out of Communist China include India, Japan, Twain, Mexico, and Brazil as examples. Our right to due process has been suspended as the court rooms no longer function. The right of assembly (including religious practices) is obviously infringed in mass and without clear explanation of when it might end or what constitutes the threshold for suspension of these right. Many other aspects of our great Republic are under threat.

One of the key aspect related to wellbeing I learned about while at University for my Master of Science in Global Health, was the stress cycle and how it can be very dead. Economic stress and other stressor can kill. While the government is arbitrarily declaring what sectors are considered essential, it takes away the livelihood of others with almost no warning; choosing who will win and who will loose while some corporations are getting waivers. The economy is failing, the media continues to blast fear over the screens, and it seems that this all amounts to institutional “yelling fire in a crowded theater.”

Certainly I do support aggressive efforts along with perhaps, sheltering in place, yet it has not been made clear to the public by what right, threshold, or mechanism has our constitution been suspended over? A shelter in place guideline is best done by motivating the public, not mandating it by threats. Does it make sense to let people of jails for not following the rules, while others will be fined and left liable for doing what was lawful just days ago? If a person moved towards petition to
issue a write of Habeas Corpus to be released by such and order, there is no judge to hear that petition.

Please also with these aggressive actions taking place to deal with Corvid-19, also consider pushing back on, questioning, and seriously reflecting on anything that does not support or guard the Constitution (State and Federal). We must ALL go above and beyond to both fight this virus AND maintain Liberty which so many have died to protect!

Thank you as always for your service.

Gabriel Quinn Maroney, MS (Global Health)
1. How many test kits re there in fort bragg
2. how many people have been tested \
3. have the employees at Safeway been tested
4. are there any plants to do so.
Hi my name is Britney Cook I live at 177 Florence street Fort Bragg and I would like to ask a couple questions or suggest a couple things:

#1 HOW is TAKE-OUT CONSIDERED ESSENTIAL especially all of the sit down restaurants finding loop holes to covert to take out when there is NO FACT THAT that its being prepared by virus free employees as well as you food prepared properly IN A CORONAVIRUS FREE safe ENVIRONMENT??????????

#2 EASILY STOP NON RESIDENTIAL CITIZENS BY HAVING CHECK POINTS at the 3 main and only entrances into our amazing coastal community's. 1st ✔ point the Navarro bridge, 2nd ✔ point highway 20, 3rd ✔ point BEFORE BRASCOMB RD!!!!! Citizens with address (DRIVERS LICENCE, HOUSE BILL SHOWING ADDRESS) in the bubble let in, IF YOU CANT VERIFY THEN TURN AROUND

CONS: YES MIGHT FIGHT AND SAY I LIVE HERE BLAHHHHHH WELL GUESS WHAT SHOULDN'T HAVE LEFT OR OBVIOUSLY SOME EXEPTIONS AS TO CALL VERIFY CSN EASILY BE DONE BOOM problem solved on unwanted tourists

#3 lockdown at 10pm anyone caught driving BOOM FINE THEM SO WITH NO INCOME + FINE = CKMPLY OR have a damn good reason for being out!!!! I PERSONALLY KNOW citizens in our community being robbed. AS OF LAST NIGHT...now that's SCARY!! ESPECIALLY ALONE LIKE MYSELF

#4 BIG ONE HERE HONESTLY NEED TO FINE BEACHCOMBER HOTEL AND SHUT THEM COMPLETELY DOWN I MEAN COME ON THERE STILL TAKING RESERVATIONS I KNOW FOR FACT!!!!!

THIS IS WHAT I HAVE SO FAR...MORE TO COME

THANK YOU
BRITTNI COOK

I apologize about the grammar errors a spelling
Social distancing has gotten extremely poor everywhere last day or so for example in line and person goes to cough and turns head around hands full well guess what person behind gets coughed on for being shoved closer to that person I SAW IT HAPPEN OMGOSH I FELT SO BAD FOR THE LADY

*Change SOCIAL DISTANCING FROM 6FT TO 10FT AND HAVE EVERY BUSINESS OPEN PUT STRIP OF NEON TAPE EVERY 10FT TO HELP ALSO SO BUSINESSES DONT GET IN TROUBLE

Sent from Yahoo Mail on Android
Photo from my roof right now and try to keep it this way BEAUTIFUL

Sent from Yahoo Mail on Android
Hello Judy Lemos I’m Catherine Alleyas (?) and I’m just calling to thank you for all the work that you are doing and I’m sure you’re really busy. I’m calling for the people who don’t have a voice right now or a means of connecting with you via television or computer or phone but who now can’t access the meeting with their own physical bodies because apparently things are happening behind closed doors. My request is that there be a means for people who are not merging with all the technology but who still have a voice and eyes and perspectives that need to be heard and for them to be able to have a way to show up at the meeting and be heard. Like maybe perhaps a mic with options for them to come and speak and keep those lines of communication open and be careful not to just focus on the people who have abundance in certain ways. And again, thank you for all you are doing and I hope that there is some way for people to come and be a part of this meeting. Also my thought is that because it is behind closed doors, and even though you can go to CVS or somewhere else and get what you need, like people aren’t having access to this important meeting and things are being decided like budget and maybe things that are important can be put off until everyone has a better chance to be able to participate and just to avoid any lack of vision that might be present because not enough people are able to share their perspectives. Alright. Thank you, Judy, blessings on all you’re doing and I hope you stay safe. Aloha.
Agenda Number: 3A.

Adopt Joint City Council/Municipal Improvement District Resolution Amending the FY 2019/2020 Budget for Mid-Year Budget Adjustments

The budget amendments presented here for adoption were discussed in detail at the City Council/District Board mid-year budget review workshop held on March 5, 2020. Council directed staff to bring forward the budget adjustment requests under "Consent Calendar" at a later Council meeting.
RESOLUTION NO. ____-2020
RESOLUTION OF THE FORT BRAGG CITY COUNCIL
and
RESOLUTION NO. ID____-2020
RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD

AMENDING FY 2019/20 BUDGET FOR MID-YEAR BUDGET ADJUSTMENTS

WHEREAS, on June 10, 2019, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 District Board adopted the Fiscal Year (FY) 2019/20 Budget; and

WHEREAS, on March 5, 2020, the City Council/District Board conducted a Mid-Year Budget Review Workshop; and

WHEREAS, as a result of the Mid-Year Budget Review process, it was determined that certain adjustments to the FY 2019/20 Adopted Budget are necessary; and

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

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

WHEREAS, based on all the evidence presented, the City Council/District Board finds as follows:
1. Certain mid-year adjustments to the FY 2019/20 Budget are necessary as shown in Exhibit A.
2. There are sufficient funds to fund the allocations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby amend the previously adopted FY 2019/20 Budget to incorporate the changes enumerated in Exhibit A.

The above and foregoing Resolution was introduced by Council/Board Member __________, seconded by Council/Board Member __________, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 24th day of March, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

_______________________________________
WILLIAM V. LEE,
Mayor

ATTEST:

_______________________________________
June Lemos, CMC
City/District Clerk
<table>
<thead>
<tr>
<th>Account Number</th>
<th>Account Description</th>
<th>Department</th>
<th>Current Budget</th>
<th>Increase/ (decrease)</th>
<th>Adjusted Budget</th>
<th>Justification</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>110-4200-0101</td>
<td>Salaries &amp; Wages</td>
<td>Police Department</td>
<td>$1,653,173</td>
<td>$52,000</td>
<td>$1,705,173</td>
<td>To account for overlap of outgoing Chief and interim Chief</td>
<td>Operating appropriation</td>
</tr>
<tr>
<td>110-4200-0366</td>
<td>Training/Travel Reimbursement</td>
<td>Police Department</td>
<td>35,000</td>
<td>3,000</td>
<td>38,000</td>
<td>Mandated training for new employees</td>
<td>Operating appropriation</td>
</tr>
<tr>
<td>110-4200-0367</td>
<td>Recruitment</td>
<td>Police Department</td>
<td>-</td>
<td>15,000</td>
<td>15,000</td>
<td>Send CSO to Academy</td>
<td>Operating appropriation</td>
</tr>
<tr>
<td>110-4392-0353</td>
<td>Park Maintenance</td>
<td>Public Works - Parks</td>
<td>4,000</td>
<td>4,000</td>
<td>8,000</td>
<td>Trail maintenance exceeding</td>
<td>Operating appropriation</td>
</tr>
<tr>
<td>110-4130-0319</td>
<td>Professional Services</td>
<td>Administration Department</td>
<td>5,000</td>
<td>27,500</td>
<td>32,500</td>
<td>Sales Tax ballot measure consultant</td>
<td>Operating appropriation</td>
</tr>
<tr>
<td></td>
<td>General Fund; Total Budget Amendments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>610-4611-0375</td>
<td>General Supplies</td>
<td>Water</td>
<td>29,250</td>
<td>12,000</td>
<td>41,250</td>
<td>Customer meter installations with revenue offset</td>
<td>Customer fees</td>
</tr>
<tr>
<td></td>
<td>Water Enterprise; Total Budget Amendments</td>
<td></td>
<td></td>
<td></td>
<td>12,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>710-4711-0375</td>
<td>General Supplies</td>
<td>Wastewater</td>
<td>6,250</td>
<td>6,250</td>
<td>12,500</td>
<td>Customer system connections with revenue offset</td>
<td>Customer fees</td>
</tr>
<tr>
<td></td>
<td>Wastewater Enterprise; Total Requested Budget Amendments</td>
<td></td>
<td></td>
<td></td>
<td>6,250</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Budget Amendments</td>
<td></td>
<td></td>
<td></td>
<td>119,750</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EXHIBIT A**
Approve Minutes of Joint City Council/Mendocino Coast Recreation and Park District Special Meeting of March 5, 2020
Special Joint City Council/MCRPD Meeting - CV Starr Mid-Year Budget Review

CALL TO ORDER

Mayor Lee called the meeting to order at 1:27 PM.

ROLL CALL

Mendocino Coast Recreation and Park District Board Members:
Present: 3 - Board Member Bob Bushansky, Chair John Huff, Board Secretary Kirk Marshall
Absent: 2 - Board Member Leslie Bates and Vice Chair Barbara Burkey

Fort Bragg City Councilmembers:
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. 20-647 Conduct Joint City Council/Mendocino Coast Recreation & Park District Board Work Session for C.V. Starr Community Center FY 2019/20 Mid-Year Budget Review

MCRPD District Administrator Keyes introduced the mid-year budget report for the CV Starr Community Center (CVSCC) for FY 2019/20. Business Manager Wooden recapped the components of the budget. The Board/Council discussed:
- More efficient heating to keep utility costs down
- CVSCC outreach program
- New flyers and information guides are being produced in-house now
- IT problems and paper costs
- Capital Improvement Projects
- Marketing strategies
- Coronavirus measures
- Asset management plans
- Generator for the CVSCC during power outages

Public Comment: None.

This Staff Report was received and filed.

ADJOURNMENT
Mayor Lee adjourned the meeting at 2:12 PM.

_______________________________
WILLIAM V. LEE, MAYOR

_______________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
*** THIS PAGE INTENTIONALLY LEFT BLANK ***
Agenda Date: 3/24/2020  
Version: 1  
Status: Consent Agenda

In Control: Special City Council

Agenda Number: 3C.

Approve Minutes of Special Meeting of March 5, 2020
Special Meeting - City Mid-Year Budget Review

CALL TO ORDER

Mayor Lee called the meeting to order at 9:00 AM.

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. 20-646 FY 2019/20 Mid-Year Budget Review - City Council Work Session

1. Introduction & Overview
City Manager Miller gave a brief introduction and overview, providing an economic view on a local, national, and worldwide basis. She summarized the City Manager's mid-term budget recommendations.

2. Public Comments
- Rebecca Walker, Fort Bragg Unified School District Superintendent, urged the Council to retain the Transient Occupancy Tax (TOT) allocation for school district athletic fields. She presented a proposal from Fort Bragg Electric for providing more water storage for the schools to help with field irrigation.
- Gabriel Quinn Maroney spoke about historic, educational, and healthcare resources.
- Rex Gressett said the Council should consider adding more parks in town and forming a citizen support group rather than hiring a sales tax measure consultant.
- Jenny Shattuck suggested lowering the amount Visit Fort Bragg receives from the TOT allocation to help balance the budget.

3. Brief Departmental/Project Progress Reports
   a. City Manager - This report was combined with item 3.b.
   b. Administrative Services Department - City Manager Miller reported a savings in staff costs in the Administrative Assistant position in addition to cost savings due to streamlined and automated processes.
   c. Finance and Non-Departmental - Government Accountant Whippy reported that the banking services transition from Wells Fargo to US Bank resulted in cost savings on banking fees. Finance Director Damiani briefly reported on non-departmental costs.
   d. Police - Chief Naulty noted that the salary increase for officers will serve to draw more
police officers to the City. One officer's salary is now being paid for by a grant.

e. Community Development - Temporary Community Development Director Varga said costs are being saved by not replacing the Community Development Director position. He gave a brief update on projects and developments in the department.

f. Public Works - Public Works Director Varga said there were cost savings on the project analyst position and the new fire alarm system. Assistant Director of Public Works Smith noted that the Coastal Trail maintenance is the greatest load on the budget. He gave a brief update on projects in progress. Repair of the Guest House town clock was discussed. Staff was directed to contact Jeff at Chernoff's regarding cost of repair.

g. Water - Assistant Director of Public Works Smith recapped maintenance and repair work and the water meter installation project.

h. Wastewater - Smith reported on repairs throughout the system and new sewer installs. He stated that a ribbon cutting ceremony for the new Wastewater Treatment Plant will be scheduled for June of this year.

i. Capital Improvement Projects - Public Works Director Varga summarized eight or nine significant projects this year.

Public Comment was received from Rex Gressett and Jenny Shattuck.

**Mayor Lee recessed the meeting at 10:20 AM; the meeting reconvened at 10:30 AM.**

4. FY 2019/20 Mid-Year Performance Report

a. Damiani and Whippy gave the mid-year report in detail. Public Comment was received from Dave Turner, Rex Gressett, David Jensen, Sheila Semans, Jenny Shattuck, and Gabriel Quinn Maroney.

b. In addition to the budget adjustments requested, Assistant Director of Public Works Smith made an additional request for $32,000 for replacement of approximately 600 oval water meter boxes which constitute a tripping hazard, to be replaced with square boxes with a lid that is flush with the concrete. The Council discussed the Fort Bragg Electric proposal brought forward by Superintendent Rebecca Walker. This item does not need a budget amendment as it would be paid for through TOT funds. Council approved the base bid but not additive option #1. Assistant Director of Public Works Smith mentioned two large water tanks that the City is not currently using which might be given to the school to assist with water storage. Discussion was held regarding pursuing a sales tax measure for the November 3, 2020 ballot by hiring a consultant to do polling and assisting the City with the measure. A majority of the Council approved of hiring a consultant. After discussing the requested budget amendments, Councilmembers unanimously approved all of the adjustments, including the additional $32,000 for water meter box replacements.

c. Finance Director Damiani recapped the long term financial planning and budget planning issues. Public Comment was received from Dave Turner, Jenny Shattuck, Rex Gressett, David Jensen and Gabriel Quinn Maroney.

**Mayor Lee recessed the meeting at 12:10 PM; the meeting reconvened at 12:40 PM.**

5. Council Priority Areas and Goals

The Council unanimously approved the existing set of prioritized financial goals as outlined on page 21 of the FY 2019/20 Mid-Year Financial Report. City Manager Miller requested that the Council narrow the list of City Council Priority Areas and Goals to the top two. Council consensus was as follows:

(1) Priority Area 1, Jobs/Industry; Goals 1, 2 and 3; and
(2) Priority Area 3, Housing; Goals 1, 2 and 3. 
Public Comment was received from Rex Gressett.
The City Council directed staff to amend the agenda for March 9, 2020 to add a Council discussion item regarding what it means to be business friendly. 
Finance Director Damiani recapped the schedule for next fiscal year's budget preparation.

6. Wrap-up
In summary, Council decided not to cut expenses or reallocate revenues for the current FY 2019/20 budget. Council supports placing a sales tax measure on the November 3, 2020 election and approves of spending funds on a ballot measure consultant.

This Staff Report was referred to staff for actions as directed above.

ADJOURNMENT

Mayor Lee adjourned the meeting at 1:14 PM.

___________________________________________________________
WILLIAM V. LEE, MAYOR

___________________________________________________________
June Lemos, CMC, City Clerk

IMAGED (__________ )
Agenda Date: 3/24/2020

In Control: Special City Council

Agenda Number: 3D.

Approve Minutes of March 9, 2020
CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Lee directed that the Broadband Ad Hoc Committee’s termination date be extended six months to September 9, 2020 and the Visit Fort Bragg Committee’s termination date be reviewed in one year, on or before March 9, 2021.

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

(1) Non-Agenda Items:
- Robin Epley, new editor of the Fort Bragg Advocate News and Mendocino Beacon, introduced herself to the Council.
- George Reinhardt spoke about the cutting of trees in the forested area known as the Starbucks Forest.
- David Gurney commented on the Coronavirus and the need for more critical care and emergency plans, beds and ventilators.
- Gabriel Quinn Maroney said that there should be conversation about how historical sites can be protected.
- John Gallo suggested an ad hoc committee be formed to address Coronavirus protection.
- Jenny Shattuck noted that the City and Caltrans should restripe the lanes north of the Noyo Bridge because they cannot be seen at night.
- Ann Rennacker commented on homeless and mental health issues.
- Shar Flum spoke about how plastic impacts the health of seabirds and sea creatures.

(2) Consent Calendar Items:
March 9, 2020

City Council Meeting Minutes

· None.
(3) Closed Session Items:
· None.

3. STAFF COMMENTS

City Manager Miller gave an update on the COVID-19 virus, noted that Restaurant Week starts today, and recapped the mid-year budget review meeting. City Clerk Lemos gave election updates. Chief Naulty spoke about officer training and the School Resource Officer. City Manager Miller also provided an update on the Wastewater Treatment Plant Upgrade Project, the Guest House clock repair, and letters sent to 41 local businesses potentially impacted by the SB 205 storm drain permit requirements.

4. MATTERS FROM COUNCILMEMBERS

Councilmember Albin-Smith spoke about a Symphony of the Redwoods children's concert, the need for more poll workers in Mendocino County, and an upcoming Climate Action Advisory Committee meeting. She requested that staff bring forward an ordinance banning the use of plastic straws. Council agreed to assign this issue to the Community Development Committee. Councilmember Peters announced that he had a conflict with sitting on both the Bee Garden committee and the Visit Fort Bragg committee, as they meet on the same date and time. Mayor Lee appointed Councilmember Albin-Smith to replace Councilmember Peters on the Visit Fort Bragg Committee. Mayor Lee gave an update on the response to the coronavirus from the Coast Hospital and reported on the affiliation of the hospital with Adventist Health. Councilmember Morsell-Haye proposed establishing an ad hoc committee to start work on Council Goal #2 (Partner with educational institutions) of Priority Area #1 (Jobs/Industry). Mayor Lee appointed Councilmember Morsell-Haye and himself to this committee for a six-month timeframe.

5. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Peters, seconded by Vice Mayor Norvell, to approve the Consent Calendar. The motion carried by the following vote:

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

5A. 20-643 Adopt City Council Resolution Adopting a List of Projects for Fiscal Year 2020-21 Funded by SB-1, the Road Repair and Accountability Act of 2017

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4238-2020

5B. 20-644 Adopt City Council Resolution Modifying the City's Compensation Plan and Confirming the Pay/Rates/Ranges for All City of Fort Bragg Established Classifications - Assistant City Engineer and Part-time Police Services Transporter

Enactment No: RES 4239-2020
This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4239-2020

5C. **20-648**
Adopt City Council Resolution Accepting the Public Storm Drain and Public Sewer Easements from George A. Pyeatt and Lyndia J. Pyeatt, as Required by Use Permit UP 4-19, and Authorize City Manager to Execute the Certificate of Acceptance

This Resolution was adopted on the Consent Calendar.
Enactment No: RES 4240-2020

5D. **20-649**
Accept Certificate of Completion for 2019 Streets Rehabilitation Project, City Project No. PWP-00111, and Direct City Clerk to File Notice of Completion

This Certificate of Completion was accepted on the Consent Calendar.

5E. **20-636**
Readopt Master Traffic Resolution

This Resolution was adopted on the Consent Calendar.
Enactment No: RES 1271-2020/A

5F. **20-651**
Approve Minutes of February 24, 2020

These Minutes were approved on the Consent Calendar.

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

Vice Mayor Norvell disclosed that he has had conversations regarding CDBG grants with some members of City staff and the Fire Protection District board.

7. **PUBLIC HEARING**

7A. **20-645**
Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant (CDBG) Program Competitive Applications

**Mayor Lee opened the public hearing at 6:56 PM.**

Special Projects Assistant McLaughlin presented the staff report on this agenda item and asked for direction from Council on which five projects to apply for.

Public Comment was received from:

- Ann Rennacker made comments on grants for the housing project located near the hospital.
- George Reinhardt stressed the importance of community engagement.
- Jenny Shattuck said Mill Site planning should be a top priority because housing development is critical.
- Gabriel Quinn Maroney spoke in favor of Mill Site planning.
- Steve Orsi, Fire Chief, addressed the need for Fire Department seismic refit and replacement of the roof.
Mayor Lee closed the public hearing at 7:30 PM.  
Discussion: After much discussion, the Council chose the following five activities to apply for CDBG grant funding: (1) Business Assistance Loan Program; (2) Fire Station Roof Rehabilitation Planning Grant, Alternative 2; (3) Mill Site Planning; (4) Bainbridge Park Rehabilitation Planning Grant; and (5) Code Enforcement Program.

Mayor Lee recessed the meeting at 8:04 PM; the meeting reconvened at 8:14 PM.

This Staff Report was referred to staff for preparation of the five CDBG grant applications as noted above.

8. CONDUCT OF BUSINESS

8A. 20-650  Receive Report from Mill Site Land Use Map Ad Hoc Committee on Draft Mill Site Land Use Map

Councilmember Morsell-Haye and Planning Commission Chair Logan presented the Mill Site Land Use Map ad hoc committee's report on this agenda item.

Public Comment was received from:
- Mayor Lee read a comment from David Jensen in support of the land use map.
- Scott Deitz said rezoning the area encompassing Stewart Street is confusing since it is not part of the Mill Site and should not be included in this map.
- Gabriel Quinn Maroney spoke about the coastal industrial zone and storage issues.
- George Reinhardt supports aggressive pursuit of creek daylighting.
- Jacob Patterson said this is not a zoning map, it is a land use designation map.

Discussion: The Council consensus was to move forward with Area A (northern portion of the Mill Site) at this time and approved of the map as presented except the non-Mill Site parcels should not be included with the Mill Site rezoning. Mayor Lee directed that this ad hoc committee continue until November 1, 2020 to work on land use tables, zoning map and development code.

This Report was accepted and the ad hoc committee was directed to continue work on land use tables and the map until November 1, 2020.

8B. 20-653  City Council Discussion on Being a Business Friendly City

Mayor Lee called for a special session of the City Council to brainstorm ideas on how to be a business friendly community. He suggested having a Council workday session with a facilitator, using City Council's goal setting funds.

Public Comment was received from: Jenny Shattuck, Ann Rennacker, Megan Caron, Gabriel Quinn Maroney and Scott Deitz.

Mayor Lee directed staff to set up a special City Council work session with a facilitator to discuss streamlining the process for new businesses to come to Fort Bragg.

ADJOURNMENT

Mayor Lee adjourned the meeting at 9:32 PM.
WILLIAM V. LEE, MAYOR

June Lemos, CMC, City Clerk

IMAGED (__________)
Receive Report and Consider Adoption of City Council Resolution Ratifying City Manager’s Proclamation No. CM-2020-01 Declaring the Existence of a Local Emergency
AGENDA ITEM SUMMARY

TITLE:
Receive Report and Consider Adoption of City Council Resolution Ratifying City Manager’s Proclamation No. CM-2020-01 Declaring the Existence of a Local Emergency

ISSUE:
On March 17, 2020, the City Manager declared a local emergency under the authority of the Fort Bragg Municipal Code Section 2.24.040(B) and Government Code Section 8550 et. seq. The local emergency is a response to the coronavirus (COVID-19). In order for the declaration to remain in effect, the City Council must ratify it within seven days.

ANALYSIS:
On March 4, 2020, the County of Mendocino declared a local emergency and a local health emergency. California Governor Gavin Newsom also issued a State of Emergency on March 4, 2020 and the Federal Government issued a proclamation on March 13, 2020 declaring the COVID-19 outbreak a National Emergency beginning on March 1, 2020. Although the City of Fort Bragg falls within each of these declarations, the City Manager felt it necessary and in the best interest of the City to also declare a local emergency.

The novel coronavirus, COVID-19, was first detected in Wuhan City, Hubei Province, China in December 2019. The symptoms, which include fever, cough and shortness of breath, range from mild to severe and have resulted in more than twenty-three (23) deaths in California, over three hundred deaths in the United States and nearly 13,000 worldwide as of March 21, 2020. COVID-19 has spread rapidly across the globe and estimates are that the number of people infected doubles every six days.

On March 16, 2020, the Mendocino County Public Health Officer issued an order prohibiting nonessential public or private gatherings of more than fifty (50) people and if COVID-19 risk mitigation measures were not followed, nonessential gatherings of ten to fifty (10-50). That order also recommended that all people in Mendocino County Shelter-in-Place. On March 17, the County announced that it would be issuing a Shelter-in-Place Order (as opposed to a Recommendation) effective March 18 at 10:00 pm. We are currently operating under that Order and Governor Newsom’s March 19th Stay at Home Order.

COVID-19 continues to be an imminent threat to the City of Fort Bragg, Mendocino County, the State of California, the United States and the rest of the world, and the City Manager recommends that the City Council ratify the declaration of emergency. The declaration provides the City Manager (serving as the Director of Emergency Services) more flexibility to manage the City’s response to the emergency. The additional response provisions include promulgating orders for protection of life and property including curfews and other orders
necessary to preserve public order and safety.\footnote{Fort Bragg Municipal Code Section 2.24.070} The declaration also provides more authority for the City Manager to procure needed resources.\footnote{Id.}

Pursuant to the Fort Bragg Municipal Code, the City Council will also need to ratify the emergency declaration at its next “regularly scheduled” City Council meeting, since this meeting is a special meeting. Additionally, the City Council will need to review the continuing need for the emergency declaration every twenty-one (21) days until the local emergency is terminated.\footnote{Fort Bragg Municipal Code Section 2.24.040}

Although the City falls under the County, State and Federal emergency declarations, the City’s declaration will assist the City in applying for and receiving reimbursement of costs incurred as a result of the COVID-19 emergency.

**RECOMMENDED ACTION:**
Adopt the Resolution ratifying Proclamation No. CM-2020-01 declaring a local emergency.

**ALTERNATIVE ACTION(S):**
Do not adopt the Resolution declaring local emergency, thereby terminating the emergency declaration.

**FISCAL IMPACT:**
The emergency declaration by itself does not have a fiscal impact on the City. However, the City’s response to the emergency could have a significant impact on the City’s budget. The declaration of an emergency at all levels of government will assist the City in obtaining reimbursement of costs associated with the response to COVID-19.

**GREENHOUSE GAS EMISSIONS IMPACT:**
It is difficult to estimate the impact on greenhouse gas emissions because we currently have only educated guesses on the length of the emergency. Shelter-in-Place Orders worldwide have had a positive impact on reducing greenhouse gas emissions.

**CONSISTENCY:**
City Council ratification of the emergency declaration is consistent with Fort Bragg Municipal Code Section 2.24.040(B) and Government Code Section 8550 et. seq.

**IMPLEMENTATION/TIMEFRAMES:**
The emergency declaration will remain in place so long as the City Council adopts the Resolution.

**ATTACHMENTS:**
1. Resolution
2. Proclamation of Local Emergency by City Manager

\footnote{1 Fort Bragg Municipal Code Section 2.24.070}
\footnote{2 Id.}
\footnote{3 Fort Bragg Municipal Code Section 2.24.040}
NOTIFICATION:
None.
RESOLUTION NO. ____-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL RATIFYING
THE CITY MANAGER’S PROCLAMATION NO. CM-2020-01
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Fort Bragg Municipal Code Section 2.24.040(B) empowers the City Manager, as the Director of Emergency Services for the City of Fort Bragg, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550, et seq., including Section 8558(c), authorize the City Council to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

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

WHEREAS, Chinese health officials have reported tens of thousands of cases of COVID-19 in China, with the virus reportedly spreading from person-to-person. COVID-19 illnesses, most of them associated with travel from Wuhan, are also being reported in 117 countries, with over 44,000 cases, including the United States; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 4, 2020 the County of Mendocino declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, on February 2, 2020, the federal government initiated the suspension of entry of foreign nationals who were in China during the 14-day period preceding their entry or attempted entry into the United States. United States citizens, residents, and their immediate family members who were in China during the 14-day period preceding their entry into the United States are permitted entry, but are redirected to one of 11 airports where the CDC has quarantine stations to undergo health screening. Depending on their health and travel history, they will have some level of restrictions on their movements for 14 days from the time they left China. On February 29, 2020, the President expanded restrictions to include all aliens who were
physically present within the Islamic Republic of Iran during the 14-day period preceding their entry or attempted entry into the United States, with additional travel restrictions being imposed on travel from Europe on March 11, 2020; and

WHEREAS, as of March 12, 2020, the WHO reported that, to date, there are 125,048 confirmed cases of COVID-19, 4,613 of which resulted in death, across 117 countries; and

WHEREAS, in declaring a State of Emergency, the Governor indicated that, as of March 4, 2020, there were 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties in home monitoring based on possible travel-based exposure to the virus, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Public Health on March 11, 2020 issued a statement entitled “California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19,” determining that gatherings should be postponed or canceled across the state until at least the end of March. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines. Furthermore, essential gatherings should only be conducted if the essential activity could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

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

WHEREAS, the City of Fort Bragg has the power to impose measures to promote social distancing including but not limited to limitations on public events within the City of Fort Bragg; and

WHEREAS, state and local public health officials may, as they deem necessary in the interest of public health, issue orders limiting attendance at public assemblies, conferences, or other mass events, which will cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and
WHEREAS, conditions of extreme peril to the safety of persons and property have arisen due to the potential introduction of COVID-19 to Fort Bragg and Mendocino County; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the community, and limits the spread of infection in the community and within the healthcare delivery system; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, on March 16, 2020 the City Manager, as the City’s Director of Emergency Services, declared a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.52.060(a)(1). A true and correct copy of Proclamation No. CM-2020-01 is attached hereto and incorporated herein by this reference.

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

A. The City Manager’s Proclamation of Local Emergency No. CM-2020-01 dated March 16, 2020, and orders contained therein, is hereby ratified.

B. As contemplated in the Emergency Services Act contained in Government Code Section 8550, et seq., including Section 8558(c), and Chapter 2.24 of the Fort Bragg Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by an epidemic, as detailed in the recitals set forth above.

C. The area of the City which is endangered/imperiled is the entire City.

D. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed
by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Fort Bragg emergency operations plan.

E. This local emergency shall continue to exist until the City Council proclaims the termination of this local emergency.

F. That a copy of this resolution and the emergency proclamation be forwarded to the Director of California Governor’s Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Fort Bragg; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

The above and foregoing Resolution was introduced by Councilmember __________, seconded by Councilmember __________, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 24th day of March, 2020, by the following vote:

AYES: __________________________
NOES: __________________________
ABSENT: _________________________
ABSTAIN: _________________________
RECUSED: _________________________

________________________________
WILLIAM V. LEE
Mayor

ATTEST: __________________________
June Lemos, CMC
City Clerk
PROCLAMATION NO. CM-2020-01

A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF FORT BRAGG, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Fort Bragg Municipal Code Section 2.24.040(B) empowers the City Manager as Director of Emergency Services for the City of Fort Bragg, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

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

WHEREAS, Chinese health officials have reported tens of thousands of cases of COVID-19 in China, with the virus reportedly spreading from person-to-person. COVID-19 illnesses, most of them associated with travel from Wuhan, are also being reported in 117 countries, with over 44,000 cases, including the United States; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 4, 2020 the County of Mendocino declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and
WHEREAS, on February 2, 2020, the federal government initiated the suspension of entry of foreign nationals who were in China during the 14-day period preceding their entry or attempted entry into the United States. United States citizens, residents, and their immediate family members who were in China during the 14-day period preceding their entry into the United States are permitted entry, but are redirected to one of 11 airports where the CDC has quarantine stations to undergo health screening. Depending on their health and travel history, they will have some level of restrictions on their movements for 14 days from the time they left China. On February 29, 2020, the President expanded restrictions to include all aliens who were physically present within the Islamic Republic of Iran during the 14-day period preceding their entry or attempted entry into the United States, with additional restrictions being imposed on travel from Europe as of March 11, 2020; and

WHEREAS, as of March 12, 2020, the WHO reported that, to date, there have been 125,048 confirmed cases of COVID-19, 4,613 of which resulted in death, across 117 countries; and

WHEREAS, in declaring a State of Emergency, the Governor indicated that, as of March 4, 2020, there were 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties in home monitoring based on possible travel-based exposure to the virus, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Health on March 11, 2020 issued a statement entitled “California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19,” determining that gatherings should be postponed or canceled across the state until at least the end of March. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines. Furthermore, essential gatherings should only be conducted if the essential activity could not be postponed or achieved without gathering, meaning
that some other means of communication could not be used to conduct the essential function; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

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

WHEREAS: on March 16, 2020, the Health Officer of the County of Mendocino imposed a moratorium on gatherings of more than 50 persons and a conditional countywide moratorium on gatherings between 10 and 50 people and recommending shelter in place; and

WHEREAS, the City of Fort Bragg has the power to impose measures to promote social distancing including but not limited to limitations on public events; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen due to the potential introduction of COVID-19 to Fort Bragg and Mendocino County; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the community, and limits the spread of infection in the community and within the healthcare delivery system; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future
reimbursement by the state and federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, the City Manager, as the City's Director of Emergency Services, has the power to declare a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.24.040(B).

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager, the Director of Emergency Services for the City of Fort Bragg, as follows:

A. As contemplated in the Emergency Services Act contained in Government Code Section 8550 et seq., including Section 8558(c), and Chapter 2.24 of the Fort Bragg Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by an epidemic, as detailed in the recitals set forth above.

B. The area of the City which is endangered/imperiled is the entire City.

C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Fort Bragg emergency operations plan and Chapter 2.24 of the Fort Bragg Municipal Code.

D. The City Council shall review and ratify this proclamation within 7 days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.

E. The City of Fort Bragg orders that, within the boundaries of the City of Fort Bragg, the Public Health Experts' recommendations shall be deemed mandatory.

F. A copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California,
pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Fort Bragg; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

PROCLAIMED this 17th day of March, 2020.

Tabatha Miller, City Manager
Director of Emergency Services,
City of Fort Bragg

Keith Collins, City Attorney

ATTEST:

June Lemos, CMC, City Clerk
pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Fort Bragg; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

PROCLAIMED this 17th day of March, 2020.

Tabatha Miller, City Manager
Director of Emergency Services,
City of Fort Bragg

Keith Collins, City Attorney

ATTEST:

June Lemos, CMC, City Clerk
COVID-19 Resources

- City of Fort Bragg
  - [https://city.fortbragg.com/722/8853/Coronavirus](https://city.fortbragg.com/722/8853/Coronavirus)

- Mendocino County Health Department
  - [https://www.mendocinocounty.org/community/novel-coronavirus](https://www.mendocinocounty.org/community/novel-coronavirus)
  - (707) 234-6052 / callcenter@mendocinocounty.org

- California Department of Public Health
  - [https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/n cov2019.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/n cov2019.aspx)

- Center for Disease Control

- Governor Newsom’s Resource Page
  - [https://covid19.ca.gov/](https://covid19.ca.gov/)
Receive Report and Consider Adoption of Urgency Ordinance No. 960-2020 Adding a
Temporary Moratorium on Evictions Due to COVID-19
AGENDA ITEM SUMMARY

TITLE:
Receive Report and Consider Adoption of Urgency Ordinance No. 960-2020 Adding a Temporary Moratorium on Evictions Due to COVID-19

ISSUE:
Due to the State of Emergency resulting from COVID-19, the Governor has authorized cities to enact moratoriums on residential and commercial evictions due to lost income stemming from COVID-19. The proposed Urgency Ordinance would suspend these evictions for the duration of the emergency and must be passed by a four-fifths vote of the entire City Council.

ANALYSIS:
As the global COVID-19 emergency persists, the economic impacts of the federal, state and local orders to prevent the spread of the virus such as social distancing, school closures, restaurant and bar closures, and Shelter-in-Place orders have left many Fort Bragg businesses and individuals unable to pay their rent.

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

Under the proposed Urgency Ordinance, both commercial and residential tenants who notify their landlords before their rent is due, and provide documentation to their landlord within thirty (30) days of their rent due date that they are unable to pay all or a portion of their rent due to substantial financial hardships resulting from COVID-19, may not be evicted during the pendency of the Governor's Order N-28-20 or an extension thereof.

Urgency Ordinances

Urgency Ordinances that are necessary for the immediate preservation of the public peace, health or safety, must contain a declaration of the facts constituting the urgency, and must be passed by a four-fifths vote of the City Council per Government Code Section 36937. Urgency Ordinances go into effect immediately upon adoption per California Government Code Section 36934. The proposed Ordinance contains the required findings.

Moratorium on Evictions and Deferral of Rent Payments

The proposed Urgency Ordinance would apply to both commercial and residential tenants who are unable to pay rent during the term of the Ordinance due to financial impacts of COVID-19. To be protected from eviction by the Ordinance, tenants would need to notify their landlords and provide documentation evidencing their inability to pay all or a portion of
their rent during the effective dates of the Ordinance due to COVID-19 impacts. Tenants would also be required to pay whatever part of the rent they were able to pay.

Landlords would not be permitted to begin eviction proceedings against tenants who qualify during the term of the Ordinance, nor would landlords be able to charge late fees to eligible tenants. However, tenants will still be legally responsible for paying all rent due within six months after the expiration of the Ordinance.

RECOMMENDED ACTION:
Waive the reading of the ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

ALTERNATIVE ACTION(S):
The City Council may choose to decline to adopt the Urgency Ordinance and provide other direction to staff.

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

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

CONSISTENCY:
The proposed urgency ordinance is consistent with all state laws, city ordinances, and emergency orders currently in effect.

IMPLEMENTATION/TIMEFRAMES:
If adopted by a four-fifths vote of the entire membership of the City Council, the proposed Urgency Ordinance will become effective immediately.

ATTACHMENTS:
1. Urgency Ordinance 960-2020
2. Governor’s Order N-28-20

NOTIFICATION:
1. Affordable Housing, Notify Me subscriber list
2. Homeless, Notify Me subscriber list
3. Economic Development Planning, Notify Me subscriber list
BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

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

URGENCY ORDINANCE NO. 960-2020

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 4, 2020, the Mendocino County Board of Supervisors and Department of Public Health declared a public health emergency in Mendocino County due to COVID-19. On March 17, 2020, the Fort Bragg City Manager, acting as the Director of Emergency Services, declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 City Council meeting. On March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order effective at 10:00pm the same day through April 7, 2020. On March 19, 2020, the Governor issued Executive Order N-33-20 which orders California Residents to stay at home except for certain critical activities. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

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

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

WHEREAS, many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants’ ability to pay rent when due, leaving tenants vulnerable to eviction.

WHEREAS, providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing market by reducing displacement.
WHEREAS, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

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

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

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

SECTION 1. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

A. This Section 1 remains in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions.

B. This Ordinance applies to all residential and commercial tenants within the City of Fort Bragg.

C. No landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant, in accordance with this Section 1, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.

D. As used in this Section 1, “covered reason for delayed payment” means a tenant’s loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, substantial decrease in business income caused by a reduction in the opening hours or consumer demand, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant’s compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) tenant’s need to miss work to care for a home-bound school-age child; and (e) tenant’s extraordinary medical cost resulting from COVID-19 related medical expenses.

E. To take advantage of the protections afforded under this Ordinance, a tenant must do all the following:
   a. Notify the landlord in writing on or before the day rent is due that the tenant has a covered reason for delayed payment;
b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due; and

c. Pay the full amount of rent otherwise due, less the amount of the change in funds available due to a covered reason for delayed payment.

F. If a tenant complies with the requirements of this Ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent, and this Ordinance shall be an affirmative defense to any such eviction action.

G. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent after expiration of this Ordinance.

SECTION 2. 180-Day Repayment Period.

Tenants who were afforded eviction protection under Section 1 of this Ordinance shall have up to 180 days after the expiration of the Governor’s Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent accrued during the term covered by this Ordinance. During that 180-day period, the protections against eviction found in Section 1 of this Ordinance apply for such tenants, and provided the tenant pays all rent due by this deadline, shall not be liable for payment of any late fees or penalties for the delay in payment.

SECTION 3. Emergency Declaration/Effective Date.

The City Council declares this Ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934.

The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the City must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 4. Severability. If any portion of this Ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this Ordinance shall be enforced to the maximum extent legally permissible.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance as required by law.

The foregoing Urgency Ordinance was introduced by Councilmember and adopted at a special meeting of the City Council of the City of Fort Bragg held on March 24, 2020 by the following vote:
AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:  

____________________________________
William V. Lee,  
Mayor

ATTEST:  

____________________________________
June Lemos, CMC  
City Clerk

PUBLISH: April 2, 2020 (by summary).  
EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

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

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

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

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

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

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

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

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

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and
WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

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

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

IT IS HEREBY ORDERED THAT:

1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.

2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq., or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:

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

   (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any
occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

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

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

3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.

4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.

5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

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

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

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.
I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State